



Agenda

Planning Committee

Date:	Wednesday, 6 November 2019 at 10am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Michael Sayward, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 09 October 2019 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
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5	Appeal Against Addition of Property to the Local List of Heritage Assets - Wesham Park Hospital	102-128
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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2	19/0715	13 THE CRESCENT, LYTHAM ST ANNES, FY8 1SZ CHANGE OF USE OF GROUND FLOOR PREMISES FROM RETAIL UNIT (USE CLASS A1) TO DRINKING ESTABLISHMENT (USE CLASS A4)	Grant	33
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Background Papers

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

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

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

Planning Committee Schedule

06 November 2019

Item Number: 1 **Committee Date:** 06 November 2019

Application Reference:	19/0642	Type of Application:	Full Planning Permission
Applicant:	Mr Wylie	Agent :	NJSR Chartered Architects LLP
Location:	VALENTINES KENNELS, WILDINGS LANE, LYTHAM ST ANNES		
Proposal:	ERECTION OF A TWO STOREY C2 CARE VILLAGE WITH 205 BEDROOMS, COMMUNAL LOUNGE AND DINING AREAS, RESIDENTS LIBRARY, CINEMA ROOM AND SALON. PROVISION OF 58 CAR PARKING SPACES WITH NEW VEHICULAR AND PEDESTRIAN ACCESS. ASSOCIATED LANDSCAPING AND OUTDOOR RECREATIONAL AREAS.		
Ward:	HEYHOUSES	Parish:	St Anne's on the Sea
Weeks on Hand:	11	Case Officer:	Kieran Birch
Reason for Delay:	Delays in consultation replies		

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

<https://www.google.co.uk/maps/@53.7611164,-3.0025274,540m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application relates to the erection of a 205-bedroom care home with associated ancillary facilities on an area of land off Wildings Lane which is allocated for residential development in the Fylde Local Plan to 2032 and has previously had planning permission for the erection of 53 dwellings. Whilst the site is currently undeveloped and sits within a landscape of other undeveloped land, the surrounding land has planning permission and reserved matters approval for residential development as part of the 'Queensway' development.

The proposed 205-bedroom care home brings the benefit of a different form of accommodation which will cater for an identified need for elderly residents as well as releasing approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Fylde Local Plan to 2032 presumes to deliver, ensuring that the site will contribute positively to the delivery of the aims of the Local Plan with regards to general and specialist housing supply. There will also be economic benefits in terms of job creation. The development is considered to sit well with the mix of residential uses, retail and school permitted in the area. Accordingly, the principle of the development is acceptable.

The proposed 'interim' and 'final' access arrangements are considered acceptable subject to appropriate conditions and legal agreement and during the interim period the development will not have an unacceptable impact on Wildings Lane. LCC Highways have no objections to the application.

The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. The impact on residents throughout construction has been considered and whilst there will be some impact as with any major construction project it is concluded that the impact would not be so harmful as to refuse this application. Therefore 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 1.7 hectare site located on the eastern side of Wildings Lane in St Anne's. The site is located in the settlement boundary in the Fylde Local Plan to 2032 and is allocated site HS60 for 53 homes to be completed during the plan period. The land to the north, south and west of the application site is also within the settlement boundary in the plan and has outline planning permission for 1150 dwellings through planning permission 08/0058 and reserved matters application 15/0400 for the erection of 927 dwellings on the majority of the site covered by the outline planning permission. This is the scheme that is currently being implemented on that site.

The land to the east of the application site lies outside of the settlement boundary and is classed as open countryside. The application site as existing is partly a designated Biological Heritage site and has previously been used as commercial kennels. The landscape surrounding the site is typical of the area and comprises low lying, poorly drained, level, grazing land, with ditches and wind sculpted woodland. The site itself is flat and has an average level of 4.5 – 5.0m AOD. Residential properties along Wildings Lane are located to the south and west of the application site.

Details of Proposal

The application is submitted in full for the erection of Care Village use class C2 (Residential Institutions) with 205 bedrooms, communal lounges and dining areas, a library, cinema room and a salon. The development is set in seven linked blocks, with parking in front of the building and outdoor recreational areas surrounding the site including a putting green and a bowling green for residents use. A total of 58 car parking spaces are proposed to serve the development for both staff and visitors.

The proposed scheme arranges the care home as a collection of buildings surrounded by green areas and parking spaces. At the entrance to the site the building will form a 250sqm day-care centre where people can go and spend the day at the site receiving care. The form of the development replicates the scale and massing of housing joined together by glazed links to create separation. The buildings will be constructed in two types of red brick, one light and one medium with some feature elevations walls. The roof which is mainly pitched will be constructed in an anthracite concrete tile and the windows and doors in anthracite aluminium. Immediately adjacent the building will be hard landscaping paving with the internal road and parking spaces in tarmac. The application proposed soft landscaping including trees, flowers and shrubbery around the site for the benefit of residents.

Access to the site is taken from Wildings Lane and has been designed to work with the street

arrangements approved in application 15/0400. As with a previous residential scheme that was approved on the site (16/0903) it is intended that there are two basic access scenarios:

- a) an 'interim' solution which proposes the Site will be accessed via an improved Wildings Lane; and,
- b) a 'future' solution which proposes the Site will be accessed through the adjacent Kensington Developments Ltd (KDL) 'Queensway' development site, once that scheme is fully developed out to the site frontage in accordance with its approved masterplan.

The reason that two access scenarios are submitted is because the Queensway development requires the stopping-up of Wildings Lane to vehicular traffic (some 100m south of the application site), and that the current route of Wildings Lane will be redeveloped as a pedestrian link. Therefore, once Wildings Lane is stopped up and developed over there will be no access available from this application site via Wildings Lane. At that point in time, the traffic from the proposed development would 'switch' to route via the Queensway scheme and the new east-west link road that will be constructed to serve that site.

Relevant Planning History

Application No.	Development	Decision	Date
16/0903	RESUBMISSION OF APPLICATION 14/0580 FOR OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Approved with 106 Agreement	21/03/2017
14/0580	OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	14/12/2015
12/0477	OUTLINE APPLICATION FOR UP TO 66 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Withdrawn by Applicant	10/07/2013
09/0801	NEW PLANNING PERMISSION TO REPLACE AN EXTANT PLANNING PERMISSION IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION ON APPLICATION 06/0809	Granted	27/01/2010
06/0809	PROPOSED DWELLING AND DEMOLITION OF KENNELS	Granted	05/01/2007
06/0142	DEMOLITION OF KENNELS TO CREATE NEW DWELLING	Withdrawn by Applicant	02/05/2006
03/0109	REPLACEMENT DWELLING (REVISED SUBMISSION OF 02/0912)	Granted	10/03/2004
02/0912	PROPOSED REPLACEMENT DWELLING	Refused	29/11/2002
01/0403	PROPOSED ERECTION OF 8 DWELLINGS	Refused	05/09/2001
93/0292	CHANGE OF USE OF LAND FOR THE STORAGE OF TOURING CARAVANS	Granted	16/06/1993
77/0485	TEMPORARY MOBILE HOME.	Granted	29/10/1977

Relevant Planning Appeals History

Application No.	Development	Decision	Date
14/0580	OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Withdrawn	14/03/2017
01/0403	PROPOSED ERECTION OF 8 DWELLINGS	Dismiss	14/02/2002

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 23 August 2019 and comment:

No objections, make the following observations;

- *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.*
- *There appears to be a discrepancy regarding drainage between flood risk statement (soakaway etc not feasible) and application form (no. 11 – not within 20m of water source).*
- *Accords with HOU3 of the Neighbourhood Plan – Retirement Hubs*

Statutory Consultees and Observations of Other Interested Parties

Natural England

NO OBJECTION - Natural England has reviewed the submitted plans and we are satisfied that due to the nature of the development we consider that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Greater Manchester Ecology Unit

I would consider that, when the updated (2019) ecological assessment of the site and the information provided in the 'Shadow' HRA are included, there is sufficient ecological information available in order to decide the application.

Impact on European protected sites

The application site is within 3 km of the Ribble and Alt Estuaries SPA and Ramsar European protected site.

While the site is separated from the SPA by significant built development and does not itself support substantive areas of habitat that would be of use to the qualifying bird species for which the Estuary is designated, it is adjacent to the 'Lytham Moss' Biological Heritage Site (BHS). The area known as Lytham Moss is of ornithological importance for a number of species that are mentioned as qualifying interests/nature conservation objectives within the Ribble & Alt Estuaries Special Protection Area (SPA). The importance of the Lytham Moss area in supporting foraging and feeding wildfowl associated with the SPA (and thus sustaining the SPA population) means that Lytham Moss can be considered to be functionally linked with the SPA. While I would consider that although this particular development may not cause direct harm to the European site indirect harm may be caused through increased disturbance to birds arising from construction activity and from increased recreational pressure resulting from the development. And while the development included in this application is relatively small it must be considered in combination with the committed development of 1150 on land adjacent to, and surrounding, the application site (the Queensway development (application ref: 08/0058; Appeal ref: APP/Q2371/V/11/2157314). It is material that significant mitigation for the harm that will be caused by the much larger adjacent developments has been put forward and, in some cases, implemented.

To address these potentially harmful impacts the applicant has provided a 'Shadow'

Habitats Regulations Assessment of the development proposal (ERAP 2019). I would be prepared to accept the conclusions of this shadow HRA that

- *Given the nature of the proposal increased recreational disturbance is unlikely to have a significant effect on important bird species.*
- *Disturbance from construction impacts can be mitigated through the implementation of a Construction Environmental Management Plan (CEMP).*

The HRA puts forward two possible CEMP scenarios, either of which would serve to mitigate construction disturbance I would recommend that as a Condition of any permission which may be granted scheme a final, adopted and detailed CEMP should be prepared by a suitably qualified person and, once approved by the Council, implemented in full.

Weight should be given the views of Natural England on the above matters, since they are the relevant statutory body regulating European sites.

Impact on Biological Heritage Site (BHS, Local Wildlife Site)

The BHS that will be directly affected by the scheme (Lytham Moss Copses) was originally designated for a particular bird species (tree sparrow). This species was not recorded on the site during surveys in 2014 and 2016. Given these survey results, and the overall severe and rapid decline in this species in the UK in recent years, I am prepared to accept that the species is no longer present on this site and therefore that the BHS designation no longer carries the weight that it used to. Nevertheless the presence of the BHS should not be entirely dismissed; I would therefore support proposals to retain and/or recreate habitats suitable for use by nesting birds (trees, shrubs and hedgerows)

Impact on Species

As the works involve the clearance of vegetation that may be used by nesting birds, we would advise that the following condition (BS 42020:2013) be attached to any permission:

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

All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended)

Possible signs of the protected species water vole were recorded in a ditch forming the eastern boundary of the application site. The ditch is capable of retention and protection, although I would recommend that a buffer zone is established between any build site and the ditch of at least 6 m and that this buffer zone is marked with suitably robust fencing to prevent encroachment into the ditch and to avoid any possible harm to water voles.

A single tree on the site has been shown to have some potential to support bats (ERAP ecology report 2019). Before removal this tree it must first be inspected for the possible

presence of bats.

Impact on Habitats

The site does support habitats of local nature conservation value, including established broad-leaved trees and shrubs and hedgerows. These features should be retained wherever possible and recreated through new Landscaping if removal is necessary. I would recommend that as a Condition of any approval granted to the scheme a comprehensive landscape plan should be prepared for the site and, once approved by the Council, implemented in full.

New bird nesting and bat roosting boxes should be erected on retained and/or newly planted trees at the eastern boundary of the site.

Environment Agency

No objections to the application. Comment that the proposal is for a major development which includes an option for a non-mains foul drainage system. Foul drainage should be connected to the mains sewer and when this is not possible any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission.

The Flood Risk Assessment and Drainage Strategy (Ref: LRD30217; dated July 2019), prepared by Sutcliffe, states that foul sewage generated by the development will be either pumped to the public combined sewer, or disposed of via a non-mains system which will discharge to an adjacent watercourse.

Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.

In this case, given the scale of the development and the proximity to the nearest public foul or combined sewer, it is unlikely that we would grant an environmental permit for a non-mains system of foul drainage.

Lancashire CC Flood Risk Management Team

No comments received.

Lancashire County Council - Highway Authority

LCC have provided extensive comments in a 15 page response. Given the importance of highways issues to this application it has been decided that the full response should be an appendix to this report. Please see appendix. However, the summary of this is included here:

With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures as set out within these comments are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered.

United Utilities - Water

Following our review of the provided Flood Risk Assessment and Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice.

The condition they refer to is to ensure the implementation of the drainage as shown on the submitted Flood Risk Assessment alongside a condition that relates to the management and maintenance of the suds.

Regeneration Team (Landscape and Urban Design)

No comments received.

Regeneration Team (Trees)

I have had a look at the proposed application and plan for the site regarding trees. I am in agreeance with Alan my predecessor where he has stated the tree species in the area does not warrant a tree preservation order due to poor condition and would look to see in the application that the developers keep the larger trees (Poplars) for screening and plant sufficient trees throughout the site to soften the development.

From the proposed plan A107 site plan I see they are retaining the trees at the Southern boundary and planting small trees around the site. I would like to see a mix of large (mainly around the boundary edge) and small trees as this will be a significant development and having larger trees on the site will soften the impact of such a development in this location.

LCC Archaeology

Mesolithic flint scatters have been found both to the east and west of the proposal site (Lancashire Historic Environment Record PRNs 23581 and 20185 respectively). An assessment of the adjacent Queensway housing site (planning application 5/08/0508) concluded that the area did have some archaeological potential which needed to be tested through a combination of fieldwalking, augur survey and trial trenching. The results of this first stage of work being used to determine whether or not any subsequent archaeological investigation of the site was warranted.

Previous advice to the Council from both the former Lancashire County Archaeology Service and Lancashire Archaeological Advisory Service, in relation to applications made in 2012, 2014 & 2016, advised that such works could be secured by means of a planning condition, as was the case with planning application 16/0903. The Historic Environment Team sees no reason to change this advice, and would suggest that the same condition be attached to any consent that might be granted for the current application:

Neighbour Observations

Neighbours notified:	23 August 2019
Site Notice Date:	12 September 2019
Press Notice Date:	12 September 2019
Number of Responses	Four objections received.
Summary of Comments	<ul style="list-style-type: none">• Increase in vehicles on surrounding highway network.• Loss of countryside.• Ecological impact.

- Impact of traffic on wildings lane.
- Drainage problems in wider area.
- Area used by dog walkers and walkers for exercise.
- New link road needed and may never take place.
- The assertion that Wildings lane will only be short period of time ignores the possibility of delay to the Queensway site.
- Request that construction site don't use Wildings Lane.
- As a wheelchair user with no pavement outside my home which is ok with no traffic but will not be safe with construction traffic.
- Additional traffic will cause conflict.

Relevant Planning Policy

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
ENV2	Biodiversity
ENV1	Landscape
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
SL1	Lytham and St Annes Strategic Location for 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 to be considered when determining this application are;

The principle of the development

Highways

Design and visual impact

Ecology

Flooding and drainage

Impact on residential amenity

The principle of the development

The site lies within the settlement boundary of St Anne's on the Sea in the Fylde Local Plan to 2032. Policy GD1 states that within settlement boundaries development proposals will be assessed against all relevant Local Plan policies. The Local Plan settlement hierarchy policy S1 identifies St Anne's on

the Sea as a key service centre. Policy DLF1 (as modified) identifies four strategic locations for development which will accommodate 90% of homes over the plan period, of which St Anne's (with Lytham) is one. The site is allocated under Local Plan Policy SL1 and identified as HS60 Valentine Kennels, for 53 homes to be completed during the plan period.

The site lies outside the defined settlement boundary shown on the St Anne's on the Sea Neighbourhood Development Plan Policies Map. Policy GP1 states that development outside the settlement boundary will be assessed against national policy and any relevant development plan policy. Although this means that there is no presumption from the NDP for the site to be developed, it does not preclude the development of the site, and defers to the more recent policies of the Fylde Local Plan to 2032.

The proposal is for a 205-bedroom care home under use class C2 and therefore does not provide accommodation that falls within the use class C3 residential as sought by the FLP allocation. Paragraph 9.18 of the Local Plan clarifies that the housing requirement figure applies to all types of housing including housing for specific needs such as the elderly. Therefore, the proposed development will contribute to meeting identified housing needs and so it is considered that this allows the view to be reached that the proposal is in compliance with the allocation of the site for housing under Policy SL1. Further support for this approach is included in the section below concerning the Planning Practice Guidance (PPG).

The Local Plan identifies that the over-65 population will increase by over 40% over the plan period, and that one-third of all of the increase in the population of Fylde over the plan period will be people over 85. The number of people with support needs is likely to increase by approximately 50% (in relation to each of the individual categories of visual impairment, inability to self-care or mobility impairment). Therefore Local Plan policy is positively-framed in order to bring forward suitable provision for specialist accommodation for the elderly, where compliant with other policies of the plan.

Policy H2 includes a section 'Specialist Accommodation for the Elderly' and is a positively-framed, criteria-based policy. It provides a series of criteria that schemes of 100% specialist accommodation for the elderly should meet in order to be considered acceptable, and a further set of criteria to be met in order that a development proposal be identified as purpose built 100% specialist accommodation for the elderly. The policy states that;

Developments will be considered by the Council to be purpose-built 100% specialist accommodation for the elderly if:

All areas used by residents will comply with optional technical standard M4(3(2a))

(wheelchair-adaptable dwellings);

A communal lounge or similar social facility for the exclusive use of all residents is included within the development;

A shared laundry service is provided for the use of all residents;

The development will be marketed with a restriction on age for residents of over 55;

A daily hot meals service is provided either through a central facility on-site or through an outside provider to residents who require it; and an emergency alarm call service is provided for all residents.

On sites where 100% specialist accommodation for the elderly is proposed as defined above, affordable housing contributions will not be sought.

From examination of the submitted plans and supporting information the proposal complies with all of the above criteria and constitutes a care home and therefore affordable housing contributions

need not be sought.

The NPPF paragraph 61 requires the size type and tenure of housing needed for different groups should be assessed and reflected in planning policies, including older people and people with disabilities. This is reflected in Local plan policies (see above). The proposed development would contribute to meeting identified need.

The NPPG (Paragraph: 016a Reference ID: 63-016a-20190626) states that plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data.

The PPG provides a link to the relevant census data in order to provide data on the average number of adults in a household. The table in the census data gives a total number of adults in households of 60,110 and a total number of households of 34,877, giving an average of 1.72 adults per household within Fylde Borough. The 205 single bedrooms therefore equate to 119 dwellings. Therefore the approval of this development as well as providing 205 bedrooms instead of the 53 dwellings granted permission, will also release approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Local Plan to 2032 presumes to deliver and the site will therefore contribute to the delivery of the Local Plan and is fully in accordance with the allocation of the site for housing.

Therefore the principle of the development is considered to accord with local and national policies and guidance and so is acceptable.

Highways Issues

Proposed access solutions proposed and highways impact

The previous consent on the site for 53 dwellings effectively approved two access arrangements. An interim solution where access is taken from Wildings Lane, and a future final solution where the site will be accessed through the adjacent Queensway development site once that scheme is fully developed. The same solutions are being proposed here. The reason why two access solutions are proposed and assessed in the submitted Transport Statement is because the approved Queensway masterplan includes the stopping up of Wildings Lane to vehicular traffic and that the current route of Wildings Lane will be redeveloped as Wildings Lane is not appropriate to serve a development of the scale of that proposed on the Queensway site. Therefore once Wildings Lane is stopped up and developed the traffic from this application site will switch to the highways serving the Queensway site including the new east-west link road.

During the 'interim' and 'future' solution the proposed access scheme includes, and according to LCC Highways demonstrates, the following;

- acceptable sightlines from the site access;
- the site access is overlain on the approved Queensway Reserved Matters Masterplan layout (Drawing No. 1844.L.01, Revision K) to demonstrate that the proposals for the site access have fully taken into consideration the approved wider plans and the committed highway infrastructure and associated access points;
- the site access junction will be a raised table with street lighting;
- the extent of adopted highway and proposed service strips (service strips to be dedicated as highway and to be 2m wide from the site red edge abutting Wildings Lane into the site along the

- full site frontage);
- the extent of adopted highway will include the site access turning head, built to adoptable standards;
- a build out on Wildings Lane to the north of the site access, with carriageway width reduced to 3.7m; and
- swept path analysis at the site access showing acceptable movements can be achieved for a large refuse vehicle;

The latest 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan according to LCC Highways demonstrates:

- the layout will utilise the full extents of the current adopted highway with the agreed carriageway to be a consistent 5m width with verges that will vary in width but to be a minimum of 0.5m on each side;
- a carriageway crossfall of 1 in 30 from the centreline would be expected, all such matters will be agreed at technical approval stage;
- a build out on Wildings Lane at the southern end of the proposed 5m wide carriageway section (to the north of the Roseacre site access) – carriageway width to reduce to 3.7m to provide traffic calming/traffic management/speed reduction with associated signing etc.;
- Street lighting is required on the proposed section of 5m carriageway where there is no footway;
- hazard bollards markers are to be provided on each side of Wildings Lane as appropriate;
- the plan makes reference to the wider improvements now agreed to be delivered by this applicant that cover the length of Wildings Lane between Roseacre and Heyhouses Lane (in line with the scheme agreed previously for the extant residential outline approval on the Valentines kennels site and shown in Drawing SCP/14137/100, Revision C for that application);

These works differ from the scheme approved previously as topographical surveys have confirmed that the width of the carriageway is less than previously thought. With regard to the two solutions outlined above LCC have commented that they have considered both in highways and transport terms and they are acceptable in principle to LCC Highways and demonstrate that a safe and suitable access can be delivered but changes may be necessary following the detailed design process. They have also commented that they would want to see Stage 1 Road Safety Audit (RSA) carried out on the access plans that have been agreed in principle. The RSA should cover all works proposed over Wildings Lane from the north of the site access to the junction with Heyhouses Lane such that the RSA considers the overall scheme as a whole.

LCC consider that the future restriction to vehicular traffic on Wildings Lane presents less of an issue for the Care Village application. However if the prohibition for vehicular traffic on Wildings Lane is not delivered as intended, then the implications and impact on Wildings Lane as the key sustainable link from Queensway and also the junction with Heyhouses Lane, will be significantly greater. Therefore as with previous consents the 'future' solution will result in the proposed development linking up with the adjacent housing development and utilising the highways network approved by that application. The signed Section 106 Agreement between KD and FBC / LCC states that the TR6 M55 – Heyhouses Link Road shall be completed in full prior to the occupation of the 425th residential unit on that site (total approved units = 1150). The route of the new link road will run alongside the existing North Houses Lane / Wild Lane route. Funding is secured to turn the existing route into a bridleway in the S106 Agreement. As part of the Queensway scheme, KDL are also obligated through the S106 Agreement to construct the east-west link road (known as TR5) between the M55 Link Road and Queensway. The S106 obligates KDL to fund the delivery of the TR5 route in full prior to the occupation of the 375th dwelling on the site. At the point this infrastructure

becomes available the site will no longer use the 'interim' access which will then be closed to vehicles.

The submitted Transport Statement present trip rates which LCC confirm are not unreasonable and therefore acceptable. The TS provides a direct comparison with the forecast peak period traffic generation of the extant residential application. In the AM peak the forecast two-way flow is 22 vehicles and in the PM peak the figure is 31 vehicles. The traffic flows forecast in the peak periods are lower than those forecast for the extant residential application, these being 31 and 35 vehicles in the AM and PM respectively. Overall, in the peak periods the proposed Care Village could be expected to generate approximately 80% of the traffic generated by the previous residential application. Clearly the impact of that development was found acceptable so a reduction in traffic from the site from the proposed development can also be found to be acceptable.

Restricting use of Wildings Lane to the application site only

Both the Local Highway Authority and your Officers raised concerns with the previous application with regard to the proposed 'interim' and 'future' solutions which resulted in the applicants providing information in order to overcome these concerns. The main concern was that allowing this development could prejudice the stopping up of Wildings Lane to vehicular traffic in the future, something that is a requirement of the Queensway application and also that the occupiers of the adjacent site could utilise the Wildings Lane access, which if allowed to occur would result in a severe impact which would clearly be unacceptable. The mechanisms proposed by the applicants for the previous development to ensure the Kensington Developments scheme does not utilise Wildings Lane during the 'interim' solution are through the approved Queensway scheme itself which shows Wildings Lane to be closed to traffic in both the outline and approved Reserved Matters application. The phasing plans submitted with the pending Reserved Matters Kensington application show that phase 2 includes completion of the link road, with phases 3 and 4 to be completed after this road is available. Phases 3 and 4 are those nearest to the Valentines Kennels site. As this is shown as part of the RM application the requirement to close a highway can, and is regularly included within a planning condition. Subsequently since the previous application on this site was approved, the RM for Queensway has been approved and includes the following condition

There shall be no vehicular access, whether for construction purposes or otherwise, from any aspect of the development to or from Wildings Lane. Prior to commencement of the development hereby approved, Wildings Lane shall be closed to vehicular traffic in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The closure shall be carried out in conjunction with the provision of any road infrastructure, whether temporary or permanent, resultant from any works within the site, unless the express consent to vary the scheme has first been obtained from the Local Planning Authority.

Reason: In the interests of highway safety and amenity in accordance with policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan and GD7 of the submission version Fylde Local Plan to 2032.

This condition prevents any element of the Queensway development from using Wildings Lane in a vehicle and requires that a scheme be submitted that details the road closure and that it should be carried out in conjunction with the road infrastructure. This would prohibit occupation of any dwellings in phase 3 or 4 of the Queensway development prior to the laying out, completion and opening of the estate road indicated on the phasing plan and, the closure of Wildings Lane to vehicular traffic; at which point traffic from the Valentines Kennels site could start using the new road.

Closing up of Wildings Lane following availability of Queensway road network

Therefore the use of the 'interim' access arrangement can be controlled so that it is only used by occupiers of the application site. The closing up of this access to vehicles when the Queensway highways network becomes available also needs to be considered. As outlined above it is a requirement of the Queensway scheme for it to be closed in accordance with a scheme to be approved by the Council. However whilst LCC Highways state that the future restriction to vehicular traffic on Wildings Lane presents less of an issue for the Care Village application than the previous consent, if the prohibition for vehicular traffic on Wildings Lane is not delivered as intended, then the implications and impact on Wildings Lane as the key sustainable link from Queensway and also the junction with Heyhouses Lane, will be significantly greater. LCC Highways state that following discussion between the applicant of the previous residential application and Officers at Fylde it was agreed that this matter could be satisfactorily addressed through the legal documents associated with individual house purchases and through conditions attached to both the outline and subsequent Reserved Matters application for the site. They state that a similar condition requiring that all residents of the Care Village are clearly made aware of the interim and long term access proposals prior to taking up residence is considered appropriate. It is therefore considered appropriate to take the same approach to this scheme as the housing scheme despite the differing uses the care home will still have a number of visitors and staff members.

It is therefore considered appropriate again that the 'switch' to access the site via the Queensway road network is secured via a S106 legal Agreement and planning condition. This gives the LPA and the County Highway Authority assurance that any developers would not challenge such an agreement at a later date because legal agreements are much harder to change than planning conditions. To ensure that Wildings Lane is stopped up as and when the Queensway highways infrastructure is completed and it is no longer needed as a vehicular access for the application site the most appropriate method for the stopping up of Wildings lane will be via Section 247 of the Town and Country Planning Act 1990. Any application for a Stopping-up Order made under this section of the Act would, if the Secretary of State is satisfied to do so, allow the stopping-up to be carried out in accordance with a valid and relevant planning permission. The requirement for the stopping-up has also been secured by way of planning condition. Any objections to such an application would only be given significant weight if the objecting party would be unreasonably prejudiced by the proposals. Objections from individuals or groups who simply don't like the planning permission that the Section 247 is submitted pursuant to can carry no weight and cannot frustrate the process by objecting to the Stopping-up.

Therefore as long as the residents of the application site have been made fully aware of the planning approval and the requirements for the stopping up of the access in the future their objections would not carry significant weight and are highly unlikely to be considered by the Secretary of State as sufficient to refuse the order. It is therefore proposed to make first and subsequent occupiers of the proposed care home aware of the requirement to stop up Wildings Lane by requiring their notification within the tenancy agreements for the site.

With this clause included there can be no point at which any future occupier of the site can assert that they have not been duly notified of the access arrangement and as such if they were to object to a stopping up order it would carry immaterial weight and would not be sufficient to warrant refusal of the order. Fylde Borough Council's Legal Officers have considered this aspect of the development for the previous consent and their view was that there is sufficient comfort that the Secretary of State will consider it necessary to stop up Wildings Lane under s247 of the Town and Country Planning Act 1990 in order for the Queensway development to be carried out should the Valentines Kennels application be approved. The SoS will consider highway safety and also the fact that Wildings Lane will be stopped up as part of the Queensway development) which means the SoS will give weight to the fact that the Queensway development has been approved on the basis that

the residents do not use Wildings Lane as an access and unless he was persuaded that there was less of a danger to highway safety by not closing up the road and allowing them to use it he is likely to make the necessary order. In FBC's Legal officers' view there is a good and cogent planning case to stop up Wildings Lane, despite any objections from the residents and they would not expect the SoS to make a decision contrary to good planning. Therefore it is considered that both of these can be adequately controlled.

Highways impact during construction

With regard to construction work they require a condition securing a strong Construction Management Plan and a detailed Construction Method Statement covering how improvements to Wildings Lane will be constructed and how safe access will be managed. For example, it may be that at the construction stage there will be a requirement to provide passing places, at selected locations, that allow for HGV's to pass over a wider temporary carriageway than the 6.0m (2 x 0.5m verge plus 5m carriageway) proposed for the final layout. The need for piling/and or pre-loading is well documented on existing sites in this area and this should form part of the detailed consideration within a Construction Method Statement and Construction Management Plan. It is considered that with the control of all these measures that the highways impact during the construction phase can be managed so that it does not have an unacceptable impact.

Sustainable transport

With regard to sustainable transport LCC state that they are satisfied that the impact on sustainable users as a result of this development cannot be considered to fall under the NPPF descriptive criteria of a 'severe' impact.

Travel Plan

LCC require a Full Travel Plan to be provided and secured by condition. They also request a contribution of £6000 for Travel Plan Support.

Section 278 Works

LCC Highways response indicates that Section 278 agreements (s278) are appropriate where improvements are required in the public highway, and are to be paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with the highway improvements required by the development so that public funds are not used in the provision of these features). LCC state for the development to be acceptable in highway and transport terms, works will be necessary and must be secured through a s278 Agreement. The works that are to be delivered as part of a s278 Agreement are the main site access junction off Wildings Lane and associated improvement works on Wildings Lane as agreed 'in principle' subject to detailed design shown on the following drawings:

- (i) the site access junction on Wildings Lane (see Drawing No. SCP/190428/F02, dated 21.10.2019), and
- (ii) a highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019)

Highways contributions

LCC state that obligations are expected to be applicable for sites within this area. They consider that the starting point for each developer should be to look at what was deemed necessary for the Queensway development with consideration for scale and impact. LCC would request a funding contribution from the development towards the M55 to Heyhouses Link Road Scheme. The suggested funding request is based on the scale of development and is based on a proportionate

contribution (proportionate with the Kensington site) with regard to the scale of this application in comparison to the larger site and the latest overall estimated scheme cost.

Therefore, based on a proportionate contribution (i.e. with regard to the scale of this application in comparison to the Kensington site and the necessary M55 to Heyhouses Link Road having regard to public body contributions and the overall estimated scheme cost) the requested sum would equate to £360,000. This is less than the previous scheme request which was for £450,000 due to the higher number of transport movements from the site. The developer has agreed in principle to making a contribution but no agreement has been reached with regard to the specific sum requested.

LCC Highways state that it is for the LPA to secure the appropriate level of funding through the planning process and that this must give consideration to a site's overall viability. As the levels of contributions have not been agreed, if members are minded to approve the application the resolution would therefore be to delegate to officers to approve subject to agreement of an appropriate level of contributions towards highways.

Highways conclusion

The development of up to care home isolation will not have an unacceptable impact on Wildings Lane or the junction with Heyhouses lane in terms of capacity or safety and appropriate conditions can be imposed to ensure that the construction phase does not have an unacceptable impact on residential amenity. LCC Highways have confirmed that they have no objections and that the interim access solution provides a safe access. When the Queensway site becomes available to the application site the improved access will be closed to vehicles and become the sustainable link that was approved as part of the Queensway site. A Section 106 agreement can be used to ensure that residents of the site are aware that the road will be closed post occupation and use of the road. Contributions would also be made towards sustainable transport and towards the delivery of the Moss Road which is a benefit of the scheme. Therefore there are no sustainable highways reasons to refuse the application.

Design and visual impact

The application site is located directly adjacent to an approved residential scheme and the Planning Inspector when allowing that development at appeal considered the visual impact that proposal would have on the character and appearance of St Annes. That site and the applicant site have also been assessed as part of the plan making process and are now part of the settlement of St Annes and indeed are allocated for development in the Local Plan to 2032. Therefore the development of this site and the associated visual impact has been accepted in principle.

This site effectively infills an area excluded from the Queensway development due to site ownership. The most significant view of the site will be from the east but with the development of the adjacent site and an appropriate scheme of landscaping it would be viewed as having a consistent boundary in line with the adjacent developments. The trees within the site that are of the best quality are shown to be retained on the southern boundary. Tree and hedgerows are proposed and the existing ditches to the north and eastern boundaries will be retained with a scheme of landscape enhancement. The provision and retention of these features will assist in integrating this development into the setting of the adjoining development and St Annes. It is not considered the development will have a significant visual impact, and it will eventually be well contained and surrounded by residential dwellings and existing natural landscape features.

Ecology

The application has been submitted with an Ecological Assessment and a Shadow Habitats Regulation Assessment. The applicants were advised to submit these documents as ecology was a key issue in previous applications on the site. This is due to the site's designation as a Biological Heritage Site designated because of a tree sparrow population, and its position adjacent to Lytham Moss Biological Site which is designated because it is a site within which 0.5% or more of the British population of any wild non-breeding species of wildfowl or wading bird is regularly present. This includes pink footed geese.

Consideration of previous applications found that the residential development could be completed without unacceptably impacting upon birds on the adjacent Lytham Moss through construction or recreational disturbance and that the site's value as a site for sparrows had diminished with the removal of the sparrow boxes that housed them. This was backed up by surveys and proposed mitigation.

The submitted Ecological Survey and Assessment makes the below key findings;

- The site comprises a field of unmanaged grassland with an area of abundant scrub at its south-eastern end, and mature trees along its southern boundary. Ditches are present at the northern, eastern and southern site boundaries.
- It is considered that, provided the recommendations adhered to, the proposals will have no direct adverse effect on statutory or non-statutory designated sites for nature conservation, and represent an opportunity to secure enhancements (in relation to nesting tree sparrow) at the section of the Lytham Moss Copses Biological Heritage Site which forms part of the eastern end of the site.
- The site contains only common and widespread plant species. None of the habitats within the site are of significant interest in terms of their plant species composition.
- The mature trees and scrub and boundary ditches are of local value as they provide structural diversity. The boundary trees and scrub are additionally suitable for use by foraging bats and foraging and nesting birds. The development proposes to retain and protect the majority of the mature trees.
- One tree (Pop2) was identified to support a feature suitable for use by roosting bats; in accordance with the proposals plan the tree will be retained by the proposed development. No other trees were identified as supporting features suitable for use by roosting bats.
- Ditch 1 (at the northern site boundary) and Ditch 3 (at the southern site boundary) are dry. Neither supports habitats suitable for use by water vole. Signs of water vole were detected along the length of Ditch 2 (at the eastern site boundary); recommendations for the protection of the ditch (and therefore water vole) at the site are proposed.
- The trees and shrubs are suitable for use by nesting and foraging passerine (i.e. perching) bird species. The tall, unmanaged grassland and scrub is unsuitable for use by wintering bird species, and is not favourable for use by ground nesting species of bird.
- No other protected species have been detected.

GMEU have commented on the above findings and their response is detailed in full above. They state that the development will directly affect the tree sparrows BHS, but given no species were recorded at the site in recent surveys and the rapid decline in this species in the UK in recent years, they are prepared to accept that the species is no longer present on this site and therefore the BHS designation no longer carries the weight that it used to. However they support the proposals to retain and recreate habitat on the site for use by nesting birds – trees, shrubs and hedgerows. They advise that a condition be used to prevent works to nesting bird habitat during the main breeding season. With regard to the evidence of water voles in the eastern ditch GMEU recommend that a buffer zone is established between any build site and the ditch of at least 6 m and that this buffer

zone is marked with suitably robust fencing to prevent encroachment into the ditch and to avoid any possible harm to water voles. This can be subject to a condition. They also recommend a condition that requires a comprehensive landscaping plan to be submitted

Impact on European protected sites

As stated above the application was submitted with a Shadow Habitats Regulation Assessment which if found acceptable can be adopted as the Council's own. This HRA outlines that the development site is located within the SSSI impact risk zone for the Ribble Estuary SSSI and Ribble & Alt Estuaries Ramsar site and Special Protection Area (SPA), located 2.5 kilometres to the south-west of the site, and a section of the Lytham Coastal Changes SSSI, located 0.4 kilometres to the south. The Ribble Estuary designations are because of their importance to breeding, overwintering and migratory waterfowl. It also highlights the sites presence adjacent to the Lytham Moss BHS which is functionally linked with the SPA. Also of relevance is the Farmland Conservation Area on Lytham Moss which was established to compensate for the impact of the Queensway residential development and the M55 Link Road. As the FCA was established to compensate for development on the European Site Ribble & Alt Estuaries and Martin Mere SPA, the FCA receives the same protection as the SPA's themselves. The FCA is located along North Houses Lane.

The HRA established the baseline conditions and the scope of development as described in preceding paragraphs. It then considers the reasons for the designations and outlines the species that they support. It describes the conservation objectives of the sites as being;

'With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.'

The assessment of likely significant effect is the first stage of a HRA and is a simple exercise which considers whether not the proposal, either on its own or in combination with other developments is likely to result in a significant adverse effect on the conservation objectives. The HRA considers various potential courses of significant effect, the consequences of unmitigated impact and the assessment of LSE for each. These include construction works within the site and operational when the site is occupied. During construction the potential consequences found are the direct loss of qualifying features, however as the site does not support any habitats that contribute the SPA and is distance enough from those sites that no LSE is predicted. Another is the loss of functional linked habitat, however again the site does not support sites suitable for waterfowl and the wooded nature of the site means they are not likely to occupy land near it and as such no LSE is predicted. However during the construction phase due to the sites location adjacent to the Lytham Moss a LSE is predicted due to noise from construction effecting the distribution of birds with the BHS.

This is considered further with the HRA stating that in the absence of mitigation, development during the construction phase may cause the disturbance and/or displacement of SPA birds from the Lytham Moss BHS. The HRA then considers the distribution of SPA birds within the Lytham Moss BHS and finds the following disturbance impacts;

- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- In accordance with Habitats Regulation Assessment, M55 to Heyhouses Link Road (Lancashire County Council, 2011), the following disturbance zones for wintering wildfowl that have been assumed for this development:
 - Activities within 200 metres will cause a high level of disturbance with displacement from the field if construction is continuous;
 - Activities within 200 to 400 metres will cause low to moderate level of disturbance; and,
 - Activities greater than 400 metres will cause no significant disturbance.
- Vegetation removal (such as tree felling / de-vegetation works), site clearance, re-profiling works, pile driving and the operation of machinery around site are considered potential source of high levels of noise disturbance during construction
- The nearest known records of SPA birds are identified within fields situated approximately 5 metres to the west and 100 metres to the north of the site boundary (note: this is field location and not individual record location); the remaining 'clusters' of records are situated outside of the anticipated developmental zone of influence.
- Prolonged construction work in the spring and summer (i.e. between April and September) will have no effect on SPA birds; they will not be present. For the purposes of this assessment 'prolonged' is assessed as a time greater than more than 1 working day in any given week.
- In the absence of mitigation and based on the worst case scenario (i.e. prolonged construction in winter and coinciding with the SPA birds grazing within either of the adjacent fields), construction activities may cause the disturbance and displacement of SPA birds utilising these fields for the duration of the works
- This represents a short term likely significant effect at a regional level.
- It is important to consider that the SPA birds do not rely entirely on one field, and will utilise different fields on a rotational basis. Birds may not be present within the disturbance zone for the duration of the construction phase; in that instance no disturbance / displacement would take place.

The finding of the HRA is therefore;

- a. The proposed development is reasonably unlikely to have any direct likely significant effect to the Ribble & Alt Estuaries SPA and Ramsar site during either its construction or operational phase;*
- b. Disturbance effects to functionally-linked land to the Ribble & Alt Estuaries SPA and Ramsar site (i.e. Lytham Moss BHS) may occur during the construction phase.*

The HRA then considers in-combination effects finding that given the proposal is for a C2 care facility the impact will be less than the approved residential development given the reduced impacts in terms of recreational disturbance to the wider area. It is therefore concluded that the revised proposals at the site will have no impact, either alone or in combination, in terms of recreational disturbance.

The second stage of a HRA is the appropriate assessment stage which is to precisely assess the likely effects identified and to inform a conclusion as to whether an adverse effect on the designated sites integrity can be ruled out. It states that a Construction Environmental Management Plan (CEMP) for

Biodiversity will be prepared for the proposed development. Within which they propose two options both of which may be used to prevent construction impacts creating a LSE to wintering bird populations associated with Lytham Moss BHS during the wintering period. In brief these measures consist of completing disturbing activities in summer, when wintering birds are absent (although the potential for breeding birds, protected under the Wildlife and Countryside Act 1981 (as amended) must also be considered) or conducting potentially disturbing works in winter, if it can be reliably established that wintering bird species are not within sufficient proximity to the site/activity that they may become disturbed. This would be achieved by undertaking weekly checks for the presence of SPA birds within 200 metres of the site between October to March; if no SPA birds are identified then works likely to cause high levels of noise/vibration disturbance can proceed. It is stated that the incorporation of the measures described above into the development proposal and the requirement for a suitable CEMP to guide the proposed development, as described above) will enable the LPA to conclude under the Habitats Regulations that there is no adverse effect on the integrity and conservation objectives of the European designated sites (or any designated site) as a result of the development proposals. The HRA concludes that

The assessment makes the recommendation that, provided the recommendations relating to the completion of a suitably worded Construction and Environmental Management Plan (CEMP) are adhered to, it can be concluded that the project will have no significant adverse effect on the integrity and conservation objectives of the relevant identified European designated sites for nature conservation either alone or in combination with other projects. It is advised as best practice that the CEMP can be secured by planning obligation / conditions, as appropriate.

Both GMEU and Natural England have commented on the application and their responses are detailed above. GMEU accept the conclusions of the HRA given that the nature of the proposal increased recreational disturbance is unlikely to have a significant effect on important bird species and that disturbance from construction impacts can be mitigated through the implementation of a Construction Environmental Management Plan (CEMP). They state that either of the above CEMP scenarios would serve to mitigate construction disturbance and would recommend a condition that requires a final, adopted and detailed CEMP should be prepared by a suitably qualified person and, once approved by the Council, implemented in full. GMEU state that weight should be given the views of Natural England on the above matters, since they are the relevant statutory body regulating European sites.

Natural England state that they have reviewed the submitted plans and are satisfied that due to the nature of the development that it will not have a significant adverse effect on designated sites and therefore have no objection. With regard to the HRA they state they are satisfied that the HRA is up to date and they therefore have no further comments to make on this proposal - subject to the proposed mitigation measures being secured by the Council and implemented by the developer. They state that to meet the requirements of the Habitats Regulations, they advise the Council to record our decision that a likely significant effect can be ruled out. As such it is considered that there are no Ecology issues with the application and that the shadow HRA which determines that a likely significant effect can be ruled out can be adopted as the Council's own. This is incorporated into the recommendation to members.

Flooding and drainage

The site is not located in a flood zone and is, therefore, located in an area where the development of a more vulnerable use such as that proposed is acceptable. The site is over 1 hectares and accordingly the application has been submitted with a Flood Risk Assessment (FRA) and drainage strategy by Sutcliffe Civil Engineers. The site slopes to the south and east with elevation differences

of circa 0.4m and 0.14m. Land elevations in the north are approximately 4.484AOD and approximately 4.884AOD in the south. Land along the western boundary is at approximately 4.736mAOD and slopes to approximately 4.594mAOD at the eastern boundary. A topographic low point at the site has been identified at 4.155mAOD located within the northeast corner and a high point of 5.508mAOD close to the southern boundary. The total site area is 1.75 hectares and at present only 2.8% of it is an impermeable area. Therefore given this lack of development and drainage on the site the site has been treated as a greenfield site. The greenfield run off rates have been calculated to be 9.3 l/s and for a 1 in 100 year storm event 19.3 l/s. The FRA outlines that soakaways/infiltration is not feasible due to shallow groundwater and therefore proposes that surface water drainage discharges into one or both of the adjacent watercourses to the south and east to mimic the existing situation. This is the same drainage solution proposed by the previous application on the site and as the FRA states this is the second discharge option on the hierarchy of solutions after infiltration. The surface water run-off will be restricted to greenfield rates by a hydro brake and stored in an underground attenuation tank. With regard to foul water the FRA states that foul water will be discharged to the public combined sewer via a pumping station, the nearest being on Jubilee Way to the south, or into the watercourse after treatment.

The FRA and drainage strategy submitted have been considered by United Utilities, the Environment Agency and the Lead Local Flood Authority (LLFA). United Utilities have no objections to the development, stating that the FRA and drainage strategy outlined above is acceptable to them. They request a condition requiring the scheme to be constructed in accordance with the FRA and suggest a condition regarding the management and maintenance of the surface water system. The Environment Agency have no objections nor request any conditions. LCC as the Lead Local Flood Authority (LLFA) have made no comments on the application but for the previous scheme on the site offered no objections, and the drainage solution proposed here is the same solution. Therefore subject to appropriate conditions being used there are no drainage issues with the application.

Impact on residential amenity

The application site is located in a position where once built it will be surrounded by residential development to the north, south and west. Reserved Matters has been granted for that site through application 15/0400 and therefore the impact on the dwellings approved there can be fully assessed against the development proposals here.

The proposed building is set back from the highway by approximately 15m with the dwellings to the west either facing or side on the application site and are in excess of 30m away so there will no impact on these dwellings. To the north the approved dwellings are laid out so that their side or rear elevations face the application site, with the proposed care home between 14 and 8m from the side elevations with obscure glazing proposed at the nearest points. To the south the dwellings are set further away due to the access road and existing landscaping on site so there will be no overlooking or loss of light from the proposed development here.

To the rear of the site the building is 12m from the boundary and 23m from the rear elevations of the proposed dwellings and as such there will be no unacceptable overlooking or loss of light here. The existing dwellings to the south on Wildings lane would not experience any overlooking or loss of privacy as a consequence of this development.

There are therefore no issues with this development when constructed in terms of impact on residential amenity. Conditions will be used to ensure obscure glazing is used where appropriate.

Conclusions

The application relates to the erection of a 205-bedroom care home with associated ancillary facilities on an area of land off Wildings Lane which is allocated for residential development in the Fylde Local Plan to 2032 and has previously had planning permission for the erection of 53 dwellings. Whilst the site is currently undeveloped and sits within a landscape of other undeveloped land, the surrounding land has planning permission and reserved matters approval for residential development as part of the 'Queensway' development.

The proposed 205-bedroom care home brings the benefit of a different form of accommodation which will cater for an identified need for elderly residents as well as releasing approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Fylde Local Plan to 2032 presumes to deliver, ensuring that the site will contribute positively to the delivery of the aims of the Local Plan with regards to general and specialist housing supply. Therefore the principle of the development is acceptable.

The proposed 'interim' and 'final' access arrangements are considered acceptable subject to appropriate conditions and legal agreement and during the interim period the development will not have an unacceptable impact on Wildings Lane. LCC Highways have no objections to the application.

The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. The impact on residents throughout construction has been considered and whilst there will be some impact as with any major construction project it is concluded that the impact would not be so harmful as to refuse this application. Therefore the application is recommended for approval.

Recommendation

That:

1. the Shadow HRA submitted with the application be adopted as the Council's own HRA
- 2.
3. that authority to GRANT planning permission be delegated to the Head of Planning and Housing, subject to the completion of a Section 106 agreement in order to secure:
 - a) a financial contribution of up to £360,000 towards the M55 to Heyhouses Link Road and the phasing of this payment
 - b) a financial contribution of £6,000 towards travel plan support and the phasing of this payment, and;
 - c) the timing and legal arrangements for the stopping up of Wildings Lane to traffic, and securing clauses within future leases of the proposed development so that the owners are fully aware that the interim access will be closed.

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.

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

Suggested Conditions

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no.
- Proposed Site Plan - Drawing no. A104 REV 5
- Proposed Basement Plan – Drawing no. A130
- Proposed Ground floor sheet 1 – Drawing no. A131
- Proposed Ground floor sheet 2 – Drawing no. A132
- Proposed Ground floor sheet 3 – Drawing no. A133
- Proposed First floor sheet 1 – Drawing no. A134
- Proposed First floor sheet 2 – Drawing no. A135
- Proposed First floor sheet 3 – Drawing no. A136
- Proposed second floor sheet 1 – Drawing no. A137
- Proposed roof plan – Drawing no. A138
- Proposed elevations sheet 1 – Drawing number A140
- Proposed elevations sheet 2 – Drawing number A141
- Proposed elevations sheet 3 – Drawing number A142
- Site plan and masterplan overlay – Drawing number A106
- Landscaping Plan A107
- Site access Plan – Drawing number SCP/190428/F02
- Proposed interim site access improvements – Drawing number SCP/190428/F01 REV C
- Site Access plan with Queensway masterplan – SCP/190428/F03

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. No part of the development hereby approved shall commence until a scheme for the construction all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The site access and off-site highway works shall be completed in accordance with the details approved before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority. The following schemes to be covered by this condition include:

(i) the site access junction on Wildings Lane (see Drawing No. SCP/190428/F02, dated 21.10.2019), and

(ii) a highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019)

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

order to provide safe access to the site for all users (motorised and non-motorised) and to ensure the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options

4. No development shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of the development, is submitted to and approved by the Local Planning Authority. The plan shall detail:
- a) how biodiversity would be protected throughout the construction period
 - b) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
 - c) the parking of vehicles of site operatives and visitors;
 - d) loading and unloading of plant and materials;
 - e) storage of plant and materials used in constructing the development;
 - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g) wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
 - h) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
 - i) a Management Plan to identify potential ground and water contaminants;
 - j) details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
 - k) a scheme to control noise during the construction phase,
 - l) the routing of construction vehicles and deliveries to site
 - m) xiii a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures and including actions to be taken in the event that any dust control equipment employed on site fails;
 - n) xiv the timing of operations which shall confirm that no construction or associated vehicle movements will take place on Sundays or Bank Holidays or outside the hours of 0800-1800 Monday To Friday and 0800-1300 on Saturdays.

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with local Policy and the provisions of the NPPF.

5. There shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device within any visibility splay required to maintain safe operation for all users. The site access shall be constructed to provide a visibility splay of 2.4m x 43m and permanently maintained thereafter.

Reason: To ensure adequate visibility splays are maintained at all time.

6. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development

commences and a suitable turning area is to be maintained thereafter.

Reasons: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

7. The car parking and manoeuvring scheme shall be marked out in accordance with the approved plan, before occupation of approved development and shall be permanently maintained thereafter.

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

8. 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.

9. No development shall take place until a Construction Method Statement for the construction and operation of the development, is submitted to and approved by the Local Planning Authority. The statement shall detail:
 - a) Details of proposals for temporary works on Wildings Lane necessary to allow safe access / passing for large construction traffic. To include local widening on Wildings Lane; and
 - b) Consideration for pre-loading and/or other construction methods on access roads and within the site.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site during the construction works.

10. Prior to the commencement of development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Wildings Lane. A similar survey shall be carried after six months and the final inspection within one month of the completion of the development, and the developer shall make good any damage to Wildings Lane to return it to the pre-construction situation as required.

Reasons: To maintain the construction of Wildings Lane in the interest of highway safety.

11. The approved Kensington Development, Queensway 1,150 dwellings which surrounds this application site will result, in the future, with Wildings Lane being restricted for motorised through traffic. Therefore prior to the first occupation of any part of the development hereby approved details of the interim and future access for motorised vehicles will be passed to residents of the Care Village site within a welcome pack and also made clear within associated travel plan information.

Reason: To ensure future residents of the proposed site fully understand the proposed interim and

future access provision., with the long term access to be taken from the proposed East/West access road via a new signalised roundabout at Queensway/Kilnhouse Lane and/or the proposed M55 to Heyhouses Link Road.

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No. LRD30217, Dated July 2019) which was prepared by Sutcliffe. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

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

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

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

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

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

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.

15. Prior to the commencement of works there shall be a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by water voles. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Fylde Borough Council for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of Water Vole will be implemented in full.

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.

16. No works shall commence until full details of bat roosting and bird nesting opportunities to be installed with the re-developed site have been submitted and approved in writing by Fylde Borough Council. The details shall include details of nesting opportunities in trees, within/on buildings and a minimum of 20 tree sparrow boxes within hedgerows. The approved details shall be implemented in full.

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. 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.

18. No site clearance, site preparation or development work shall take place until a fully detailed landscaping/habitat creation and management plan has been submitted and approved in writing by Fylde Borough Council. The scheme shall demonstrate (1) adequate planting of native species appropriate to the locality to compensate for direct and indirect impacts, (2) that habitat connectivity through the site and to the wider area will be retained as a minimum, including for amphibians and in and around ditches (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The approved details shall be implemented in full.

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 occupation of the development hereby approved full details of a residents pack that will be made available to resident, which would highlight and explain the sensitivity of the surrounding areas, the importance of keeping dogs on a lead and identifying other suitable recreational areas locally shall be submitted to and approved in writing by the Local Planning Authority.

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

20. No site clearance, site preparation or development work shall take place until a fully detailed Ecological Mitigation and Management Plan (EMEP) has been submitted and approved in writing By Fylde borough Council. The scheme shall demonstrate the measures that will be used to prevent impacts associated with construction on Lytham Moss and shall include details with regard to the timings of construction and details of any further mitigation measures required such as acoustic screening. The approved plan shall be implemented in full.

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. No development shall take place until there has been submitted to and approved in writing by the

local planning authority a scheme of programmed landscaping for the area of development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. Full details of the bowling and putting green and a timetable for their provision. The landscaping scheme shall include a tree belt, along the eastern boundary of the site, which shall comprise a suitable mix of native tree species. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in accordance with GD7 and ENV1 of the Local Plan to 2032.

22. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The completed scheme shall be submitted to the local planning authority within one month of the first use of the development hereby approved.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

23. The use of the development hereby approved shall be limited to a care home (Class C2) for elderly people aged 65 and above.

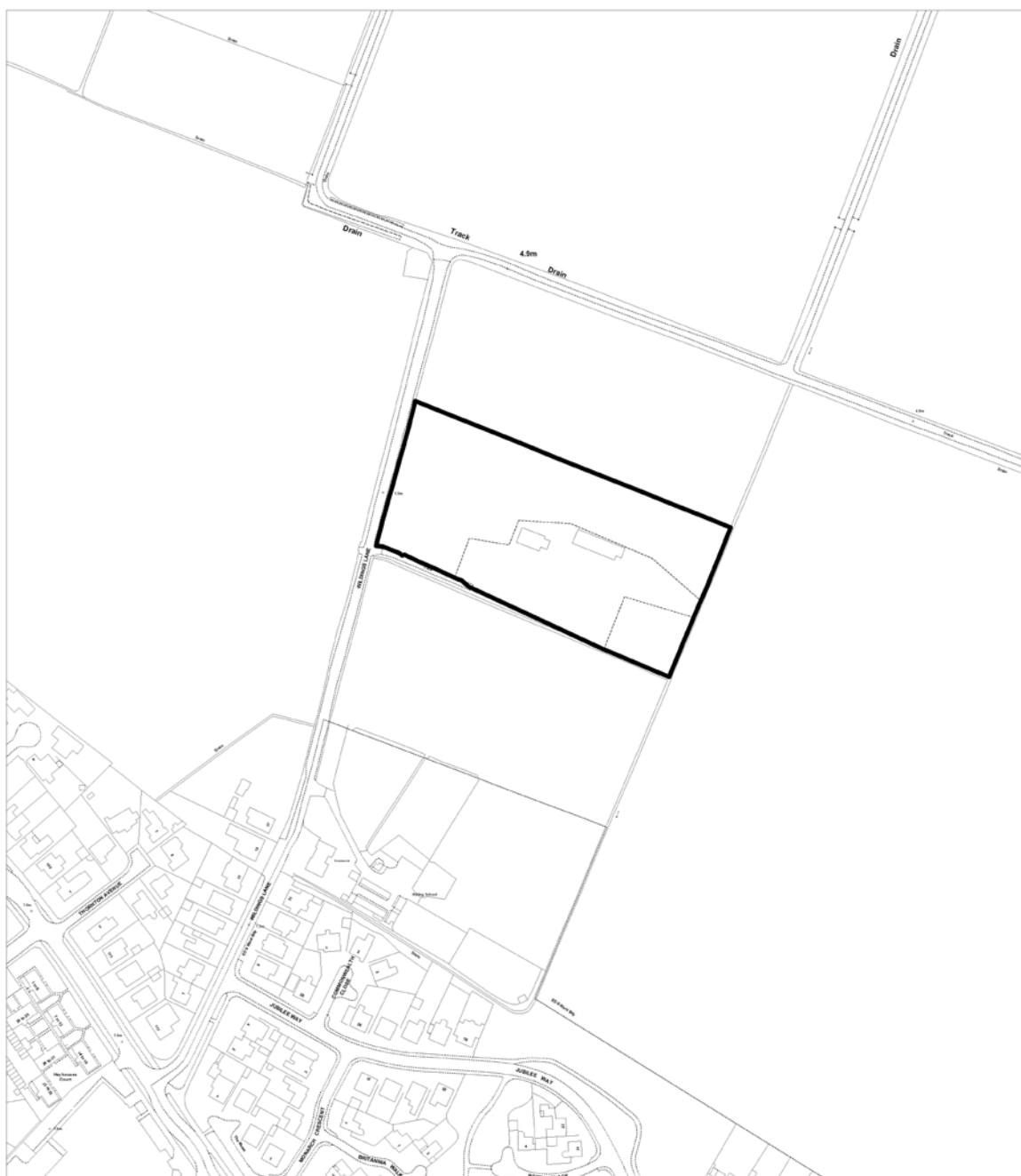
Reason: To ensure that the approved care home falls properly within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).


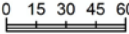
24. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in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

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

25. The windows indicated with a red star on the proposed elevations sheets shall be obscurely glazed to standard equivalent to at least level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling / extension hereby approved is first occupied and shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.



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Application No. 5/19/0642	Address Valentines Kennels, Wildings Lane, Lytham St Annes	Grid Ref. E.3341 : N.4298	Scale 0 15 30 45 60 m 

Item Number: 2

Committee Date: 06 November 2019

Application Reference:	19/0715	Type of Application:	Change of Use
Applicant:	Mr ROLINSON	Agent :	RDJ CREATIVE LTD
Location:	13 THE CRESCENT, LYTHAM ST ANNES, FY8 1SZ		
Proposal:	CHANGE OF USE OF GROUND FLOOR PREMISES FROM RETAIL UNIT (USE CLASS A1) TO DRINKING ESTABLISHMENT (USE CLASS A4)		
Ward:	CENTRAL	Parish:	St Anne's on the Sea
Weeks on Hand:	9	Case Officer:	Beth Winstanley
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7523897,-3.0285879,135m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a ground floor premises located in the defined town centre area of St Annes where it sits in a terrace of commercial units that is currently vacant but has a lawful retail use. The premises is also within the St Annes Conservation Area.

The application proposes that the use of the premises be changed from that retail use to form a drinking establishment. No external changes are proposed to facilitate this change of use, with the internal works limited to the alteration of the existing storage accommodation at the rear to form a WC, staff room, bin store and cellar area.

Policy EC5 of the Fylde Local Plan to 2032 is the relevant test for the application and supports the change of use of premises to other town centre uses at ground floor providing their operational hours do not cause unacceptable disturbances to residents or other users of the town centre. A drinking establishment is a main town centre use. The application form indicates that the premises is to close at 23.30 on Saturdays and 22.00 on other days and so these hours satisfy the amenity requirements of the policy. The proposed change of use is therefore in compliance with the Fylde Local Plan to 2032.

Policy E1 of the St Annes Neighbourhood Plan is even more supportive of uses such as this as it promotes the establishment of main town centre uses such as drinking establishments in the town centres, and then highlights the benefits of uses which *"support the vitality and viability of the centre will be supported, to encourage an evening economy and to improve safety and security by increasing natural surveillance of the centre, provided that the proposal would not adversely affect the character of the centre."* This scheme does this and so accords with that Policy. Neighbourhood Plan Policy E3 is also relevant as it relates to the secondary shopping frontages of the town centre, which includes The Crescent. This imposes a series of criteria to test the application against to ensure that the mix of uses and appearances in these areas are appropriate, and the scheme complies with these.

Given that the proposal is in compliance with the relevant policies of both elements of the development plan, and allows a vacant retail unit to be brought back into an active use that will bring vitality to this part of the centre, will diversify the range of uses in the town centre, and will protect neighbouring amenity it is recommended for approval subject to conditions to ensure that noise insulation measures are appropriately implemented.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to a two storey building, located along The Crescent which passes over the railway line through St Annes, and then joins up to St Annes Road West which is the main road through St Annes Town Centre. The site lies within the boundaries of St Annes Town Centre, and forms part of a secondary shopping frontage (SSF) as defined on the Fylde Local Plan to 2032 Policies Map and in the St Annes Neighbourhood Plan. The site is also located within the St Annes on Sea conservation area.

The application building - currently a vacant shop - is a mid-terrace, with the neighbouring shops being a barbers (no. 12) and a hair salon (no.14) and other retail uses dominating the terrace. To the east side the shop fronts are broken up by 2 residential front doors which allow access to the flats above the ground floor shops which occupy the first and second floors of the buildings along The Crescent. The application building shop front is made up of timber, painted black with detailed fan lights above the door and windows, and their doorway floor is tiled in white and black, designed with a typical Victorian in appearance.

Details of Proposal

The application relates to the change of use from A1 (retail) to A4 (drinking establishment) with the use intended to be operated as a 'micro-pub' as are now becoming common features in former retail premises in town centres across the country.

The proposal involves no external changes other than the restoration of the shop front and external areas to the rear being proposed. Internally, the application proposes the conversion of a rear store to an accessible toilet, as well as changes to the under-stair cupboard, allowing it to become a cellar/store. The shop will also have a bar area built internally, and seating available for approximately 25 people.

Relevant Planning History

Application No.	Development	Decision	Date
06/0432	NEW SHOP SIGN	Permission not required	20/06/2006
03/0971	NEW SHOP FRONT AND FORMATION OF SELF CONTAINED 1ST FLOOR ENTRANCE (HERS PROJECT)	Granted	24/11/2003

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 05 September 2019 and object due to:

- *Concern regarding deliveries blocking major thoroughfare (the crescent). Where do dray lorries park?*
- *Concern regarding storage of empty barrels outside the premises awaiting collection with additional safety implication of barrels rolling downhill.*
- *Barrels potentially obstructing pavement and post-box.*
- *This application will not conserve or enhance property within a conservation area - is it appropriate?*
- *Only one toilet - this will be inadequate*

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

Raises no objection to the proposal but requests that conditions are imposed to ensure that the acoustic insulation set out in the submitted report be implemented, and that adequate provision shall be made for the storage of commercial waste and beer barrels. He also highlights that further restrictions may be implemented on the premises licence in order to protect the amenity of the flats above.

Lancashire County Council - Highway Authority

LCC highways does not have any objections regarding the proposed change of use and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Lancashire Constabulary

No objections. They make a series of recommendations relating to security measures such as CCTV, external lights and the installation of an intruder attack alarm system. These are not planning considerations but can be included in a note to the decision notice.

Neighbour Observations

Neighbours notified:	05 September 2019
Site Notice Date:	11 September 2019
Number of Responses	None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD7	Achieving Good Design in Development
ENV5	Historic Environment
EC5	Vibrant Town, District and Local Centres

Other Relevant Policy:

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

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

Principle of development

The application relates to a change of use of a currently vacant A1 retail unit to a micropub operating under Class A4 of the Use Classes Order.

The site falls within the boundaries of St Annes Town Centre and is part of the Secondary Shopping Frontage (SSF) as defined in Fylde Local Plan to 2032 (FLP) Policy EC5. This policy is the key test for the assessment of the application. Policy EC5 is supportive of 'main town centre uses' within these areas and as a Class A4 use falls within these uses as listed in the Policy and national legislation in the NPPF, then it accords with this requirement of Policy EC5.

The SSF section of the policy confirms the support for main town centre uses in these areas at ground and upper floor levels and qualifies this with a requirement to prevent unacceptable disturbance to residents and other town centre users. This is examined in the following section of this report.

In addition, the St Annes Neighbourhood Plan echoes the support of the FLP for main town centre uses in the town centre in its Policy E1, which then highlights the benefits of bringing a diversity of uses to the town centre, in particular those which support the vitality and viability of the centre and which encourage the evening economy as this is said to improve safety and security by increasing natural surveillance of the centre. There is also a qualification here on amenity grounds which is examined below.

Policy E3 of the Neighbourhood Plan relates to Secondary shopping frontages and underlines the support in Policy E1 to main town centre uses, but with 4 criteria. Of these criteria a) and d) relate to the appearance of the building which is not to be altered under this scheme, criteria c) is not relevant as it relates to uses that are not in an 'A' Class use which this scheme is. Criteria b) is relevant and seeks to ensure that a frontage is not dominated by non-retail uses, by ensuring that 50% of the frontage remains in that use. In this case 20 of the 32 premises on The Crescent are currently in a Class A1 use (62.5%), including the 2 on either side of this premises. As such the change of use of this premises from an A1 use would not involve any breach of this criteria and so the scheme fully accords with Policy E3.

Accordingly, the principle of the property's use as a drinking establishment falling within use class A4 is acceptable in this location in compliance with the provisions of FLP policy EC5 and the St Annes Neighbourhood Plan.

Amenity impacts

The application building is a mid-terrace, and so is adjoined on both sides. To the South West the building is neighboured by a barber, and to the north east there are doors to the flats above the ground floor shops, further on to this side is a hairdresser. Whilst the planning application form quotes slightly longer hours since the submission of the application the applicant has been granted a Premises Licence which confirms that the opening hours of the micro-pub would be 11:00 - 23:00 on every day with last orders at 22:45. These hours are not considered to be particularly late and given that they are under the control of the council as licencing authority it is not considered necessary to duplicate that control in a planning decision.

The area surrounding the application building is characterised by open shop fronts, as well as eating and drinking establishments along St Andrews Road South, and along Wood Street. The closest drinking establishment is approximately 100m from the application site, which has planning permission for a microbrewery and pub with similar opening hours of 12 noon until 23.00(Sunday to Thursday) and 12 noon until 12 midnight (Friday and Saturday). When assessing the proposal against the context of other evening uses within the area, the micropubs proposed opening hours would not increase noise or annoyance to a level which would be unacceptable to surrounding occupiers within a town centre environment.

The proposed micropub is small in scale and has no real opportunity for growth due to the size of the building. The submitted plans for the application show seating for around 25 customers, this level of occupancy is very small in comparison to some of the larger establishments located centrally within the Town Centre. The small-scale nature of the proposal will mean that the level of noise disturbance from customer turnover to and from the premises will be equally limited.

The council's Environmental Protection officer has no objection to the proposal but has highlighted the benefits of installing the acoustic measures specified in the application to protect the amenity of the occupiers of the flats above the premises. This condition will be imposed on any grant of planning permission. With this measure it is considered that the scheme provides the protection to neighbouring and wider amenity required by the FLP and St Annes Neighbourhood Plan policies set out above and so the scheme fully accords with all aspects of the relevant development plan considerations.

The Local Highway Authority have not objected to the proposal on the grounds of highway safety or parking issues. Given the site's town centre location it is easily accessible by public transport. Accordingly, there would be no adverse amenity impacts arising from highway issues.

The Town Council have objected to this application on a number of grounds as quoted above including their concerns over deliveries blocking The Crescent, which is a major thoroughfare, as well as concerns over the storage of empty barrels waiting for collection and causing a safety concern. Due to the small-scale nature of the micropub, it is considered that any deliveries would be less frequent than a traditional pub and would likely use smaller vehicles. This is likely to be similar to those supporting the lawful retail use of the premises and ensure that any disruption to the road will be minimal.

Other issues relating to the storage and safety implications of barrels have also been considered during the application process. The floor plan of the proposal includes a store/cellar area located within the premises and in the absence of any external areas all barrels, both full and empty would be located here until the collection vehicle is on site. As advised earlier LCC have no objections to the

proposal, and delivery and collection from the premises would have been included in their evaluation of the proposal.

Conservation area

The application site is located within the St Annes conservation area. The proposed scheme does not include any external modifications, only refreshing the existing timber frame of the shop front with paint and the installation of a sign. The tiled stall riser to the front elevation underneath the shop window is an important part of the shop frontage design and is to be retained. Many of the surrounding commercial businesses are designed in different colours with different types of signage, and it is considered that the application complies with policy ENV5 of the Fylde Local Plan to 2032, as there is a presumption in favour of the retention of buildings and/or features which make a positive contribution to the special character and appearance of a conservation area.

Conclusions

The principle of drinking establishment uses within the town centre and SSF is permitted by FLP policy EC5, the NPPF and the neighbourhood plan. The development would bring economic benefits by bringing a vacant unit back into use and appropriate controls can be put in place with respect to opening hours and noise mitigation to ensure that the use would have no unacceptable impacts on the amenity of surrounding residents in the context of this town centre setting. Accordingly, the proposed development complies with the requirements of the FLP, Neighbourhood Plan and NPPF.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan scale 1:1250
- Proposed Site Plan, floor plan and elevations - Drawing no. F/19/77/02

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. Prior to the first use of the premises for the Class A4 use hereby permitted the acoustic insulation as described in section 4.2 of the submitted acoustic report (Noise Assessment - Acoustic Survey and Assessment for Proposed conversion to a micropub of 13 The Crescent, St Annes, FY8 1UF, August 2019) shall be implemented.

Reason: To safeguard the amenities of the occupiers of the properties above the application site in accordance with the requirements of Policy EC5 of the Fylde Local Plan to 2032.

4. Refuse storage associated with the operation of the use hereby approved shall be limited to that

area shown on the approved site plan listed in condition 2 of this permission only, with no storage beyond the curtilage of the premises.

Reason: To reduce impacts to the public right of way and to improve the appearance of the area as required by Policy GD7 of the Fylde Local Plan to 2032.



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Ordnance Survey (100006084).

Application No.
5/19/0715

Address
13 The Crescent, Lytham St Annes

Grid Ref.
E.3323 : N.4289

Scale
0 6 12 18 24 m

Item Number: 3

Committee Date: 06 November 2019

Application Reference: 19/0737		Type of Application: Full Planning Permission	
Applicant:	Andrews Bowen	Agent :	PWA Planning
	Equine Developments		
Location:	SINGLETON GRANGE, FLEETWOOD ROAD, GREENHALGH WITH THISTLETON, POULTON-LE-FYLDE		
Proposal:	ERECTION OF BUILDING FOR USE AS AN ENGINEERING WORKSHOP (USE CLASS B2)		
Ward:	SINGLETON AND GREENHALGH	Parish:	Greenhalgh with Thistleton
Weeks on Hand:	7	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.8396215,-2.9167742,539m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the site of Singleton Grange located to the west side of the A585 (Fleetwood Road), Greenhalgh. The site is currently occupied by Andrews Bowen Ltd – a company involved in the manufacture and installation of equestrian products (e.g. stables, exercise arenas and other associated equipment) – and comprises a collection of three buildings arranged around a hardstanding yard. Two portal-framed buildings form manufacturing/storage units to the western end of the site, with a single storey brick building providing an office to the southeast corner. The site is bordered by open fields to the north, east and south, and by a dense area of mature woodland to the west which is protected by a Tree Preservation Order.

The proposal involves the erection of an additional portal-framed building to the southwest corner of the site to provide an engineering workshop (a B2 use) associated with the expansion of the existing business. The building would follow a rectangular footprint running at right angles to the existing portal-framed units and would be located upon the northern half of an existing embankment to the southwest corner of the site. The northern portion of the banking would be excavated to create a level threshold, with a *circa* 3m high semi-circular bund retained to the southern edge and landscaped with new native woodland planting.

The scheme involves development that is essentially needed for the continuation of an existing enterprise and so satisfies the land use planning test in Fylde Local Plan to 2032 policy GD4 d) relating to development in the countryside. The proposed building would be closely grouped with and viewed alongside existing portal-framed units of a similar size and style and, through a combination of screening provided by the retained bund and additional landscaping introduced as part of the scheme, would not appear as a harmful, isolated or overtly intrusive addition to the surrounding landscape. Accordingly, the proposed

development, by virtue of its size, siting, materials and design, is of a type and scale that would not harm the character of the countryside.

The geometry of the current junction onto the A585 is appropriate to provide a safe and suitable means of access to the development and existing vehicle parking and manoeuvring areas are sufficient to serve the expanded operation. Any additional traffic generated by the scheme can also be accommodated on the surrounding highway network without having a severe impact on its capacity or safe and efficient operation. The proposed building's separation and screening in relation to the closest neighbouring buildings (located approximately 235m away) would avoid any adverse effects on the amenity of nearby occupiers by reason of the development's scale, design or impacts arising from noise and disturbance.

The development would not give rise to any other adverse effects in terms of tree impacts, ecology or flood risk. Accordingly, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to the site of Singleton Grange located to the west side of the A585 (Fleetwood Road), Greenhalgh. The site lies within the Countryside Area as defined on the Fylde Local Plan to 2032 Policies Map and comprises a collection of three buildings arranged around a hardstanding yard. These buildings include two portal-framed, units with sheet-metal clad walls and roofs to the western end of the site and a single storey, brick-built office to the southeast corner. The site is currently occupied by Andrews Bowen Ltd – a company involved in the manufacture and installation of equestrian products (e.g. stables, exercise arenas and other associated equipment).

A wide, bell-mouth junction provides access onto the A585 to the northeast of the site. This access runs in a westerly direction into the site towards a service entrance for larger vehicles located to the northeast corner of the yard which also serves openings on the north side of two existing portal-framed buildings. The access road then turns to the south to follow a narrower, tarmac route which flanks the eastern edge of the yard and continues up to the southern boundary with an adjacent agricultural field. A separate hardstanding parcel to the east side of the access drive (immediately south of the junction onto the A585) acts as an external storage and HGV waiting area. Further south, the remainder the access drive is bordered by linear tree and hedge planting along its eastern edge. Access to the office and southern portion of the yard (which includes car parking areas) branches in a westerly direction off the access drive.

Existing buildings on the site fall within a tightly-clustered group laid out around the northern and southern portions of a hardstanding service yard. A semi-circular shaped earth bund reaching approximately 3m in height is located to the southwest of two existing portal-framed buildings. The site is otherwise generally flat. Singleton Grange is surrounded by open agricultural fields to the north, east and south. A public footpath (5-6-FP 13) runs through adjacent fields to the south of the site in a general north westerly direction between Mile Road and Grange Road. Despite the lack of topographical variation in the surrounding landscape, Singleton Grange is viewed against the backdrop of a substantial expanse of dense, mature woodland along its western boundary which is

protected by a Tree Preservation Order (TPO – 1987, no. 2).

The closest neighbouring buildings area located at Pitfield Farm on the opposite side of Fleetwood Road around 235m to the east. Other nearby buildings at Park Hall Farm and Fishers Slack Cottage are located further to the northeast and north some 250m and 300m away from the development site respectively.

Details of Proposal

The application seeks full planning permission for the erection of an additional portal-framed building to provide an engineering workshop (a class B2 use) for the expansion of the existing business at Singleton Grange.

The building would be located to the southwest corner of the site behind the two existing portal-framed units and would follow a rectangular footprint measuring 42m in length and 24m in width. The building would have shallow, dual-pitched roof reaching up to 6.4m to the eaves and 8.5m to the ridge, with a latitudinal ridgeline running at right angles to the existing units forming facing gables to the southeast and northwest facing (side) elevations. The building would be located within the northern half an existing earth bund which marks the southwest edge of the site. The northern portion of the bund would be excavated to a depth of between 2m and 3m to create a level threshold for the building to the southeast side, with a concrete plinth stepping down gradually to the northwest side. A lower lean-to measuring 6m x 6m would form an outrigger to the southeast corner.

Externally, the building would be finished in sheet metal cladding colour treated 'Juniper Green' to the walls and roof. Roller shutter doors in matching colour would be located to the southeast (side) and northeast (front) elevations to open onto the level portion of the adjoining service yard. A collection of solar PV panels are proposed to the southwest facing roof slope of the building and would be spaced between individual roof lights to sit flush with the roof surface.

An existing *circa* 3m high section to the southern portion of the bund would be retained to the rear of the building. The screening provided by the retained bund would be supplemented by the introduction of new native woodland planting along the southern boundary of the site, with a linear row of trees running in a westerly direction from the access drive combining with a denser woodland buffer behind the building to merge with the adjacent TPO woodland on the western fringe.

Relevant Planning History

Application No.	Development	Decision	Date
13/0086	EXTENSION TO EXISTING WORKSHOP, ERECTION OF MACHINERY STORE, ERECTION OF ROOF COVERING OVER EXISTING STORAGE AREA AND ERECTION OF OFFICE WITH ASSOCIATED PARKING.	Granted	31/07/2013
12/0082	CONSTRUCTION OF WIND TURBINE WITH 15 METRE HIGH TOWER.	Granted	30/04/2012
08/0324	RESUBMISSION OF APPLICATION 07/0655 FOR CONSTRUCTION OF EQUESTRIAN ARENA WITH IMPROVED ACCESS TO B5629	Granted	09/07/2008
07/0655	CONSTRUCTION OF EQUESTRIAN ARENA WITH IMPROVED ACCESS TO B5629	Withdrawn by Applicant	20/08/2007
06/0926	CHANGE OF USE FROM AGRICULTURE TO	Granted	15/01/2007

	MANUFACTURE OF EQUINE SURFACING MATERIALS FOR USE IN CONSTRUCTION OF INDOOR AND OUTDOOR EQUINE SURFACES.		
99/0696	RE-SUBMISSION OF APP. 5/98/795 FOR CHANGE OF USE OF AGRICULTURAL LAND TO BE USED FOR THE PURPOSE OF FLYING HELICOPTERS	Refused	01/12/1999
98/0795	CHANGE OF USE OF AGRICULTURAL LAND TO BE USED FOR THE PURPOSE OF FLYING MODEL HELICOPTERS	Refused	24/03/1999
96/0062	IMPROVED ACCESS AND ERECTION OF STORAGE BUILDING	Granted	22/05/1996
90/0896	NEW ACCESS TO FIELD	Refused	27/02/1991

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site falls within the area of Greenhalgh with Thistleton Parish Council. However, it is also located close to the boundaries with Singleton and Little Eccleston with Larbreck Parish Councils. Accordingly, all three Parish Councils were notified of the application on 17.09.19. The following responses have been received:

Greenhalgh with Thistleton Parish Council – Comment 22.10.19 indicating that “it was resolved to offer no objections”.

Little Eccleston with Larbreck Parish Council – Comment 12.10.19 indicating that “the Parish Council has no specific observations to make upon the proposal”.

Singleton Parish Council – No comments received at the time of preparing the report. The Parish Council's comments will be reported as late observations.

Statutory Consultees and Observations of Other Interested Parties

Environment Agency – No objections. Comments as follows:

- Any development using waste or other material for engineering works may require an Environmental Permit, unless it is exempt from the need for a permit. If a permit is required, it must be obtained prior to commencing the activity and the applicant should allow three months for the determination of a standard rules permit and four months for the determination of a bespoke permit.
- The watercourse adjacent to the site is classed as an ‘ordinary watercourse’. Under the Land Drainage Act 1991, the Consent of the Lead Local Flood Authority (LLFA), which is Lancashire County Council, is required for any works which may affect Ordinary Watercourses.

Environmental Health Officer (EHO) – No objections.

Greater Manchester Ecology Unit (GMEU) – No objections on nature conservation grounds. Comments as follows:

- A temporary fence should be erected between the development site and the adjacent woodland to prevent encroachment into the woodland during the construction process.
- External lighting associated with the development should be kept to the minimum, designed

to avoid any potential light spill onto adjacent habitats.

- Installing features to enhance the biodiversity value of the site would be useful. I note, and welcome, the intention to provide screening planting; tree or shrubs planted should be appropriate to the locality (e.g. hawthorn hedging). The provision of bat roosting and/or bird nesting boxes would also be useful.

Highways England – No objections.

LCC Highways – No objections. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Lead Local Flood Authority (LLFA) – No objection subject to the inclusion of a condition requiring:

- The submission of a final sustainable drainage scheme which is based on sustainable drainage principles. The scheme should include: a) a sustainable layout drainage plan; b) demonstrate that the post-development rate of surface water runoff will not exceed the pre-development rate (calculated at 5 litres per second); c) drainage flow calculations and attenuation requirements; d) flood water exceedance routes; e) evidence of site investigation to confirm infiltration rates; f) a management and maintenance regime.
- For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

United Utilities – No objections. Comments as follows:

- 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.
- The submitted drainage strategy is acceptable in principle. A condition should be attached to any permission granted requiring the site to be drained in accordance with the principles set out in the submitted drainage strategy. No surface water should drain directly or indirectly to the public sewer.
- There is an easement crossing the proposed development site which is in addition to UU's statutory rights for inspection, maintenance and repair. The easement dated 24/02/1971 UU Ref: F3861/F3438 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.
- A water main crosses the site. As UU need unrestricted access for operating and maintaining it, UU will not permit development over or in close proximity to the main. UU require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines'. Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles. A condition should be attached to any permission granted requiring the submission of a Construction Risk Assessment Method Statement to outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect

and prevent any damage to this infrastructure.

Neighbour Observations

Neighbours notified:	17.09.19
Site notice posted:	27.09.19
Press notice:	26.09.19
Amended plans notified:	N/A
No. Of Responses Received:	None
Nature of comments made:	N/A

The appropriate neighbouring properties were notified of the application by letter on 17.09.19. In addition, as the application involves major development it has also be publicised by site and press notices. No representations have been received.

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.

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC2	Employment Opportunities
T5	Parking Standards
CL2	Surface Water Run-Off and Sustainable Drainage
CL3	Renewable and Low Carbon Energy Generation
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Policy context and main issues:

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

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

- (c) approving development proposals that accord with 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.

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the nature of the development proposed, the designations applicable to the site and the responses received in respect of the application, the main issues in this case are considered to be:

- The principle of development, including whether it represents an appropriate use of land within the countryside.
- The development’s effects on the character and appearance of the area.
- The scheme’s impact on the amenity of surrounding occupiers.
- The development’s effects on the surrounding highway network.
- Other matters relevant to the decision, including those relating to trees, ecology and flood risk.

Principle of development:

The site is located within an area of countryside as defined on the FLP Policies Map. FLP policy GD4 states that development in the countryside will be limited to that falling within the following categories:

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

- c) extensions to existing dwellings and other buildings in accordance with Policy H7;
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6;
- f) minor infill development.

FLP policy EC2 states that “the Council seeks to retain continued employment use of current employment sites”, including class ‘B’ uses. Policy EC2 indicates that the following factors will be taken into account when assessing proposals for employment uses:

- The accommodation should be flexible and suitable to meet changing future employment needs, and in particular provide for the requirements of local businesses and small firms.
- The Council will seek to ensure that employment opportunities are provided and are easily accessible for local people and, where necessary, developers will be encouraged to implement relevant training programmes.

Policy EC2 also states that “the sustainable growth and expansion of all types of business is supported where this is in accordance with other policies in the Local Plan.”

In addition, paragraphs 83 a) and 84 of the NPPF identify that planning policies and decisions should:

- Enable the “sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”; and
- Recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The use of the site by Andrews Bowen was established by planning permission 06/0926 granted on 15.01.07. This was followed by planning permission 13/0086 (granted 31.07.13) which gave consent for the extension of one portal-framed building (the eastern of the two existing to the north of this site), the construction of a new portal-framed building (the western of the two existing units) and the erection of the single storey office building to the southeast of the site. The current application seeks to expand the business further through the construction of a third workshop unit. Existing uses on the site fall within classes B1 (offices), B2 (general industry) and B8 (storage and distribution). The proposed use of the application building for B2 purposes represents a continuation of the site’s established use as a viable business enterprise, which is supported by the economic objectives of FLP policy EC2 and paragraphs 83a) and 84 of the NPPF relating to the growth of businesses in rural areas.

As the site is located in the countryside, the proposed development must satisfy one of the limitations in FLP policy GD4 in order for it to represent an acceptable use of land within that designation. The exception in criterion d) of the policy which allows “development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside” is of greatest relevance in this case. As the proposal seeks to expand an existing employment use onto an adjoining area of land which is closely related to buildings and hardstandings associated with the established use, it is considered that the proposal represents a form of development that is essentially needed for the continuation

of an existing enterprise. The visual impact test in the second part of GD4 d) is assessed in greater detail below, but given that the siting and scale of the proposed building would be closely related to existing development at the site, and taking account of the additional landscaping to be introduced along the southern site boundary, it is not considered that any conflict would arise in this regard.

The principle of development is therefore in accordance with the provisions of FLP policies GD4 and EC2, and the objectives of the NPPF.

Character and appearance:

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

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 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.

FLP policy CL3 relates to maximising the use of renewable and low carbon energy sources (including microgeneration through the use of solar panels). The policy requires such developments to ensure that adverse impacts – including cumulative landscape and visual impacts – are addressed. In particular, criterion b) requires “singular or cumulative impacts on landscape and townscape character and value, and visual impact from a wide range of vantage points” to be taken into account in accordance with policy ENV1.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). 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”. In addition, paragraph 170 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

The proposed building is of a typical portal-framed construction, with a relatively tall eaves height and shallow pitched roof. As it would be slightly elevated (by approximately 1.1m) in relation to the neighbouring portal-framed units to the north and is to occupy a peripheral location to the southern edge of the yard where it borders open agricultural land, it would be readily visible across the flat topography of open fields to the south and east. In particular, the building would be prominently in view from near-distance vantage points on the public footpath which passes through fields to the southwest, and in longer distance views from Mile Road (the B5269) further to the south. Views from public vantage points on Fleetwood Road to the east are restricted by a tall hedgerow which flanks both sides of the A585, and are filtered further by the presence of additional tree and hedge planting to the east side of the Andrews Bowen access drive.

The proposed building would be located within the northern portion of a semi-circular banking which runs in an east-west direction to the southwest corner of the yard. The banking would be excavated to form a broadly level threshold for the building, with a 3m high section behind being retained along its southern flank. The height of the retained bund would leave a *circa* 2.3m section of the building up to eaves and 4.4m area up to the ridge visible above the top of the banking. The application includes the introduction of new tree planting within and along the southern edge of the retained bund, running for a distance of *circa* 115m in a westerly direction from the junction of the

service yard with the access road (to the front of the office) up to the edge of the TPO woodland to the western boundary. This planting would comprise larger (standard) native trees, with the depth of the planting buffer thickening in a westerly direction at the rear of the building before meeting the adjacent woodland in order to provide higher density screening to supplement the bund alongside its southwest elevation.

The siting and close proximity of the proposed building in relation to the existing portal-framed units on the western edge of the site would ensure a tightly-grouped collection of buildings, thus preventing the development from appearing as an isolated or outlying feature in the surrounding landscape. While large, the proposed building would be seen alongside structures of a similar size and appearance and its siting in relation to those buildings and the dense woodland to the west – coupled with the screening provided by the retained bund and new planting along the southern boundary – would ensure that the scheme's visual impact is appropriately mitigated. Accordingly, the scale and type of development would not harm the character of the surrounding countryside for the purposes of GD4 d), and appropriate mitigation would be put in place to avoid any adverse effects on the wider landscape for the purposes of policy ENV1. The building's scale, massing, materials and design would also be compatible with surrounding premises in accordance with the objectives of policy GD7.

The application includes the installation of solar PV panels on the southwest facing roof slope of the building. These would be arranged in six clusters sitting flush with the roof slope and equidistantly spaced between intervening roof lights. Given their low-level profile following the slope of the building's roof and modest coverage, the proposed solar panels would not appear as obtrusive or incongruous features in the surrounding landscape. The use of renewable energy technology (including microgeneration) is encouraged by FLP policy CL3 and the scale, siting and area of solar panels proposed would not conflict with the objectives of that policy by reason of any adverse effects on surrounding land uses.

Effects on surrounding occupiers:

Criterion c) of FLP policy GD7 requires that development proposals facilitate good design by ensuring:

- That amenity will not be adversely affected by neighbouring uses, both existing and proposed.

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."

Paragraph 180 of the NPPF states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. These include effects associated with noise and light pollution.

The closest neighbouring dwelling is located at Pitfield Farm on the opposite side of Fleetwood Road around 235m to the east. Other nearby properties at Park Hall Farm and Fishers Slack Cottage are located further to the northeast and north some 250m and 300m away from the development site respectively.

Owing to the separation distance between the site and neighbouring dwellings, combined with the intervening screening between them provided by landscaping and the busy thoroughfare of the

A585, the proposed building would not be visible from neighbouring properties. Accordingly, the development would have no undue impacts on the privacy and amenity of surrounding occupiers by reason of its scale, siting or design.

Although Andrews Bowen has daytime operating hours (given as between 8am and 5pm on the application form), neither of the previous permissions which allowed the initial use of the site for the business (06/0926) or its expansion through extensions and the construction of additional buildings (13/0086) included a condition restricting hours of operation. The site is flanked by the busy thoroughfare of the A585 which runs in a general north-south direction to the east. The proximity of the A585 to the site means that the dominant noise source in the area is likely to be from road traffic travelling along Fleetwood Road. The proposed B2 use of the building would represent a continuation of existing operations on the site. Given the absence of existing conditions restricting operating hours for the other buildings, the daytime opening hours of the current use and the site's relationship with surrounding uses (including its proximity to the A585), it is not considered that the development would have any unacceptable impact on the amenity of neighbouring occupiers as a result of added noise disturbance. It is also noted that the Council's EHO has not raised any objections to the application on noise grounds.

Effects on the highway network:

Criteria q) and r) of FLP policy GD7 require that:

- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

Paragraph 108 of the NPPF indicates that in assessing applications for development, it should be ensured that:

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

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

The site has a single point of access onto the A585 to the northeast corner via a wide, bell-mouth junction which benefits from substantial viability splays in both directions afforded by wide roadside verges. The access has been designed specifically to cater for movements by HGVs and the junction is surfaced with a concrete apron which merges with a tarmac access drive.

There are two main points of access off the drive into the service yard. The first is via a gated opening to the northeast corner which opens onto a concrete service yard to the northern part of the site and affords access to roller shutter doors on the northeast side of the larger of the existing

portal-framed units. This access appears to be used principally by HGVs. The second is to the southeast corner which passes across the front of the office building. This is the main access for other, smaller vehicles (though it too is wide enough to accommodate HGV movements). Parking areas are located around the office building, to both sides and within a courtyard at the rear. In addition, a hard surfaced area outside and to the northeast of the main compound (immediately south of the junction onto the A585) is used as a waiting area for HGVs entering the site.

While the proposed building has the potential to generate some additional vehicle movements arising from the expansion of the existing enterprise, the current junction onto the A585 provides a safe and suitable means of access to accommodate these without compromising highway safety. LCC's records show one accident in the last 5 years in the vicinity of the site access. However, this accident related to a collision between north and south bound vehicles travelling in opposite directions on the A585 rather than any conflict resulting from vehicles entering or exiting the site via the current junction. Accordingly, the accident is unrelated to the junction and does not indicate any defects on the surrounding highway network which need to be addressed through this application.

The proposed building would not obstruct existing vehicle parking and manoeuvring areas within the site and so adequate provision would be retained proportionate to the scale of the extended operation. The HGV waiting area to the northeast corner would also be retained to ensure adequate capacity for vehicles to be parked and wait clear of the highway.

The Local Highway Authority have not objected to the application on transport grounds, nor have they requested the imposition of any conditions as it is considered that the development can be accommodated by existing arrangements. The proposed development would facilitate a safe and suitable means of access to the site, the level of additional traffic generated would not adversely affect network capacity or safety, and sufficient parking provision would be made for the extended use. Accordingly, the proposed development accords with the provisions of FLP policy GD7 and the NPPF with respect to its transport impacts.

Other matters:

Trees:

The woodland to the west of the site is protected by a TPO. The northwest facing (side) elevation of the proposed building would be located close to the woodland, but would achieve a minimum 5.5m wide buffer with the woodland edge to avoid any encroachment into the root protection area of TPO trees. A condition has been recommended for the installation of protective fencing along the western site boundary with the woodland to create a construction exclusion zone to avoid any encroachment into the root protection area during the construction period. Accordingly, suitable measures can be put in place to avoid any adverse effects on the adjacent woodland, which would also be supplemented by additional tree planting introduced as part of the development.

Ecology:

The land does not form part of any designated nature conservation site, nor are there any nearby. The application is accompanied by an ecological survey which includes the following conclusions:

- The application site comprises a small, raised area of mown amenity grassland. The site itself has limited ecological value with no important habitats or vegetation communities occurring within the site or close to the boundaries which would be adversely affected by the proposal.
- The wider site is used by a small number of relatively common breeding bird species but no

protected or important species were records at the site and there is no optimal bird breeding overwintering habitat within the development footprint.

- There are no historic records of any protected or important species or habitats occurring within or adjacent to the site boundaries that would be affected by the development.
- With adequate mitigation put in place – including biodiversity enhancements through: (i) the timing of any tree works; (ii) the installation of bird boxes on the southern and western elevations of the building; (iii) low UV components to external lighting and no light spillage into the adjacent woodland – there will be no negative ecological effects arising from the development.

Natural England and GMEU have been consulted on the application. Neither have raised any objections to the development on ecology grounds, though GMEU have requested the imposition of conditions relating to the safeguarding of the adjacent woodland during construction, avoiding light spillage into this habitat and the implementation of biodiversity enhancements as identified in the ecology survey. Accordingly, there would be no conflict with the objectives of FLP policy ENV2.

Flood risk:

The site falls within Flood Zone 1 as indicated on the Flood Map for Planning and is, therefore, within the area at lowest risk from fluvial and tidal flooding. However, as the application involves “major” development (and therefore subject to consultation with the LLFA), it is accompanied by an indicative drainage strategy. The submitted strategy identifies the following principles:

- The online Soilsmap Viewer has identified the site lying in a region characterised by slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils with impeded drainage, which are not conducive to infiltration. Therefore, infiltration of surface water runoff into the ground is not a viable solution for this site.
- A watercourse lies along the western boundary of the site and flows to the north under the A585 and into the Thistleton Brook.
- It is intended that new surface water drainage will be constructed, appropriately sized to take all surface water runoff from the new building roofs, to discharge into the watercourse that lies along the western boundary of the site. Due to the size of the building, surface water runoff from it will be controlled to 5 l/s allowing surface water runoff generated by all rainfall events up to the 100 year critical rain storm plus 20% on stored volumes. The additional 20% is to allow for climate change over the lifetime of the industrial unit and has been included in the surface water volume.
- Attenuation is provided by below ground storage under the embankment to the east of the building.
- Exceedance flows will be away from the development directly into the local watercourse.
- There is no foul water drainage associated with the development.

The LLFA have indicated that they have no objections to the application and the principles identified in the drainage strategy, subject to this being secured through the imposition of an appropriate condition. The proposed development represents an appropriate use of land within flood zone 1 and appropriate measures would be put in place for the disposal of surface water in accordance with the requirements of FLP policy CL2. An appropriate condition has been imposed to secure the implementation of the drainage strategy.

United Utilities (UU) have also commented on the application, indicating that the principles set out in the submitted surface drainage strategy are acceptable. UU have also identified the presence of a water main crossing the site and have requested that a condition be imposed requiring the

submission of a method statement outlining the potential impacts of construction activities on this infrastructure (including any mitigation measures required). While UU have not provided a plan showing the location of this water main (or the easement associated with it) to indicate how this relates to the siting of the proposed building, it is considered reasonable to impose the requested condition in the interests of safeguarding water supply infrastructure.

Conclusions

The application relates to the site of Singleton Grange located to the west side of the A585 (Fleetwood Road), Greenhalgh. The site is currently occupied by Andrews Bowen Ltd – a company involved in the manufacture and installation of equestrian products (e.g. stables, exercise arenas and other associated equipment) – and comprises a collection of three buildings arranged around a hardstanding yard. Two portal-framed buildings form manufacturing/storage units to the western end of the site, with a single storey brick building providing an office to the southeast corner. The site is bordered by open fields to the north, east and south, and by a dense area of mature woodland to the west which is protected by a Tree Preservation Order.

The proposal involves the erection of an additional portal-framed building to the southwest corner of the site to provide an engineering workshop (a B2 use) associated with the expansion of the existing business. The building would follow a rectangular footprint running at right angles to the existing portal-framed units and would be located upon the northern half of an existing embankment to the southwest corner of the site. The northern portion of the banking would be excavated to create a level threshold, with a *circa* 3m high semi-circular bund retained to the southern edge and landscaped with new native woodland planting.

The scheme involves development that is essentially needed for the continuation of an existing enterprise and so satisfies the land use planning test in Fylde Local Plan to 2032 policy GD4 d) relating to development in the countryside. The proposed building would be closely grouped with and viewed alongside existing portal-framed units of a similar size and style and, through a combination of screening provided by the retained bund and additional landscaping introduced as part of the scheme, would not appear as a harmful, isolated or overtly intrusive addition to the surrounding landscape. Accordingly, the proposed development, by virtue of its size, siting, materials and design, is of a type and scale that would not harm the character of the countryside.

The geometry of the current junction onto the A585 is appropriate to provide a safe and suitable means of access to the development and existing vehicle parking and manoeuvring areas are sufficient to serve the expanded operation. Any additional traffic generated by the scheme can also be accommodated on the surrounding highway network without having a severe impact on its capacity or safe and efficient operation. The proposed building's separation and screening in relation to the closest neighbouring buildings (located approximately 235m away) would avoid any adverse effects on the amenity of nearby occupiers by reason of the development's scale, design or impacts arising from noise and disturbance.

The development would not give rise to any other adverse effects in terms of tree impacts, ecology or flood risk. Accordingly, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of 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. 1888.01 Rev P6 – Proposed industrial unit.

Drawing no. 1888.02 Rev P3 – Elevations as proposed.

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 approved plans (drawing no. 1888.02 Rev P3).

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies GD4 and GD7, and the National Planning Policy Framework.

4. The soft landscaping scheme shown on drawing no. 1888.01 Rev P6 shall be carried out during the first planting season after the building hereby approved is first brought into use and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. 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 is adequately screened from areas of adjoining open countryside in order to minimise its visual impact and to provide biodiversity enhancements as part of the scheme in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1, ENV2, GD4 and GD7, and the National Planning Policy Framework.

5. No above ground works shall take place until a scheme for the disposal of 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 in the Planning Practice Guidance, and shall include:

- a) A sustainable drainage layout plan including: (i) pipe/structure references; (ii) dimensions; (iii) design levels; and (iv) finished floor levels of the building in relation to adjacent ground levels (in AOD) which shall include provision for the finished floor level of the building to be elevated at least 150mm above the surrounding ground level.
- b) Measures to ensure that the post-development surface water run-off rate and volume will not exceed the pre-development run-off rate (which has been calculated at 5 litres per second).
- c) Pre and post development sustainable drainage flow calculations for the 1 in 1, 1 in 30 and 1 in 100 critical storm events (including an appropriate allowance for climate change), including details of the volume of attenuation required post development and details of permeable/impermeable areas of the site used within calculations.
- d) A plan to show overland flow routes and flood water exceedance routes and flood extents.

- e) Evidence of an assessment of site conditions to include site investigation and test results to confirm infiltrations rates.
- f) Details of an appropriate management and maintenance plan for the drainage system for the lifetime of the development, including (where applicable) arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements.

The duly approved scheme shall be implemented before the building hereby approved is first brought into use, and shall be retained, managed and maintained as such thereafter.

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

6. No development shall take place until a Construction Exclusion Zone has been formed between the site and the Root Protection Areas of trees located within the woodland to the west. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012, and shall be maintained in the duly installed position during the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to safeguard trees located within the protected woodland adjacent to the development site before any construction works commence in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1.

7. The building hereby approved shall not be brought into use until a scheme for the incorporation of the following biodiversity enhancement measures into the development and a timetable for their provision has first been submitted to and approved in writing by the Local Planning Authority:
 - a) The installation of sparrow terraces on the southwest and northwest facing elevations of the building
 - b) The provision of bat roosting on the southwest and northwest facing elevations of the building
 - c) The provision of bird nesting boxes on the southwest and northwest facing elevations of the building.

The biodiversity enhancement measures shall thereafter be implemented 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 in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

8. 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.

9. If any external lighting is to be installed on the building hereby approved, a scheme including details of the lighting's:

- (i) position and height on the building;
- (ii) spillage, luminance and angle of installation; and
- (iii) any shields or hoods to be fixed to the lights

shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed.

The scheme shall ensure that any external lighting has a low UV component and is designed to avoid any light spillage onto the adjacent woodland to the west. Any external lighting shall only be installed in accordance with the duly approved scheme, and shall be maintained as such thereafter.

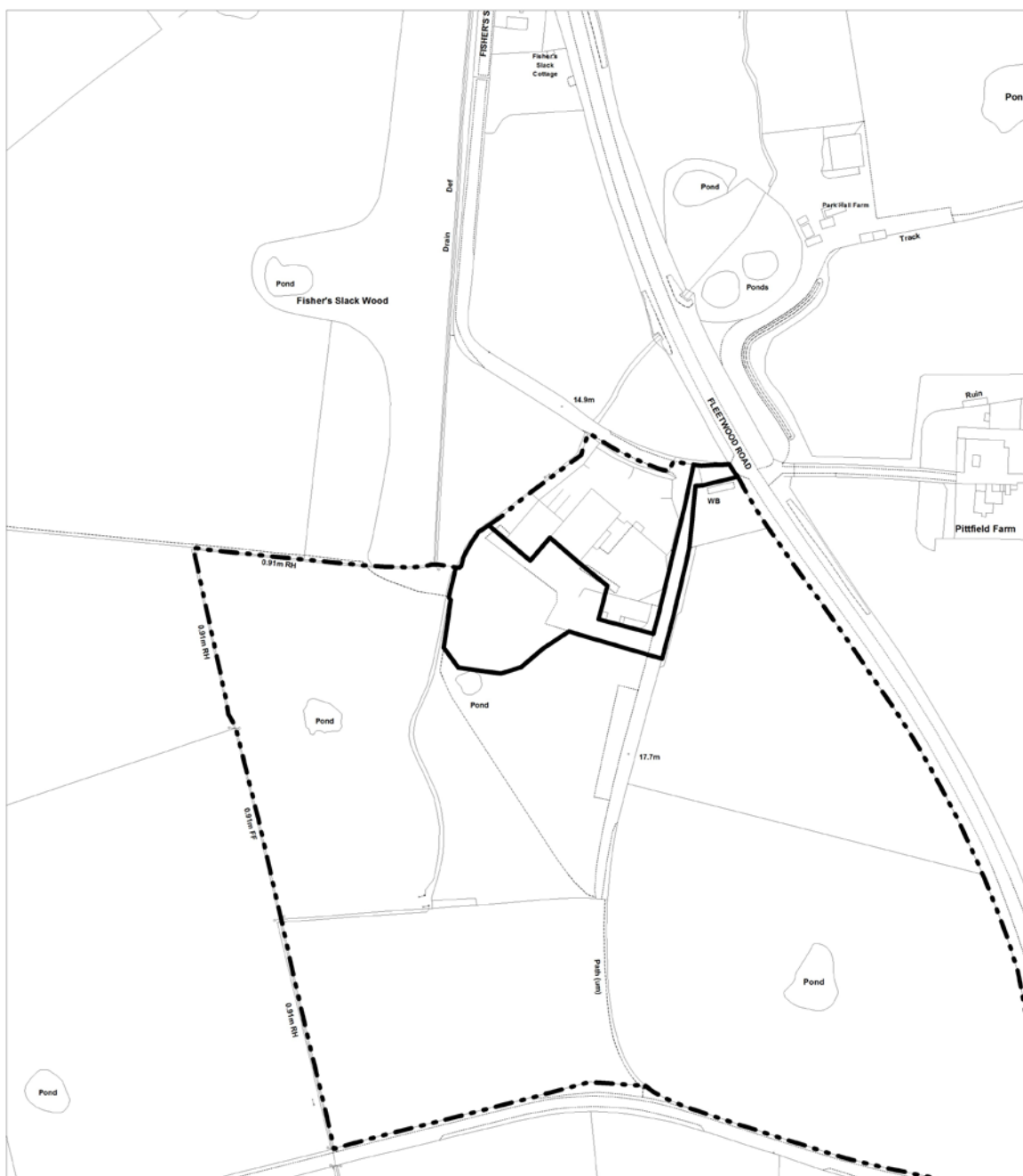
Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers, detract from visual amenity in the surrounding area or disturb adjacent wildlife habitats as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 policies ENV2 and GD7, and the National Planning Policy Framework.


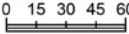
10. No development shall take place until a Risk Assessment Method Statement (RAMS) identifying the potential impacts of all construction activities associated with the development on the water main that crosses the site has been submitted to and approved in writing by the Local Planning Authority. The RAMS shall include:

- a) Details of the location and routing of the water main that crosses the site (including any easements) in relation to the proposed development.
- b) An assessment of the potential impacts of construction activities on the water main.
- c) Details of mitigation measures to be implemented to protect and prevent any damage to the water main.
- d) Details of how access to the water main (including any easements) will be maintained during and after construction.

The development shall thereafter be carried out in full accordance with the details in the duly approved RAMS.

Reason: To ensure that appropriate measures are put in place to protect existing water supply infrastructure that crosses the site before, during and after the construction period, and to secure appropriate maintenance arrangements for this infrastructure in the interests of safeguarding existing water supply assets in accordance with the objectives of Fylde Local Plan to 2032 policies DLF1 and CL1.



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Application No. 5/19/0737	Address Singleton Grange, Fleetwood Road, Greenhalgh	Grid Ref. E.3397 : N.4385	Scale 0 15 30 45 60 m 

Item Number: 4

Committee Date: 06 November 2019

Application Reference:	19/0739	Type of Application:	Householder Planning Application
Applicant:	Mrs Taziker	Agent :	NA
Location:	18 OSBORNE ROAD, LYTHAM ST ANNES, FY8 1HS		
Proposal:	TWO STOREY FRONT AND REAR EXTENSIONS AND SINGLE STOREY REAR EXTENSION (REVISION OF SCHEME APPROVED UNDER APPLICATION 18/0086) - PART RETROSPECTIVE.		
Ward:	FAIRHAVEN	Parish:	St Anne's on the Sea
Weeks on Hand:	8	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.7468539,-3.0188325,270m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the erection of extensions at a dwelling in the settlement of St. Annes. The property has the benefit of a planning permission that was granted in 2018 for considerable extensions and alterations to modernise and rationalise its appearance and these works have commenced.

During the implementation of this scheme the applicant has introduced some alterations to the development from those which are shown on the planning permission, with the extension of the upper floor accommodation to the rear and the addition of windows to the side.

These works are materially different to the approved scheme, but are not harmful to the appearance of the property, the character of the wider area or the amenity of neighbouring occupiers. As such it is considered that the proposal accords with Policy GD7 of the Fylde Local Plan to 2032, and the design requirements of the St Annes Neighbourhood Plan. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

The application site is 18 Osborne Road in St Annes which is a detached two storey dwelling that is

located in an entirely residential area of the town. It was originally designed with a hipped roof but has previously been extended with flat roof extensions to the side and rear of the dwelling that were constructed some years ago. More recently the property has been extensively modernised through the implementation of works that are now the subject of this planning application and largely those reflect those approved under a planning permission granted in 2018.

The street is characterised by a mix of detached and semi-detached properties of two storeys and bungalows.

Details of Proposal

This application seeks an amendment to the scheme approved under application no. 18/0086 for two storey extensions to the front, side and rear of the dwelling.

The front/side extension to provide the additional gable bay measures 13.6 metres in overall length by 4.5 metres at the widest point with an additional 2.5 metres in length at single storey level to the rear. The gable element has a forward projection of 3.8 metres. The extensions are designed with a hipped roof with an eaves height at 5.2 metres and an overall ridge height of 7.1 metres.

This application varies from that approved in that the two-storey rear element has been built with a flat roof that projects out from the main roof of the dwelling by 1.5m across its full width, and without a first floor central recess element that was part of the approved scheme. The current application also varies the number and position of windows from that approved to include a series of side facing windows at first floor, with the existing chimney to the property also retained.

Relevant Planning History

Application No.	Development	Decision	Date
18/0086	PROPOSED TWO STOREY EXTENSIONS TO FRONT, SIDE & REAR, SINGLE STOREY REAR EXTENSION	Granted	16/03/2018
19/0693	NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 18/0086 TO INCLUDE ADDITIONAL OBSCURE ESCAPE WINDOWS TO EXISTING AND PROPOSED SIDE ELEVATIONS. CENTRAL FULL HEIGHT CURTAIN WALL REPLACED BY STAND ALONE WINDOWS. EXISTING ROOF AND CHIMNEY RETAINED. PROPOSED ROOF AMENDED TO REFLECT FIRST FLOOR INFILL	Withdrawn by Applicant	02/09/2019
74/0252	ERECTION OF LIVING ROOM EXTENSION.	Granted	17/07/1974
76/0856	PRIVATE GARAGE.	Granted	10/11/1976

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 11 September 2019 and comment:

Object

- a) *Not in keeping with Neighbourhood Design Guide*
- b) *Utilitarian and austere appearance*
- c) *Previous observations remain valid (application 18/0086) (Officer note: Those comments were not to object to the application but to comment: "Proposed application is not in keeping with the street scene, austere in appearance i.e. colour and materials (industrial)."*

Statutory Consultees and Observations of Other Interested Parties

None.

Neighbour Observations

Neighbours notified:	11 September 2019
Number of Responses:	1 letter received
Summary of Comments:	<ul style="list-style-type: none"> • work completed months ago • pointless exercise asking for comments • two additional windows on north elevation look direct into lough

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD
STANP	St. Annes on Sea Neighbourhood Plan
STANDG	St. Annes on Sea Design Guide

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

Principle

The application site is located within the settlement area under Policy GD1 of the Fylde Local Plan to 2032 and in the St Annes Neighbourhood Plan. In these areas the application is to be assessed against the requirements of Policy GD7 of the Plan which relates to the general design principles of development, and so is documented in the following sections of this report.

Design and Appearance in Streetscene

This application refers to an amendment to a scheme approved under application no. 18/0086. That permission does allow some considerable alterations to the appearance of the property in the streetscene and was approved on the basis that the existing dwelling had undergone unsympathetic alterations and extensions in the preceding years. Whilst the resultant dwelling is more imposing than the previously existing dwelling it was not considered to be unduly out of keeping with the scale and design of neighbouring properties.

Over the past months work has been underway on the implementation of this development. However the built development varies from the approved in that the rear element of the extension has been provided with a flat roof and it extends fully at first floor over the ground floor element. Amendments have also taken place which include two additional windows and the retention of an existing window on the north elevation at first floor level, together with the retention of the existing chimney. Three additional windows at first floor level on the south elevation have also been added.

The changes to the north side elevation are visible from the street, those to the south side elevation and the rear are screened by the neighbouring property and their location on the dwelling.

Whilst the flat roof is not an ideal design solution for a residential property, it is located to the very rear of the roof slope and so is not readily visible in the streetscene. The windows are typical features on a dwelling and are immaterial in that respect. The officer conclusion to this is that the amendments are minor in nature and do not have a detrimental impact on the character and appearance of the street scene.

Taken together the design and scale of the extension accord with the requirements of criteria b), d), h) and i) of Policy GD7.

Relationship to Neighbours

The proposal introduces additional windows at first floor level as an amendment from the development previously approved.

These additional windows to the side elevations are intended to provide a means of escape to the upper floor, and have been fitted with obscure glazing to protect the privacy of neighbours. The retention of obscure glazing will form a condition of the recommendation on this application, as will the need for these windows to be non-opening. The need for a means of escape in this location is not accepted as there are alternative escape opportunities to the front elevations of the rooms that they serve that will satisfy the building regulation requirements in this regard, and that the windows indicated are too narrow to meet the minimum access width for such windows..

The revision to the roof to the rear does not impact on neighbouring amenity as it is actually a smaller structure than that shown on the earlier permission.

As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c), d) and h) of Policy GD7.

Parking and Access Arrangements

The proposal retains an appropriate level and location of parking for the site and does not

compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

Other Matters

The Town Council have objected to this scheme on the grounds that the development conflicts with the St. Annes Neighbourhood Design Guide.

This document advises 'It is important to stress that the town council does not want to be overly prescriptive, but wants to encourage developers and designers to produce the best quality design appropriate to its setting and representing an excellent example of its era.

Good design does not always mean having to accurately reflect the past. Sometimes this is totally appropriate but on many other occasions, particularly in a new housing environment there is the opportunity to provide high quality modern design using the latest materials and the latest technology....'

It is considered that the design of the front extension in this application and that of the approved scheme take the traditional gable features already featured on the host dwelling and replicate this on the south side of property and is in keeping with other properties in the area. The full height windows are a modern interpretation of gable bays.

The open canopy feature on the rear of the property is more unique and less traditional than that likely to be found on neighbouring properties but given its location on the rear of the dwelling do not have direct impact on the character of the street scene.

Accordingly it is considered that the proposed (as built) development is not in conflict with the St. Annes Neighbourhood Plan and Supplementary Design Guide.

Conclusion

The application relates to the erection of extensions at a dwelling in the settlement of St. Annes. The property has the benefit of a planning permission that was granted in 2018 for considerable extensions and alterations to modernise and rationalise its appearance.

During the implementation of this scheme the applicant has introduced some alterations to the development from those which are shown on the planning permission, with the extension of the upper floor accommodation to the rear and the addition of windows to the side.

These works are materially different to the approved scheme, but are not harmful to the appearance of the property, the character of the wider area or the amenity of neighbouring occupiers. As such it is considered that the proposal accords with Policy GD7 of the Fylde Local Plan to 2032, the design requirements of the St Annes Neighbourhood Plan. Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:
 - Location Plan - Project 8000 Drawing no.1_001 Rev P01.01

- Proposed Site Plan - Project 8000 Drawing no.1_003 Rev P01
- Proposed Plans and Elevations - Project 8000 Drawing no.2_02 Rev P03

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

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

2. Notwithstanding the provisions of Schedule 2, Part 1, Class A 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 first floor windows shown on the side elevations of the dwellinghouse shall be non-opening below a height of 1.7m from floor level in the rooms that they serve, and 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) before the extension hereby approved is first occupied. The windows shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework



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Application No. 5/19/0739	Address 18 Osborne Road, Lytham St Annes	Grid Ref. E.3329 : N.4283	Scale 0 6 12 18 24 m

Item Number: 5

Committee Date: 06 November 2019

Application Reference:	19/0749	Type of Application:	Full Planning Permission
Applicant:	Mr & Mrs KIRBY	Agent :	ML Planning Consultancy Ltd
Location:	KILN HOUSE FARM, MEDLAR LANE, MEDLAR WITH WESHAM, PRESTON, PR4 3HR		
Proposal:	RETROSPECTIVE APPLICATION FOR ERECTION OF AGRICULTURAL WORKER'S DWELLING (REVISION OF SCHEME APPROVED UNDER PLANNING PERMISSION 15/0507)		
Ward:	MEDLAR WITH WESHAM	Parish:	Medlar with Wesham
Weeks on Hand:	8	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.8128293,-2.8865245,539m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

This application is submitted as seeking planning permission for the erection of an agricultural worker's dwelling in the countryside as a revision to a planning permission for such a dwelling that was approved under reference 15/0507 in 2015. In fact, the applicant has not implemented that permission and it has now expired. A dwelling has been erected but this is a larger dwelling than was previously approved, which is in a different location to that approved, is in a much larger curtilage, and has a different appearance and layout.

The need for an agricultural worker's dwelling at the site was assessed as part of the determination of the 2015 application. In that case the professional views of the Lancashire County Land Agent were available and concluded that there wasn't an essential need for a dwelling in association with the applicant's business, that the dwelling was over-large for a rural worker, and that it could not be sustained by the agricultural activity that was taking place. The Planning Committee at the time disagreed with this advice and granted planning permission.

Irrespective of that history no information has been submitted with this current application which identifies a need for a worker to be on site and no justification has been submitted to support the increase in the scale of the property which has been built on site, the increase in its curtilage or the other changes. The application is therefore to be considered as for a new dwelling in the Countryside, and one that is unjustified and harmful to the rural character of the area.

The proposal conflicts with the aims of the National Planning Policy Framework to direct development to sustainable locations and to protect the intrinsic quality of rural areas, and to and Policies GD4, ENV1, GD7 and H6 of the Fylde Local Plan to 2032. Accordingly, the

application is recommended for refusal.

Reason for Reporting to Committee

The earlier application for a dwelling was determined by Planning Committee at the request of the Chairman, and so the Head of Planning and Housing considers that it is appropriate for this scheme to be also determined by the Planning Committee.

Site Description and Location

The application site is now known as Kiln House Farm and is located on Medlar Lane in Wesham. At the time of the earlier application the site was known as Land to the side of 'Woodside' and is situated on the north side of Medlar Lane on an elevated site which is approximately 1 km from then junction with Fleetwood Road. Since the previous application was considered a large detached dwelling has been constructed on the site, but other aspects of the site are unchanged.

There is a small woodland and a single agricultural building to the east of the site, to the west is Oak Farm and associated land, to the south Willow Farm, with open fields to the north. The site has mature hedges to the roadside edge and to the west, and is part of a wider landscape that is rural in character with sporadic farm dwellings and associated buildings.

The site is designated as Countryside on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the erection of an agricultural worker's dwelling as a revision to the scheme approved under planning permission 15/0507.

The development includes the erection of a property arranged over three floors which is approximately rectangular in shape and providing a lounge, breakfast/kitchen, dining room, office, utility room, shower room, internal porch and WC to the ground floor. There are two bedrooms sharing a bathroom and a further bedroom with dressing room and en-suite bathroom on the first floor, whilst on the second floor there is an additional bedroom, en suite and a store room.

The dwelling has overall measurements of 16 metres in width by 9.7 metres in depth (at the widest part) with an eaves height at 5 metres and ridge height at 8.86 metres.

The dwelling is designed with two bay windows situated either side of a central door and porch at ground floor level with three further windows to the first floor and four roof lights in the front roof slope. The property has a single storey element that projects to the side elevation with two windows in the front elevation. The corners of the property are designed with feature stone quoins.

The rear elevation features folding doors at ground floor level of the gable element with double doors and balcony at first floor level. There is also a single storey element on the rear with double folding doors and two further windows which includes a 'lantern light' feature to the roof. The property is also built up to provide a brick fronted flat roof dormer to the second floor.

The property is constructed in a red brick under a slate roof with upvc windows.

The property has been constructed and so this application has been submitted retrospectively.

Relevant Planning History

Application No.	Development	Decision	Date
18/0692	APPLICATION TO DISCHARGE CONDITION 11 (FOUL AND SURFACE WATER DRAINAGE) OF PLANNING PERMISSION 15/0507	Withdrawn by Applicant	27/11/2018
17/1023	VARIATION OF CONDITION 6 ON PLANNING PERMISSION 15/0507 WHICH REQUIRES PROVISION OF SIGHT LINES AT ACCESS TO MEDLAR LANE	Granted	19/02/2018
15/0507	RESUBMISSION OF 15/0205 FOR ERECTION OF 1 No AGRICULTURAL WORKERS DWELLING IN ASSOCIATION WITH EXISTING BUSINESS	Granted	15/02/2016
15/0205	ERECTION OF 1 No. AGRICULTURAL WORKERS DWELLING IN ASSOCIATION WITH EXISTING BUSINESS	Withdrawn by Applicant	15/06/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 13 September 2019 and comment:

The Council object to the proposal

- *The building of the house for which approval is now been sought shows a total disregard for the original approved application.*
- *The current property has been built in incorrect place and any revised approval should require the building to be in the originally approved place*
- *The building needs garages as per original plan. The garage on the original plan were never built as they were fitted out as an office etc.*
- *The mounds around the wrongly placed building blocking view of neighbours*
- *Both the original plans and the revised plans are out of keeping with the area*
- *The building should be tied as agricultural workers dwelling and the design should reflect the nature of the usage.*

Statutory Consultees and Observations of Other Interested Parties

Councillor Nulty

This is a new property in the countryside, about which there was concern in the first place. The approved property was very large and it has not been built to plan and is now much bigger, not within policy. I have also been informed that a "bund" has been erected which was not in the plans and also hedges/trees/landscape are threatened.

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed retrospective application for erection of agricultural worker's dwelling (revision of scheme approved under planning permission 15/0507, 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.

Greater Manchester Ecology Unit

We do not appear to have been consulted on the original application, however the revised elevations and internal arrangement are unlikely to have any material impact on the ecological issues relating to this development.

We would potentially have requested additional information on the pond to the NW as part of the original application, but having looked on our most recent aerals it looks heavily polluted, therefore no further information or measures are required.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

They then refer to Natural England's generic advice on other natural environment issues.

Neighbour Observations

Neighbours notified:	13 September 2019
Site Notice Date:	27 September 2019
Number of Responses	2 letters received
Summary of Comments	<ul style="list-style-type: none">• property not in keeping with the application approved• querying if it is common practice to build on different plot and different configuration• We will be seeking financial retribution as not informed could build our house wherever we like• entrance on a blind bend and very dangerous to road users• pollution in agriculture not being enforced• blatant breach of planning laws and completely unjustified• what's the point of conditions if applicants can just ignore• make a mockery of democratic decision making and set precedence if passed• height means now overlook our property and caravan site• windows are not obscured and so impact privacy• bund has been added along boundary fence• applicant has complained about operating wood business• original building for housing cattle and storage - no requirement for permanent attendance of a worker• small settlement of houses at top of Medlar Lane• difficult to see how applicant can operate full time home excessive for 3 family members• property doesn't meet policy H6 in Fylde Local Plan 2032 and LCC Land Agent previously commented on suitability

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H6	Isolated New Homes in the Countryside
ENV1	Landscape
ENV2	Biodiversity
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

This application is submitted as a revision to the scheme approved under application no. 15/0507 for the erection of a dwelling for an agricultural worker. This is a key part of the planning history and so is explained below in some detail. That application was determined at the Planning Committee meeting on 10 February 2016 when the Committee granted planning permission contrary to the officer recommendation that planning permission should be refused on the basis that there was no justified agricultural need for a dwelling in this location.

Background Planning History

The applicants submitted application 15/0507 for an agricultural workers dwelling on the basis that they operated a pedigree dairy cattle enterprise, trading as Absolute Genetics. The business comprised the breeding and trading of high genetic merit dairy cattle using embryo transplant techniques to breed dairy cattle with highly desirable pedigrees.

The dwelling was proposed on the basis that it would enable a 24 hour presence on site which would benefit the health and welfare of the cattle and that by living at the site the applicant would be able to monitor the cattle on a more regular basis and be readily available to provide assistance during calving. In addition a dwelling would be of benefit for the security of the site given the potential high value of the applicant's cattle.

The business was assessed by Lancashire County Council Land Agents as part of the consideration of an application made earlier in 2015 (ref 15/0205) which was subsequently withdrawn. They concluded that:

- *I am of the opinion that the number of the applicants cattle concerned with these circumstances is relatively small and I do not consider does require/justify the applicant to be readily available at most times of the day/night. With reference to other aspects of the applicants cattle*

management requirements I would advise that these have the same characteristics associated with livestock farming enterprises but as far as the applicants enterprise is concerned it is of a small scale. I am of the opinion that the cattle management requirements do not create an essential need for a worker to reside on the premises.

- I have given consideration to the annual financial accounts as means of assessing the sustainability of the provision of a permanent dwelling. The accounts reveal a wide fluctuation in the financial performance of the business and I consider the average end of year profit/loss during this period does not demonstrate a sustainable operation to justify the provision of an agricultural workers dwelling.*
- I am of the opinion that the planning history in respect to the erection of the property Woodside has relevance to the considerations of the need for a new agricultural dwelling as proposed. It is evident that this property is still owned by the Kirby family, no longer appears to be utilised in conjunction with the farm operations at South Greenhills Farm and has an agricultural occupancy condition.*
- The applicant resides at Kirkham but it is evident there are existing dwellings closer to the site which I feel will become available from time to time.*
- I consider the size of the dwelling and garage are large and feel the cost of construction would outweigh the profits of a modest size viable farm enterprise and consider its scale is large when compared against other modern agricultural workers dwellings. In addition there has not been reasons made as to why these extra ordinary sizes should be approved.*

The applicant submitted a further application under application no. 15/0507 and the comments expressed above by the Land Agent were included in the report to Members with a recommendation for refusal when the application was reported to the Planning Committee on 10 February 2016.

Notwithstanding the recommendation and the views of the professional consultee specialising on rural matters at the time, the then Planning Committee granted planning permission for the dwelling indicated in the plans accompanying the application, with the reason for approval quoted in the minutes being:

“The Committee considered that the applicant had presented sufficient justification in terms of agricultural need and viability to warrant the provision of an agricultural workers dwelling at this agricultural holding.”

Implemented Development

Whilst the decision establishes the principle of the erection of a dwelling, there are some key differences between the property approved under reference 15/0507 and the property that has been constructed. The key comparison points are set out here:

- Overall height – The approved dwelling has a ridge height of 8.9m whereas the approved dwelling was 7.4m
- Overall width – These are the same at 16m
- Overall depth – These are the same at 9.7m
- Footprint of property – The constructed property is larger than that which was approved as it includes a single storey dining room element to the rear. This adds a further 15m² to the ground floor footprint of the approved dwelling which is now 147m².
- Volume of property – The increase in height and larger footprint gives a greater volume which is 745m³ compared to the 643m³ of the approved dwelling
- Garage provision – The approved dwelling had an integral double garage, but the property that has been built uses the equivalent space as habitable accommodation and so leaves the

property without a garage.

- Floors of accommodation – The approved scheme provided accommodation on 2 floors and a loft space. The property has been built with the loft providing habitable accommodation to give a third floor of accommodation.
- Number of bedrooms – The increased height and other changes to the property have allowed the internal accommodation to be revised to provide 5 bedrooms in the dwelling compared to the 2 bedrooms in the dwelling as approved
- Design of dwelling – Whilst this is superficially the same as the dwelling that was approved there are changes to the window design and location and an additional dormer style feature to the rear.
- Position on site – The property has been constructed in a location that is set much further back from Medlar Lane, to the extent that it is actually entirely outside the previously approved application site.
- Extent of site – A consequence of the revised location of the property is that the application site has been extended to an area of around 0.18 hectares compared to the approved area of around 0.11 hectares
- Landscaping – The property has been built with some mounding provided to the edge of the site that was not part of the original planning permission.

The dwelling is therefore materially different to that which was previously approved. It is also the case that the pre-commencement conditions on that permission were not discharged and so there can be no doubt that the property that has been constructed is unlawful. The range and extent of the differences also significantly reduce the weight that can be applied to this previous decision as it is for a very different property. As the planning permission has expired it offers no value as a fall-back position to the development that has been constructed.

Policy Assessment for Principle of Dwelling

The application site is located within the Countryside where Policy GD4 of the Fylde Local Plan to 2032 applies. This is generally restrictive of new development unless it meets one of several exemptions to that restraint. There are 2 possibilities that could apply to this scheme:

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

f) minor infill development

The assessment of the proposal against exemption f) is a straightforward one. The proposal relates to a single dwelling and so is minor in scale, but it is not located in a position where it could meet the requirement of that exemption to be 'infill'. The justification for the policy also requires that such development does not harm the rural character of that area and that is the case with this proposal as is set out later in this report. Accordingly the application does not comply with this exemption of Policy GD4.

The assessment of the proposal against exemption e) is more pertinent to the submission as it links to Policy H6 which relates to isolated new homes in the countryside including those submitted to support a rural worker. The application form explains that this property is intended to support a rural worker at the site as was the case with the previously approved scheme and so this provides a useful policy test for the determination of the application.

The relevant part of Policy H6 states that an isolated new home in the countryside will only be permitted where:

The home is required to meet the essential needs of a rural worker. It should only be permitted where all of the following criteria can be met:

- a) there is an essential need for permanent attendance of a worker on site;*
- b) the need cannot be met by any existing home or other accommodation at the business or in the general locality;*
- c) the business is capable of supporting a full time worker and has a clear prospect of remaining so;*
- d) the size of the home is appropriate to the rural worker's family size / economic need and it is located adjacent to any existing buildings.*

If accommodation is needed in relation to a new enterprise, then any accommodation should be of a temporary nature, such as a caravan or other temporary accommodation, it will only be approved for a maximum of three years.

Whilst planning permission for a dwelling on this site was granted this permission has not been implemented as the dwelling which has been constructed is not in the location approved, not of the scale approved, of a different design and with a larger residential curtilage than that approved.

The original permission application 15/0507 and the variation of condition application which related to the access required that the permission was commenced before 10 February 2019. As this time has now passed there is no extant permission and no fall-back position in respect of the principle of rural worker's dwelling on the site and therefore the merits of the application are to be assessed against the development plan.

Rural Worker Need

Policy H6 requires that a proposal passes all of a series of tests, with the first of these being: "*a) there is an essential need for permanent attendance of a worker on site;*"

In the case of this application no evidence has been submitted to demonstrate that there is the '*an essential need*' required by criterion a). To assist in the assessment of this application it is appropriate to refer back to the position at the time that the 2015 application was submitted, as the consideration of that application included a detailed assessment of the need for an on-site presence based on the farming activity undertaken at that time. This was reviewed by the County Land Agent from LCC who supported the council on the assessment of such applications at that time.

At the time of application 15/0507 the applicant had 30 cattle on site which were said to require close management and attention in terms of embryo transplant and marketing opportunities. In addition to the cattle at the application site the applicant informed the Land Agent that some of the cattle that he owned were kept at other farms where they were managed in conjunction with the dairy herd at the host farm. It was understood at that time that the total number of animals owned by the applicant was in the region of 50. However, due to the nature of the business in terms of the breeding cycle and the sale of cattle, the number of livestock on the unit varies throughout the year. It was understood that the applicant and his daughter provided the daily management of tasks associated with the cattle.

As a result of limited number of cattle and the times the applicant needed to be on site the view of the County Land Agent and of planning officers was that the agricultural activity undertaken at the site was not of a nature or scale that created an essential need for a worker to reside on the premises.

Due to the lack of any information on this being provided with the current application it is not

known if the nature of the business, the number of cattle owned, or the management arrangements have altered since the 2015 County Land Agent's report. However, it is evident from the officer site visit that only a single agricultural building is on site and if the applicant's business has expanded since 2015 and so the number of cattle increased the operation would not appear to be conducted at the application site due to the limited housing facilities for housing the animals. In the supporting information with the 2015 application it is claimed that a second building was shortly to be erected on site to deal with quarantine requirements for the business as it expands. No application has been received for any additional buildings on the site and none have been erected.

Given these circumstances and the professional views in 2015 that there was no essential need for a dwelling, the officer view must be that no essential need for a worker has been demonstrated. Accordingly the proposal fails to comply with criterion a) of Policy H6.

Alternative Accommodation

Criteria b) of Policy H6 requires that *"the need cannot be met by any existing home or other accommodation at the business or in the general locality"*.

The application provides no information on this aspect.

At the time of the 2015 application the applicant lived at Kirkham and argued that a presence on site was the only realistic option for him due to the distance of the farm from his property. The County Land Agent disagreed, and also referred to the availability of properties nearby the farm that would become available. A rightmove search undertaken at the time of drafting this report indicates around 100 properties available within 3 miles of the site that are available to buy for £120,000 or less and so would be suited to a typical rural workers income.

With the lack of any supporting justification for the on-site presence and the availability of properties in the area the proposal fails to comply with criterion b) of Policy H6.

Sustainability of the business

Criterion c of Policy H6 requires that *'the business is capable of supporting a full time worker and has a clear prospect of remaining so'*.

No evidence has been submitted with this application to demonstrate the sustainability of the business to support a dwelling on site.

Returning again to the earlier applications and the Land Agent's report on the financial merits of the proposal, their view at that time was that there were *'wide fluctuations in the financial performance of the business'* and that *'the average end of year profit/loss during this period does not demonstrate a sustainable operation to justify the provision of an agricultural workers dwelling'*.

Given the lack of any evidence to the contrary that view must remain relevant and as such the proposal fails to comply with criterion c) of Policy H6.

Scale of Dwelling

Criterion d) of Policy H6 requires that *'the size of the home is appropriate to the rural worker's family size / economic need and it is located adjacent to any existing buildings'*.

In this case the dwelling has increased in scale from that approved as set out earlier in the report. Some of the key differences being that it is 1.5m taller, provides an additional floor of habitable accommodation, has a larger footprint with an extension to the rear, and utilises the attached double garage as a large office, utility room and porch area.

It is considered that no economic need for a dwelling in this location has been demonstrated nor has any information been provided over the applicant's family size to justify a dwelling of this scale. The proposal therefore fails to comply with criterion d) of Policy H6.

Summary to Principle of Dwelling

The application form explains that the application is submitted as being a revision to the approved key worker dwelling. In fact the application is a larger version of a property that was approved as an agricultural workers dwelling under a planning permission in 2015, but due to the differences between the development that has been built and that permission and the failure to discharge any of the pre-commencement conditions to that permission it can only be the case that the 2015 permission has expired without being implemented.

The proposal must therefore be considered as a new dwelling, and with it being located in the Countryside this is to be tested against Policy GD4. Having undertaken that assessment in this report it is clear that the proposal cannot meet any of the exemptions to the general restraint on new development in the Countryside and so is in conflict with the relevant policy of the development plan.

With regards to any material considerations to consider, the council has supported the principle of a dwelling in the past on this site through the Committee's decision to grant planning permission for a dwelling in 2015 and so this must be given some weight despite that permission not offering a fallback to the applicant.

It is factually the case that the council has a recently adopted development plan to direct development to appropriate locations, with national legislation and NPPF guidance highlighting the importance of making decisions in accordance with the development plan. There is an absence of any justification for the application, and it is considered that the harm that the dwelling causes to the character of the area as set out in the following sections of this report is such that it must outweigh any benefits from determining the application in a way that is consistent with that earlier decision. As such the application is recommend for refusal due to the conflict with the development plan.

Visual Impact

The site is located in a particularly rural part of the borough where agricultural uses dominate, and a number of farm houses and agricultural buildings provide the only form of built development. Nevertheless, in determining to grant planning permission for the dwelling in 2015 the council accepted that there would be some urbanising of this environment through the construction of that property.

Amongst the variances of the built property from that which had planning permission are that it is set much further back from the Medlar Lane highway (over 60m) than the previous dwelling and has a much larger curtilage to accommodate that revised siting. This means that a greater proportion of the agricultural land is lost for domestic purposes. This siting also makes the property more prominent in some views across the site, and exacerbates the impacts caused by the greater height

and scale of the building. The potential for a garage to be constructed to replace that which was approved but has been built as habitable accommodation would be a further urbanising impact of the development.

Looking at the building itself, the variances from the approved dwelling include a series of elevational changes including that the rear elevation has been built up to provide a flat roof dormer to create additional space for the second floor which is an incongruous feature on the dwelling, and that the design and position of the windows has been undertaken with a seemingly random mix of window styles, folding doors and patio style doors.

Taking the above matters into account it is considered that the dwelling is over large and dominant in the landscape not in keeping with the scale and design of other rural worker's dwellings in the area and as a consequence has a harmful impact on the character and appearance of the countryside. In addition to the conflict that this scale of the dwelling has with the scale requirements of Policy H6 as discussed above, it is also considered to conflict with Policy GD7 Criteria (d), (f), (h), (i), and (i) which require developments take account of the character and appearance of the local area. These refer to:

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

The scheme is also considered to be in conflict with Policy ENV1 of the Local Plan. This requires that development has regard to its visual impact within its landscape context and the landscape type in which it is situated. Criteria (a) to (e) of the policy require developments to conserve and enhance landscaped areas and features by introducing and strengthening landscaped buffers in order to limit a developments visual impact.

It is noted that the applicant has created two bunds from top soil scraped off the site during building works. However, these do not feature in the site plan which indicates some soft landscape planting around the boundary of the curtilage of the new dwelling. This landscaping refers to additional planting of Hawthorns, whilst this would provide some benefits a more varied mix of indigenous species would be expected to provide greater ecological benefits and planting should continue in other parts of the plot and not restricted to the boundaries.

As a consequence of the bunds and the lack of a suitable landscape plan it is considered that the proposal fails to comply with Policy ENV1 of the local plan and Paragraph 170 of the NPPF which sets out six criteria for the enhancement of the natural and local environment.

Neighbour relationships

Comments from neighbours have been received in regards to this application, several of which are referred to above.

Other responses refer to the loss of privacy and the impact of the development on a nearby

camping/caravan site. It is not clear on the authorised use of this site however, the occupation of caravans is not a residential use and any potential loss of privacy for visitors is not protected and not a material consideration in the determination of the application.

The application property is over 100 metres from the nearest dwelling and as such will not result in a detriment of amenity for the occupiers of neighbouring properties.

Accordingly the development complies with criterion c) of Policy GD7 which requires that amenity will not be adversely affected by neighbouring uses, both existing and proposed.

Highways

The access to the property is off Medlar Lane and whilst the domestic driveway that has been created is now closer to hedge on the west side from that previously approved access is taken from an existing access gate serving the agricultural building and the land.

LCC Highway Engineers have been consulted on the application and are of the opinion that the development will not have a detrimental impact on highway safety.

Accordingly the proposal is acceptable in regards to criterion q) of Policy GD7 in this regard.

Other Matters

The site is located in a rural area and so it is possible that there may be ecological implications arising from development. However, no ecological reports have been submitted with this application and so these issues have not been addressed.

Conclusions

This application is submitted as seeking planning permission for the erection of an agricultural worker's dwelling in the countryside as a revision to a planning permission for such a dwelling that was approved under reference 15/0507 in 2015. In fact, the applicant has not implemented that permission and it has now expired. A dwelling has been erected but this is a larger dwelling than was previously approved, which is in a different location to that approved, is in a much larger curtilage, and has a different appearance and layout.

The need for an agricultural worker's dwelling at the site was assessed as part of the determination of the 2015 application. In that case the professional views of the Lancashire County Land Agent were available and concluded that there wasn't an essential need for a dwelling in association with the applicant's business, that the dwelling was over-large for a rural worker, and that it could not be sustained by the agricultural activity that was taking place. The Planning Committee at the time disagreed with this advice and granted planning permission.

Irrespective of that history no information has been submitted with this current application which identifies a need for a worker to be on site and no justification has been submitted to support the increase in the scale of the property which has been built on site, the increase in its curtilage or the other changes. The application is therefore to be considered as for a new dwelling in the Countryside, and one that is unjustified and harmful to the rural character of the area.

The proposal conflicts with the aims of the National Planning Policy Framework to direct development to sustainable locations and to protect the intrinsic quality of rural areas, and to and

Policies GD4, ENV1, GD7 and H6 of the Fylde Local Plan to 2032. Accordingly, the application is recommended for refusal.

Recommendation

That Planning Permission be REFUSED for the following reasons:

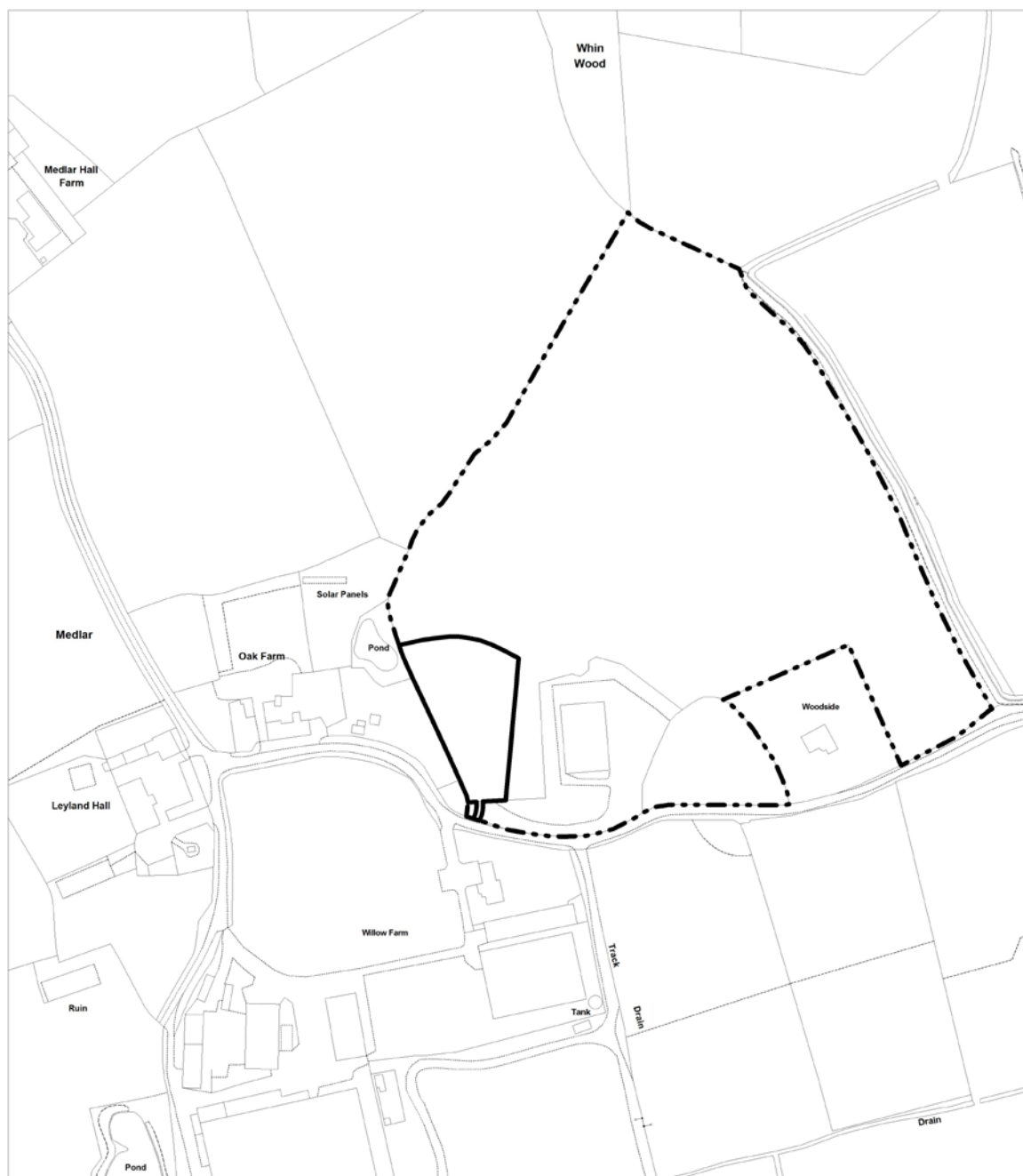
1. The application relates to the erection of a dwelling for a rural worker on a site in a countryside location allocated under Policy GD4 of the Fylde Local Plan to 2032. The application infers that the dwelling is justified in this location by an agricultural need.


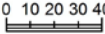
However, no justification has been put forward in this application to demonstrate such a need for a dwelling, let alone a building of the scale proposed, and it is considered that it is not essential to have a permanent full time presence on site to enable compliance with exemption e) of Policy GD4 as examined through Policy H6, or that any of the other exemptions in that Policy can apply.

The erection of an unsubstantiated dwelling in a Countryside location is harmful to the rural character of that location and to the development strategy as set out in the Fylde Local Plan to 2032. The proposal is contrary to Policy GD4, to all relevant elements of Policy H6 of the Fylde Local Plan to 2032, and to guidance in the National Planning Policy Framework.

2. The dwelling is located on an elevated area of land and as a consequence of its location, scale, design and extent of domestic curtilage results in a prominent development in a landscape that is characterised by its openness and long range views. As such the dwelling is visually prominent and harmful to the established character of the area,.

Accordingly the proposal is in conflict with Policy ENV1 and criteria d), h), i) and m) of Policy GD7 of the Fylde Local Plan to 2032 and to guidance in the National Planning Policy Framework with which these policies are consistent.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0749	Address Kiln House Farm, Medlar Lane, Wesham	Grid Ref. E.3419 : N.4355	Scale 0 10 20 30 40 m 

Item Number: 6

Committee Date: 06 November 2019

Application Reference:	19/0775	Type of Application:	Full Planning Permission
Applicant:	Defence Infrastructure Organisation	Agent :	Ian Bridge Consultancy (North) Limited
Location:	WEETON CAMP, SINGLETON ROAD, WEETON WITH PREESE, PRESTON, PR4 3JQ		
Proposal:	TWO STOREY EXTENSION TO EXISTING BARRACK BLOCK WITH SINGLE STOREY LINK CORRIDOR TO EXISTING.		
Ward:	STAINING AND WEETON	Parish:	Weeton with Preese
Weeks on Hand:	6	Case Officer:	Kieran Birch
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.8203729,-2.9302811,1077m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is Weeton Barracks which is a Ministry of Defence working site and home to the Duke of Lancaster's Regiment. The site is identified as being a Large Developed Site in the Countryside which is a specific allocation under Policy GD5 of the Fylde Local Plan to 2032. It sits within a wider rural landscape and is between the villages of Weeton to the south and Singleton to the north.

The proposal is for a two-storey extension to an existing barracks block. The block would be joined to the existing block by a single storey link corridor and then would form a two-storey brick extension which would provide accommodation for 18 officers. The form of development matches existing barrack blocks on the site.

The principle of the development is acceptable and in compliance with policy GD5 of the Fylde Local Plan to 2032. The position and scale of the building is such that will not be visible outside of the secure site but nonetheless the design of the proposed extension is appropriate for its context. There are no highways, drainage or ecology issues presented by the development and therefore it 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 Weeton Barracks which is a Ministry of Defence working site and home to the Duke of Lancaster's Regiment. The large site is located within the open countryside to the west of Singleton Road with its entrance approximately 1 mile from the settlement of Weeton to the south.

The proposed developments location is set within the site on an area of manicured grassland set between two existing accommodation blocks to the west of the guarded entrance to the site set behind significant tree planting. A large car park is located to the north and west of the site.

Details of Proposal

The development proposed is a two-storey extension with a hipped roof to an existing barrack block. The proposed extension will connect to the existing barrack block with a single storey link corridor. At ground floor the extension will provide 12 officers bedrooms, a utility room and a drying room. At first floor the accommodation will comprise six senior officer bedrooms with a sitting room to serve each, along with a utility room and a drying room.

The proposed extension has a footprint of 13m x 27.5m and the link corridor will measure 3.8m x 3.1m. The new extension roof, walls, windows and doors will all match the existing barrack block in material and finish. These comprise red clay brick with cement mortar pointing, upvc windows, and concrete interlocking tiles. Also proposed to the end elevation is a steel spiral staircase providing a means of escape from the upper floor.

Relevant Planning History

Application No.	Development	Decision	Date
18/0950	ADVERTISEMENT CONSENT FOR ONE EXTERNAL ILLUMINATED FREE STANDING SIGN	Granted	25/03/2019
13/0601	PROPOSED REPLACEMENT GUARD KIOSK AT CAMP ENTRANCE AND ASSOCIATED WIDENING OF ROADWAY AT BARRIER LOCATION	Granted	05/12/2013
13/0425	PROPOSED REDEVELOPMENT AND EXTENSION OF CHILDRENS PLAY AREA	Granted	02/09/2013
13/0265	ERECTION OF 7 X 6M COLUMNS TO PROVIDE LIGHTING TO EXISTING CAR PARK ON INKERMANN ROAD (RETROSPECTIVE)	Granted	11/06/2013

Relevant Planning Appeals History

None

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 30 September 2019 and comment:

Resolved to offer no objections.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed two storey extension to existing barrack block with single storey link corridor to existing 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.

Greater Manchester Ecology Unit

As you are aware the information submitted with the application includes a Preliminary Ecological Appraisal. This assessment has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. The ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey.

The survey found the site to have limited ecological value and there should be no ecological issues associated with the proposal.

United Utilities - Water

United Utilities have no comments to make on the application as none of their assets are within the red line boundary.

Neighbour Observations

Neighbours notified:	No Neighbour letters were sent as no neighbours are located within any reasonable proximity of the site.
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:

ENV2	Biodiversity
GD5	Large Developed Sites in the Countryside
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

Principle of the development

The application site is within Weeton Camp which is identified as being a large developed site in the countryside in the Fylde Local Plan to 2032. Policy GD5 applies to such sites and is generally related to the future re-development of the sites rather than their development for their current use. This Policy states:

The complete or partial redevelopment of these large developed sites in the countryside will be permitted subject to the following criteria:

- a) The proposal would not result in harm to the character, appearance or nature conservation value of land in the countryside, landscape setting, historic environment in comparison with the existing development, in terms of footprint, massing and height of the buildings;*
- b) The proposal will not require additional expenditure by public authorities in relation to infrastructure and it can safely be served by existing or proposed means of access and the local road network;*
- c) Proposals for partial re-development are put forward in the context of a comprehensive long term plan for the site as a whole;*
- d) Proposed re-development can be safely and adequately served by existing or proposed means of access and the local road network without adversely affecting highway safety;*
- e) Opportunities to improve public transport connections, and pedestrian and cycle links are maximised; and*
- f) Mixed use development is promoted on all of these sites.*

Notwithstanding the nature of this policy it remains the appropriate test for this application and so the compliance with the various elements of the policy is undertaken here, with the proposed extension to existing barrack block being acceptable in principle subject to the compliance with the above criteria.

Criteria a) relates to the design and visual impact of the proposal. The development proposed is for a two storey extension with a hipped roof in materials that match the existing accommodation block. The development sits comfortably within the existing site maintaining an appropriate gap with the building to the north leaving room for grassed areas and footpaths. The building itself is of the same character of existing ones on the site and uses an area of the site currently not used for any purpose. The proposed development will not be visible outside of the site due to the mature trees located to the east of the site. As such the development complies with criteria a) of GD5 and will not have an impact on the landscape character of the area.

Criteria b) requires the proposal to not require additional expenditure by public authorities in relation to infrastructure and that it can be safely be served by existing or proposed means of access and the local road network. The access to the secure site is unaffected by the development proposals and therefore the development complies with criteria b).

Criteria c) relates to proposed re-development which does not apply to this site as the proposed development is for the continuing but extended use of the site as a barracks.

Criteria d) relates to the development being safely and adequately served by existing access and the local road network without adversely affecting highway safety. LCC Highways have been consulted and confirm no objections and that the development will not have an impact on highways safety, capacity or amenity. There are therefore no highways issues with the application. Significant parking areas within the site already exist to provide for the increased capacity of the barracks.

Criteria e) relates to improving public transport connections which is not considered relevant for this application which is for accommodation on an existing site and is not for its re-development and finally criteria f) relates to mixed use development and again is not relevant in this instance as DIO sites have to be secure. There are currently a mix of uses on the site that serve the site's resident's needs.

Therefore the development accords with policy GD5 and can be considered acceptable in principle as well as being of an acceptable design and impact on the landscape and not raising any highways concerns.

Notwithstanding the allocation under Policy GD5 the Camp is also within an area washed over by the Countryside allocation under Policy GD4. This is generally restrictive of new development in countryside areas, but contains a series of exceptions to that restraint. One of these is '*d) development essentially needed for the continuation of an existing enterprise, facility or operation*' In that regard the development is intended to increase the capacity of accommodation on the site to support the return to the area of a garrison which is currently based overseas. This national defence requirement is a material planning consideration and provides a justification for the development under Policy GD4d as the provision of the additional accommodation is a key element of the continued operation of the Camp as a whole.

Ecology

The application has been submitted with an ecological appraisal by Pennine Ecological. This report outlines that the area of construction is entirely short mown amenity grassland. There were no protected plant species or uncommon species on the site. The species on site are common, highly artificial and widespread and as such are only of value to the site itself. Near to the site are two ponds both within 250m. The appraisal used a Habitat sustainability index to determine that the proposed development no risk to newts from site development. A small beech hedge is located directly adjacent to the building which will need to be removed to facilitate the extension. This supports small numbers of birds. Therefore it needs to be removed outside of breeding season unless checks are made prior to its removal. GMEU have considered the supported appraisal and agree with its findings stating that there should be no ecological issues associated with the proposal.

Drainage

The application has been submitted with a proposed drainage layout which shows that the development will connect to existing foul and surface water drainage within the site. United Utilities have no objections to the development. Therefore there are no drainage issues with the application.

Conclusions

The application is for a two storey barracks block forming bedrooms and living accommodation for 18 officers at the Weeton Barracks secure DIO site. The proposed development is considered to be acceptable in design and will not have a landscape impact on the visual amenities of the area, there are no highways, drainage and ecology issues and as such the development is acceptable in principle and can be supported.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 100b
- Existing Ground Floor – Drawing no. A100 REV P1
- Existing First Floor – Drawing no. A101 REV P1
- Existing Elevations – Drawing no. A102 REV P2
- Proposed Ground Floor – Drawing no. A103 REV P3
- Proposed First Floor – Drawing no. A104 3
- Proposed elevations – Drawing no. A105 REV P4
- Existing Site Plan – Drawing no. A117 REV P1
- Proposed Site Plan - Drawing no. A118 P1
- Existing drainage layout – Drawing no. A119 REV P1
- Proposed drainage layout – Drawing no. A120 REV P1

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

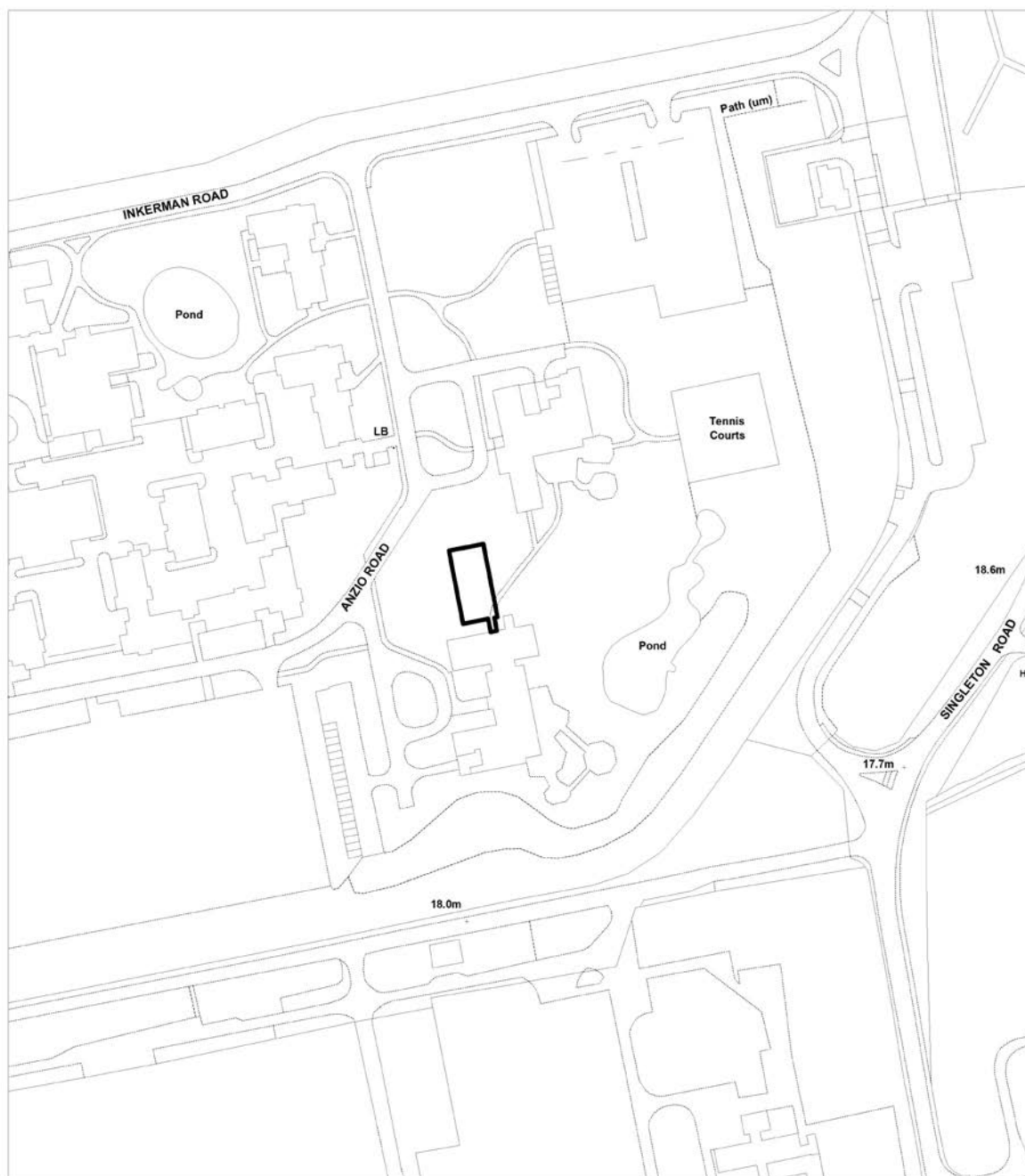
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework


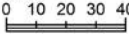
3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the application form and / or approved plans listed in condition 2 to this planning permission.

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

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



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Application No. 5/19/0775	Address Weeton Camp, Singleton Road, Weeton	Grid Ref. E.3385 : N.4364	Scale 0 10 20 30 40 m 

**Fylde Borough Council
Development Management Team,
Town Hall
St Annes Road East
St Annes, Lancashire,
FY8 1LW**

Tel 0300 123 6780
Email developeras@lancashire.gov.uk

Your ref 19/0642
Our ref 19/0642/FULL/DRW2
Date 24th October 2019

(FAO Kieran Birch)

Dear Sir

Application No: 19/0642, Full Application

Proposal: Erection of a two storey C2 Care Village with 205 bedrooms, communal lounge and dining areas, resident's library, cinema room and salon. Provision of 58 car parking spaces with new vehicular and pedestrian access. Associated landscaping and outdoor recreational areas.

Location: Valentines Kennels, Wildings Lane, Lytham St Annes

I refer to the above application and would like to thank you for the opportunity to comment on the highway and transport elements of the proposal.

Summary

With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures as set out within these comments are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered.

Background

Lancashire County Council as Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. The county council is also committed to reducing congestion and delay and improving highway links both locally and strategically. With this in mind the present and proposed traffic networks have been considered which are influenced by this proposal.

Phil Durnell

Director, Highways and Transport
Lancashire County Council

Cuerden Mill • Cuerden Way • Bamber Bridge • Preston • PR5 6BS

This letter represents LCC's Highways Development Support (DS) Teams statutory comments on the highway and transport aspects of this application. These comments consider all the highways and transportation information provided by the developer's Transport Consultant, SCP. The information provided includes a Transport Statement (TA) dated August 2019; Site Location Plan; Site Masterplan Layout and post submission an updated 'Site Access Plan' and a drawing detailing 'Proposed Interim Site Access Improvements to Wildings Lane'.

LCC Highways were consulted on 23rd August 2019 and provided a brief response on 5th September setting out that further information was required from the applicant in order for LCC Highways to provide a full, considered response. A subsequent meeting was held with the applicant and their Transport Consultant, SCP on 19th September.

LCC has previously provided comments in regard to a residential application on this site, PA No. 16/0903. That, now approved, application was for the construction of up to 53 dwellings. The current application is for a Care Village on the same land, formerly occupied by the Valentines Kennels site, off Wildings Lane. The centre of the proposed Care Village site is located over 200m to the north of the existing built environment. Wildings Lane, beyond the built environment, continues for approximately 350m, with dense verge to either side in parts and reducing to a track of approximately 2.5m in width. The lanes use has reduced over time and now is predominantly for access to fields and for local leisure purposes. The lane has no formal passing places. The site is surrounded by predominantly undeveloped agricultural land.

A large residential development (Kensington Developments, 1150 Dwellings) has been approved on land to the north, west and south of the site.

In addition, a residential development for 46 dwellings on land at Roseacre, off Wildings Lane, Planning Application 16/0061 has also been approved more recently.

Access to this Care Village site is from a priority junction with Wildings Lane, with access in the interim (prior to the Kensington site facilitating access from new approved highway infrastructure to the north) taken from the south via Heyhouses Lane.

It is important therefore that the access proposals are considered and shown to be acceptable in an interim scenario, prior to the completion of the Kensington development at Queensway, as well as the longer term scenario, whilst satisfying sustainable and accessibility requirements. In the longer term the approved wider development of the large Queensway site will see Wildings Lane restricted to through vehicular movements at a location south of this application site and therefore access to this Care Village would be from the north, via the highway infrastructure to be provided by the larger approved scheme.

The importance of the above direction, has been consistently set out in LCC responses to both the large Queensway site (at Public Inquiry) and in our responses to applications referred to above on sites at Valentines Kennels and Rosacre. This being that in regard to the Queensway development, LCC have been very clear that Wildings

Lane cannot be used to provide future vehicular access into any part of the Queensway site.

As part of LCC Highways response to application 16/0903 an interim site access and highway improvement layout was agreed in principle subject to detailed design. However, following further topographical survey work and site inspection with LCC's s278 officer, carried out in advance of this current application, the indication is that elements of the scheme agreed under application 16/0903 could not be delivered without the need for some retaining structures along sections of Wildings Lane. LCC would not wish to progress a scheme on this basis and as such the applicant has sought to provide an alternative access layout that is acceptable to LCC Highways.

The Proposed Access Strategy

Clearly, in the interim, the current Care Village application proposes that the development is accessed from Wildings Lane via Heyhouses Lane. In the longer term, when the Queensway site is built out and the prohibition of vehicular traffic on a section of Wildings Lane is enforced (in line with the masterplan for the approved Queensway residential planning permission) the proposal is that access will then be taken from the new East-West Link Road.

LCC have considered the application and the access requirements with regard to both the interim and long term scenarios to assess development impact and acceptability in highways and transport terms.

In our consultation response on the previous residential application site (PA 16/0903), LCC raised concerns that needed to be addressed and which remain applicable in considering this latest proposal, these included:

- the need for full consideration and assessment of how this development can come forward with due regard for the approved Queensway development, whereby Queensway is not disadvantaged in any way so that their ability to develop their site, as permitted, is not restricted by any approval;
- the implications and impacts if this development (Care Village) comes forward a) in advance, b) at the same time and c) behind the approved Queensway development.
- what the impact of this development would be on the role Wildings Lane was to play for sustainable movements from the Queensway site;
- do the proposals introduce uncertainty/risk in securing the prohibition of traffic on Wildings Lane in the future as required for the committed Queensway site;
- the need for full consideration and assessment of the impact of construction works/traffic on Wildings Lane; and
- full consideration for the mitigation and appropriate contributions required, consistent with other approved development in the area;

I consider the issue in regard to the future restriction to vehicular traffic on Wildings Lane presents less of an issue for the Care Village application. However, if the

prohibition for vehicular traffic on Wildings Lane is not delivered as intended, then the implications and impact on Wildings Lane as the key sustainable link from Queensway and also the junction with Heyhouses Lane, will be significantly greater.

Following discussion between the applicant of the previous residential application and Officers at Fylde it was agreed that this matter could be satisfactorily addressed through the legal documents associated with individual house purchases and through conditions attached to both the outline and subsequent Reserved Matters application for the site. A similar condition requiring that all residents of the Care Village are clearly made aware of the interim and long term access proposals prior to taking up residence is considered appropriate.

In regard to impact to sustainable users, I would note that Wildings Lane was set aside for use as a 3m wide high quality access for non-motorised sustainable modes to support sustainable development of the large Queensway development. It was also to serve as an emergency access route for the large site, which could ultimately deliver around 1000 dwellings. This facility is an important element in the overall sustainability of the approved Queensway development.

Highway Comments on the latest Site Access and Highway Improvement Proposals
I would note that LCC Highways undertook a site visit on 22nd September 2019.

Given the further topographical and site survey detail that indicates the previously approved scheme for the residential site (PA 16/0903) was not fully deliverable, an alternative highway access scheme was submitted by the applicant. There was no pre-application discussion with LCC Highways in advance of the submission.

The initial highway access proposals submitted by the applicant were not acceptable to LCC highways. A meeting was held with the applicant on 19th September and further information was provided by the applicant to support their access proposals, in an email dated 25th September. These proposals remained unacceptable to LCC Highways. LCC then responded by email setting out that there was a layout that was likely to be acceptable and outlining the general principles that should be incorporated into a scheme to be drawn up by SCP. Following this SCP provided a further update to the Wildings Lane Access Improvement Plan (with consideration for further topographical information and the Queensway approved Reserve Matters Layout Plan) in an email dated 4th October. LCC's response to this was that the plan confirmed that there was a scheme that can be delivered but there was still detail yet to be agreed. LCC then set out in detail in an email on 17th October the details that needed to be clarified / addressed and referenced on updated 'Site Access' and 'Wildings Lane Access Improvement' Drawings.

Latest Position

LCC Highways were presented with an amended 'Site Access Plan' (Drawing No. SCP/190428/F02 dated 21.10.2019, Note: further update sent on 23.10.2019, showing 2m service strip over full site frontage) a further 'Site Access Plan with Queensway Plan' (Drawing No. SCP/190428/F03, dated 22.10.2019) and a 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019) by email on 22nd October.

I have now reviewed all updated plans and site access improvement plans. The proposals within the latest plans will deliver a number of improvements. These latest Site Access Plans demonstrate:

- acceptable sightlines from the sight access;
- the site access is overlain on the approved Queensway Reserved Matters Masterplan layout (Drawing No. 1844.L.01, Revision K) to demonstrate that the proposals for the site access have fully taken into consideration the approved wider plans and the committed highway infrastructure and associated access points;
- the site access junction will be a raised table with street lighting;
- the extent of adopted Highway and proposed service strips (service strips to be dedicated as highway and to be 2m wide from the site red edge abutting Wildings Lane into the site along the full site frontage;
- the extent of adopted highway will include the site access turning head, built to adoptable standards;
- a build out on Wildings Lane to the north of the site access, with carriageway width reduced to 3.7m; and
- swept path analysis at the site access showing acceptable movements can be achieved for a large refuse vehicle;

The latest 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan demonstrates:

- the layout will utilise the full extents of the current adopted highway with the agreed carriageway to be a consistent 5m width with verges that will vary in width but to be a minimum of 0.5m on each side;
(Note: to be clear the plans and topographical information now provided indicate that subject to detailed design this carriageway layout can be constructed without the need for any retaining structures to this section of Wildings Lane, as previously stated LCC Highway would not accept a scheme that required retaining structures in this location)
- a carriageway crossfall of 1 in 30 from the centreline would be expected, all such matters will be agreed at technical approval stage;
- a build out on Wildings Lane at the southern end of the proposed 5m wide carriageway section (to the north of the Roseacre site access) – carriageway width to reduce to 3.7m to provide traffic calming/traffic management/speed reduction with associated signing etc.;
- Street lighting is required on the proposed section of 5m carriageway where there is no footway;
- hazard bollards markers are to be provided on each side of Wildings Lane as appropriate;
- the plan makes reference to the wider improvements now agreed to be delivered by this applicant that cover the length of Wildings Lane between Roseacre and Heyhouses Lane (in line with the scheme agreed previously for the extant residential outline approval on the Valentines kennels site and shown in Drawing SCP/14137/100, Revision C for that application);
(Note: Drawing SCP/14137/100, Revision C, sets out a potential interim arrangement in the section of the Roseacre access should this current

application be approved and come forward in advance of the Roseacre access scheme);

Road Safety Audit of access proposals

LCC wish to see a Stage 1 Road Safety Audit (RSA) carried out on the access plans that have been agreed in principle. The RSA should cover all works proposed over Wildings Lane from the north of the site access to the junction with Heyhouses Lane such that the RSA considers the overall scheme as a whole.

All agreed site access and off-site highway works would be expected to be delivered through a s278 agreement.

With consideration for the above, I consider and the latest 'Interim Site Access Improvements' layout presented to LCC Highways is acceptable 'in principle' in order to demonstrate that a safe and suitable access can be delivered. I would however expect that a number of changes may be necessary following the detailed design process.

Sustainable Transport

LCC has considered the impact of this development on sustainable users. The role Wilding Lane was to play as part of the wider development of the Queensway site has been carefully considered by LCC in reaching a conclusion in regard to this proposal and necessary mitigation to support sustainable movements.

Wildings Lane, from Jubilee Way to the site is currently a shared surface carriageway as there are no footpaths and from our adoption plans it would not be possible to provide a continuous footpath from Jubilee Way to the site. To reduce traffic speeds along Wildings Lane and in the interest of highway safety for pedestrians LCC Highway Development Control Section have previously recommended a junction improvement at Jubilee Way to change the priority at the junction and provide a speed reducing feature. I would acknowledge the latest layout plan submitted by the applicant has included this measure.

This number of sustainable movements has been considered in some detail and has informed LCC's requests for changes to the site access and highway improvement plan. Overall, with consideration for the latest proposed improvement scheme agreed 'in principle' on Wildings Lane and the associated access proposals, I am satisfied that the impact on sustainable users as a result of this development cannot be considered to fall under the NPPF descriptive criteria of a 'severe' impact.

Public Transport (PT)

The nearest PT stops are on Heyhouses Lane some 350m (westbound stop) and 470m (eastbound stop). However, I would note that bus stops to be provided as part of the wider Queensway residential development when delivered would be within 100m of the Care Village site access.

Public Rights of Way

The proposed development does not directly affect any public rights of way.

Construction Works and Construction Traffic

I would note that the narrow nature of Wildings Lane raises concerns in regard to construction traffic and safe operation / passing of large construction vehicles, interaction with sustainable users and potential issues that could require vehicles to reverse if not managed appropriately.

As such I consider conditions should be attached to any approval requiring a strong Construction Management Plan and a detailed Construction Method Statement covering how improvements to Wildings Lane will be constructed and how safe access will be managed. For example, it may be that at the construction stage there will be a requirement to provide passing places, at selected locations, that allow for HGV's to pass over a wider temporary carriageway than the 6.0m (2 x 0.5m verge plus 5m carriageway) proposed for the final layout.

The need for pilling/and or pre-loading is well documented on existing sites in this area and this should form part of the detailed consideration within a Construction Method Statement and Construction Management Plan. The submission and agreement of a strong Construction Management Plan (CMP) will help overcome or at least somewhat mitigate issues. The CMP will include for example no waiting/parking on the public highway for all site related vehicles; the site compound to accommodate all site related needs (including parking) it will also include any time restrictions for site access by vehicles, times of construction, details of site security, wheel cleaning and specific safety measures on the lane - whether to support deliveries or access.

The development proposals and associated ground conditions in this location would indicate the potential for a significant number of HGV movements during the construction phase. For this reason I would expect a Condition Survey to be a requirement, as a minimum, covering the existing Wildings from Heyhouses Lane to the northern extent of the site, prior to works commencing. The survey to be secured by Condition.

Comments on other elements of the submitted Transport Statement

The following section provides LCC Highways (Development Support Team) comments on other elements of the submitted Transport Statement (TS) for this major planning application.

Current Highway Conditions, Traffic Forecasts and Assessment

Highway officers are aware of existing conditions on the surrounding highway network, particularly on Queensway between Kilnhouse Lane and School Lane, and are working closely with developers to ensure that suitable infrastructure is secured to mitigate against impacts, whilst working within constraints of National Planning Policy Guidelines (NPPF).

However, I would note that the current traffic position is such that it may be difficult for the LHA to support further applications of a similar or greater scale in this location without delivery of the wider highway infrastructure improvements, pedestrian and cycle facilities and Public Transport services deemed necessary at the two public inquiries for the large residential strategic site (Queensway 1,150 dwellings).

Trip Rates / Trip Generation

The Trip rates presented in the TS are not unreasonable and are therefore acceptable.

The forecast trip generation is set out in Section 5.0 of the TS and provides a direct comparison with the forecast peak period traffic generation of the extant residential application.

In the AM peak the forecast two-way flow is 22 vehicles and in the PM peak the figure is 31 vehicles. The traffic flows forecast in the peak periods are lower than those forecast for the extant residential application, these being 31 and 35 vehicles in the AM and PM respectively. Overall, in the peak periods the proposed Care Village could be expected to generate approximately 80% of the traffic generated by the previous residential application.

However, I would note that daily trips could be expected to see a slight increase over the extant permission. Similarly, over the day, sustainable movements for the Care Home and Day Care facilities, including staff and visitors could be expected to increase over the extant residential permission.

Accident Analysis

I have reviewed Lancashire County Councils latest five year data base for Personal Injury Accidents (PIA). The data indicates there have not been any reported incidents along Wildings Lane or at the junction with Wildings Lane and Heyhouses Lane in the latest 5-year period available.

Internal Site Layout, Parking Standards/Parking Provision and SUDS

This is a full application. I would offer the following comments:

- The applicant has indicated on the agreed (in principle) plans the extents of what would be offered up for adoption at a Reserved Matters stage, this includes the site access turning head and a 2m service strip over the full site frontage. All areas to be adopted will require to comply to LCC adoptable standards;
- The masterplan indicates some tree/shrub planting along the site frontage with Wildings Lane, I would note that the LHA would not wish to take on significant maintenance issues created by the use of trees/planting both adjacent to and within the proposed adopted highway (in terms of root systems that may damage the carriageway and safety issues created by falling leaves). The provision of any trees, shrubs or plants must be agreed at the detailed design stage for their suitability, type and location. Planting will not be permitted where this would reduce visibility splays;

- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations;

Sustainable Urban Drainage Systems (SuDs)

LCC are now the Lead Local Flood Authority (LLFA), as such I would refer to the LCC Flood Risk Assessment Team detailed comments which will be provided under a separate response.

In general, LCC will seek to limit the use of culverts where alternative sustainable solutions can be found.

The application should consider the requirements likely to be asked for in support of a SuDs drainage scheme, if deemed necessary. These considerations may significantly affect the site layout/design to include for the likes of swales, storage ponds etc. to control run off rates in accordance with SuDs guidance.

Travel Planning

If the LPA were minded to approve this proposal then a Full Travel Plan and its implementation will be appropriate for this development proposal in due course. The Full Travel Plan should be secured by condition and when submitted will need to meet LCC's submission criteria and include:

- Contact details of a named Travel Plan Co-ordinator
- Results from travel survey
- Details of existing cycling, pedestrian and public transport infrastructure
- Details of the provision of cycle parking.
- Objectives
- SMART Targets for non-car modes of travel, taking into account the baseline data from the survey
- Action plan of measures to be introduced, and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

For a development of this size LCC Highways would request a contribution of £6,000 for Travel Plan Support.

Mitigation of Traffic Impacts – Section 278 Works and S106 Contributions

Section 278 Works

Section 278 agreements (s278) are appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with the highway improvements required by the development so that public funds are not used in the provision of these features).

It is expected that for development to be acceptable in highway and transport terms, works will be necessary and must be secured through a s278 Agreement.

The following works are to be delivered as part of a s278 Agreement, this being:

- The main site access junction off Wildings Lane and associated improvement works on Wildings Lane as agreed 'in principle' subject to detailed design (please refer to more detailed comments provided above on pages 4 to 6 under the heading 'Proposed Access Strategy') the following drawings:
 - (i) the site access junction on Wildings Lane (see Drawing No. SCP/190428/F02, dated 21.10.2019), and
 - (ii) a highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019)

Trigger point for delivery – prior to 1st occupation

Note: Delivering these s278 works may require a review, consultation and implementation of new/or changes to TROs; the full cost for these to be funded by the developer.

Planning Obligations (s106 Planning Contributions)

Planning Obligation requirements are expected to be applicable to development sites for which the LPA are minded to approve within this area.

LCC Highways consider the starting point for each developer should be to look at what was deemed necessary for the Queensway development with consideration for scale and impact.

LCC would request a funding contribution from the Care Village development towards the M55 to Heyhouses Link Road Scheme. The requested considers the scale of development and is based on a proportionate contribution (proportionate with the extant residential site and also the Kensington site) with regard to the scale of this application in comparison to these sites and the latest overall estimated scheme cost.

Therefore, based on a proportionate contribution the requested sum would equate to £360,000.

The applicant has been made aware of the the requested s106 funding. LCC Highway recognise that it is for the LPA to secure the appropriate level of funding through the planning process and that this must give consideration to a sites overall viability. Therefore the overall s106 request will be:

- **S106 Highways contribution towards M55 to Heyhouses Link, £360,000**
- **Funding for Travel Plan support, £6000**

Conclusion

With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures as set out within these comments are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered.

I hope the above is of assistance.

I attach below a list of suggested conditions that may be appropriate should the LPA be minded to grant approval.

Suggested Conditions:

- 1 No part of the development hereby approved shall commence until a scheme for the construction all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The site access and off-site highway works shall be completed before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority. The following schemes to be covered by this condition include:

- (i) the site access junction on Wildings Lane (see Drawing No. SCP/190428/F02, dated 21.10.2019), and
- (ii) a highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019)

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised).

- 2 Prior to the first occupation of any part of the development hereby approved, the access and off-site highway works set out in condition 1 should be constructed in accordance with the details approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of the

development, is submitted to and approved by the Local Planning Authority. The plan shall detail:

- i. how biodiversity would be protected throughout the construction period
- ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
- iii. the parking of vehicles of site operatives and visitors;
- iv. loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
- viii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- ix. a Management Plan to identify potential ground and water contaminants;
- x. details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- xi. a scheme to control noise during the construction phase,
- xii. the routing of construction vehicles and deliveries to site
- xiii. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures and including actions to be taken in the event that any dust control equipment employed on site fails;
- xiv. the timing of operations which shall confirm that no construction or associated vehicle movements will take place on Sundays or Bank Holidays or outside the hours of 0800-1800 Monday To Friday and 0800-1300 on Saturdays.

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with local Policy and the provisions of the NPPF.

- 4 There shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device within any visibility splay required to maintain safe operation for all users. The site access shall be constructed to provide a visibility splay of 2.4m x 43m and permanently maintained thereafter.

Reason: To ensure adequate visibility splays are maintained at all time.

- 5 The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Reasons: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

- 6 The car parking and manoeuvring scheme to be marked out in accordance with the approved plan, before occupation of the associated dwelling and permanently maintained thereafter.

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

- 7 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 in accordance with Policies of the Development Plan.

- 8 A Travel Plan must be developed and implemented, involving the preparation and submission of a Full Travel Plan in accordance with a timetable agreed in writing with the Local Planning Authority. All elements of the Full Travel Plan shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used, for a minimum of at least 5 years.

Reason: To ensure that the development provides and promotes sustainable transport options and alternatives to the private car.

- 9 No development shall take place until a Construction Method Statement for the construction and operation of the development, is submitted to and approved by the Local Planning Authority. The statement shall detail:
 - Details of proposals for temporary works on Wildings Lane necessary to allow safe access / passing for large construction traffic. To include local widening on Wildings Lane; and
 - Consideration for pre-loading and/or other construction methods on access roads and within the site.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site during the construction works.

- 10 Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Wildings Lane. A similar survey shall be carried out after six months and the final inspection within one month of the

completion of the development, and the developer shall make good any damage to Wildings Lane to return it to the pre-construction situation as required.

Reasons: To maintain the construction of Wildings Lane in the interest of highway safety.

- 11 The approved Kensington Development, Queensway 1,150 dwellings which surrounds this application site will result, in the future, with Wildings Lane being restricted for motorised through traffic. Therefore prior to the first occupation of any part of the development hereby approved details of the interim and future access for motorised vehicles will be passed to residents of the Care Village site within the welcome pack and also made clear within associated travel plan information.

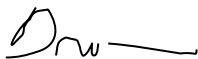
Reason: To ensure future residents of the proposed site fully understand the proposed interim and future access provision., with the long term access to be taken from the proposed East/West access road via a new signalised roundabout at Queensway/Kilnhouse Lane and/or the proposed M55 to Heyhouses Link Road.

The following informative notes should be added to any approval granted:

- a. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Lancashire County Council, Highways in the first instance, to ascertain the details of such an agreement and the information to be provided.
- b. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

I hope the above is of assistance.

Yours Faithfully



David Watson
Strategic Development, Lancashire County Council

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING & HOUSING	PLANNING COMMITTEE	6 NOVEMBER 2019	5
APPEAL AGAINST ADDITION OF PROPERTY TO THE LOCAL LIST OF HERITAGE ASSETS – WESHAM PARK HOSPITAL			

PUBLIC ITEM

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

SUMMARY

An appeal has been received following proposals to add Wesham Park Hospital, Derby Road, Wesham, the former Poor Law Institute, to the local list of heritage assets.

The full grounds of appeal are attached as appendix 2 but, in summary, the appeal was submitted on the grounds that:

- The original pavilion plan has been all but obscured/largely lost due to incremental change and loss over the course of the Site's history.
- It is notable that the Site has not (amongst other criteria) been considered of local interest due to its age or architectural merit.
- Looking purely at its architectural qualities, it is not a building worthy of national designation and neither is it a building of any particular note on a local level, when architecture alone is considered.
- The interest in the Site remains predominantly derived from its history and associations within the local context, which is something that can be referenced and celebrated on the Site without necessarily retaining the existing, much altered, buildings on it, through display and interpretation boards along with informed and considered redevelopment in the future.

The property was placed before an appeal panel for consideration on 19 September 2019 to consider the heritage merits of the asset and to recommend the asset is either added to the local list or is not added to the local list. Their report is attached as appendix 3.

Members are requested to consider the report of the appeal panel and determine whether the property should be added to the Local List.

RECOMMENDATIONS

1. That, subject to securing the recording of the building and the preservation of the memory of Wesham Park Hospital through interpretive public information on the site, including the use of existing features from the building, that Wesham Park Hospital is not added to the local list of heritage assets.

SUMMARY OF PREVIOUS DECISIONS

This particular asset has not been considered for inclusion on a Local List committee meeting agenda previously.

On **26 March 2014**, in line with the recommendation of the Policy Development Scrutiny Committee of **6 March 2014**, Cabinet resolved to:

1. Approve the consultation exercise as undertaken in respect of the [Heritage] Strategy and responses thereto

be noted and the incorporation of these into the final Strategy.

2. Recommend to Cabinet that the Strategy as presented be approved and thereafter be adopted as official Council Policy.

3. Recommend to the Cabinet that the Task and Finish group to remain in operation, for a period of no more than 12 months, to oversee the initial implementation of the Strategy, Action Plan and Work Plan and the setting up of the Heritage Forum.

A series of task and finish groups were held culminating in the adoption of the Built Heritage Strategy for Fylde 2015 – 2032 in **November 2015**.

On **20 January 2016**, the Development Management Committee was invited to appoint members to a working group, to be known as the Project Board in the delivery of the local listing of heritage assets.

Following consideration of this matter the Committee RESOLVED: to appoint Cllr Richard Redcliffe, Cllr Maxine Chew and Cllr Peter Collins to the working group.

On **8 March 2017**, Planning Committee RESOLVED TO approve the methodology and Protocol relating to the implementation of the project, the concept of protecting and recognising Groups of High Townscape Value, the scope for conservation area review and further potential designations and the locally listing of the first 'batch' of 10 buildings.

On **13 September 2017** Planning Committee RESOLVED TO approve the Groups of High Townscape Value in Ansdell, the scope for conservation area review and further potential designations and the locally listing of the second batch of locally listed buildings.

On **17 January 2018** Planning Committee RESOLVED TO approve the local listing of the third batch of locally listed buildings.

On **3 July 2019**, Planning Committee RESOLVED TO approve the local listing of a number of buildings in Kirkham, Wesham, Singleton and Freckleton as well as appointing Vice-Chairman, Councillor Richard Redcliffe and Councillors Ray Thomas and Heather Speak to form part of the Project Board.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. Members will note that consideration of adding Wesham Park Hospital to the Local List of Heritage Assets at the Planning Committee on 3 July 2019 was postponed pending consideration of an appeal to the listings appeal panel submitted on behalf of the property owner.
2. The appeal panel met on 19 September 2019 and discussed the architectural and historic merit of the asset using the Protocol document, the datasheet, photographs, and OS map provided. In order to ensure the independence of the appeals panel, no Fylde Council officers have been involved in the appeals process.
3. The report of the appeals panel in respect of the property is reproduced as appendix 3 to this report, but in summary the Panel found:
 - a. That the buildings have rarity value
 - b. Sufficient building format is retained to allow the original form of the buildings to be read

- c. The changes that have been made have not affected the overall character
 - d. The architecture is austere but not unbearable
 - e. Local listing would inform future development
4. In conclusion, the panel considered that the building meets three of the selection criteria for inclusion on the Local List (historic interest, group value and rarity), although they considered that the entry could have potentially been enhanced to add architectural merit to the listing.

Analysis

5. The buildings at Wesham Park Hospital have been considered by an independent appeal panel made up of members who were not involved in the original consideration of the buildings for inclusion in the list. The appeal panel considers that the buildings meet several of the selection criteria for inclusion on the local list and so members would ordinarily be recommended to add the buildings to the list.
6. However, before making such a decision, Members should be aware that the NHS are proposing to redevelop the Hospital Site in order to make way for housing and a local health centre.
7. The demolition of a building such as the hospital is regarded as permitted development under Class A of Part 31 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, prior to demolishing any buildings under this class, a developer must apply to the local planning authority *“for a determination as to whether the prior approval of the authority will be required to the method of demolition and any proposed restoration of the site”*. In order to facilitate the redevelopment of the hospital site, a prior determination submission relating to the demolition of the existing buildings has been submitted to the council for consideration.
8. The demolition submission proposes that, prior to the demolition of the building, an archaeological record of the buildings will be made, that the key features of the building will be preserved as part of the demolition and that they will be retained on site in order to form a memorial to the buildings and the historical importance of the site.
9. The appeals panel recognised that the addition of a building to the local list would not, in itself, prevent the future demolition of the building, but it would allow the heritage value of the building to be considered alongside any proposed redevelopment. Given that the building has been identified for inclusion on the local list primarily for its historical rather than architectural importance and as the other buildings that provide a group value (Superintendent’s house on Station Road and the Cottage Home on Moor Street) are now isolated from the site, it is considered that the recording of the building and the retention of key features to be incorporated into a memorial to the building and the historic use of the site would preserve the memory of the site and its local significance.
10. The legislation requires that, in the event that a local planning authority considers that prior approval is not required the demolition must be carried out in accordance with the submitted details. In the event that prior approval is required the demolition must be carried out in accordance with the details approved. As the applicant has included details of the method of demolition and preservation of key features in its application, they would be required to carry out the demolition in accordance with those details unless an alternative scheme is approved. Any future application for planning permission to redevelop the site for housing and/or a health centre would be able to consider any adjustments necessary to the approved scheme of restoration in order to facilitate the memorial features within the scheme.
11. Accordingly members are recommended not to add the buildings to the local list of heritage assets as the historic importance of the site can be preserved by alternative means. However, should members not agree with this recommendation and consider that the buildings are worthy of preservation, it would be necessary to serve an Article 4 direction on the site in order to remove permitted development rights relating to demolition of buildings.

IMPLICATIONS	
Finance	There are no direct financial implications arising from this report

Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Mark Evans	mark.evans@fylde.gov.uk 01253 658460	24/10/2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Appeal panel report	*****	Attached as appendix 1

Attached documents

1. Datasheet for Wesham Park Hospital
2. Grounds of Appeal
3. Report of Appeals Panel
4. Local List Protocol document

HISTORIC ASSET RECORD (HAR)

Template version 1.0

DATA SHEET

TITLE / ADDRESS Former Fylde Poor Law Institution, Derby Road (now NHS Wesham offices)			Asset number HA
<u>National Grid Reference</u>	<u>County</u> Lancashire	<u>District</u> Fylde	Ward HZ Wesham
Grade: Local			
Summary of Significance Former Fylde workhouse for housing the paupers of the Fylde parishes, opened in 1907			
Historic Asset Description <p>Former Fylde workhouse for housing the paupers of the Fylde parishes, opened in 1907. The Fylde Poor Law Union was formed on the 27 January 1837, overseen by an elected Board of 26 Guardians representing 24 constituent parishes. They initially took over the Kirkham workhouse on Back Lane (now Marsden Street - built c.1726, demolished c. 1960). New premises were built on Moor Street in 1843 (now the site of Kirkham Health Centre).</p> <p>A new workhouse was built in Wesham in 1903-7 designed on a pavilion plan by architects Charles S. Haywood and Fred Harrison of Accrington and Lytham. (Layout shown on 1911 OS map). All of the pavilions were linked to the administrative block by a covered corridor. Able bodied males and females were housed separately in two pavilions, and there was a separate pavilion for mothers and infants. There was a vagrants' block close to the entrance (now demolished). There was also a two-bedroomed cottage for married couples, and an infirmary block at the rear (now demolished). The opening was recorded in <i>The Builder</i> magazine.</p> <p>The site later became Wesham Park Hospital for the elderly. Much of the grounds have now been redeveloped for housing but the range of dormitory blocks and administrative buildings on the south of the site have been retained and remain in use as NHS offices.</p> <p>A range of two and three storey buildings, constructed from Accrington brick with stone dressings with a single storey linking corridor. Built by Sam Wilson of St. Annes. The former workhouse has group value with the remaining children's Cottage Home on Moor Street (Kirkham Health Centre) and the Superintendent's House (part of Pear Tree School) on Station Road.</p>			
			

Former administrative block for the workhouse

HISTORIC ASSET RECORD (HAR)

Template version 1.0



former female/mother and infant/infirmary blocks

Source: <http://www.workhouses.org.uk/Fylde/>

Criteria: Age [] Architectural merit [] Historic interest [x] Group value [x] Setting []
Rarity [x] Designed landscape [] Archaeological interest [] Landmark quality []

Comment: e.g. materials, features of particular note

The poor house was the only known facility in the Fylde suggesting that Kirkham and Wesham had high status in social provision at the time.

This site has strong group value with the Superintendent's house and the Home cottage properties in Kirkham

Any further comment e.g. recommend for national listing?

-

Date of expert panel decision 21/9/2018

Response to Local Listing Nomination

NHS Offices, Derby Rd, Wesham, Preston, PR4 3BL
(‘the Site’)

1. This note has been prepared by Heritage Collective on behalf of the National Health Service Property Services Ltd. (NHSPS). It draws on the ‘question and answer’ sheets, and accompanying correspondence, issued to the Fylde and Wyre Clinical Commissioning Group (who currently occupy the Site) from Fylde Council, dated 7 November 2017. It is worth noting here that the NHSPS owns the freehold to the building.
2. The purpose of the letter from Fylde Council was to inform the Client (NHSPS) that the sites on Derby Road, Wesham and Moor Street had been nominated for local listing in recognition of their ‘architectural and historic interest’.
3. This Note has been prepared in response to those letters. It is worth noting from the outset that Heritage Collective recognises that both sites are of some local heritage value. However, this Note does attempt to respond to the local listing ‘question and answer’ sheets to demonstrate that despite their local historical interest, they do not ultimately meet the standard for local designation.
4. Local listing does not affect the requirements for planning permission. Some buildings can be demolished without planning permission and local listing does not affect that.
5. Local listing does mean that the buildings in question would be considered non-designated heritage assets in line with the definition of ‘heritage asset’ as set out within the glossary of the National Planning Policy Framework (2018), which reads:

"A building, monument, site, place, area or landscape identified as having

a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."

Former Fylde Poor Law Institution, Derby Road

6. The Site is now the NHS Wesham offices. It is a large development dating to 1907 but much altered. The original pavilion plan is no longer immediately apparent due to most of the original hospital grounds having been redeveloped in recent years, for housing. Some of the original hospital development remains within the southern half of the original Site, including one of the original dormitory ranges and the administrative block.
7. The question and answer data sheet, prepared by Fylde Council, notes that this surviving hospital building is of group value with the remaining children's Cottage Home on Moor Street (located to the south-west – now Kirkham Health Centre) - more of which further on.
8. The Criteria for locally listing includes a building's ability to satisfy one or more of the following: age, architectural merit, historic interest, group value, setting, rarity, designed landscape, archaeological interest and landmark quality.
9. Fylde Council have determined that the Site in question is principally of local historic interest, of group value and a rare survival. It is notable that the Site has not (amongst other criteria) been considered of local interest due to its age or architectural merit.
10. The letter accompanying the question and answer sheet states that the Site has been nominated for local listing due to its 'architectural and historic interest' and therein lies the focus of this note. The letter does not state that the Site is under consideration due to its architectural or historic interest. According to the letter, the Site needs to be of both architectural and historic value and yet Fylde Council has not recognised the development on the Site as such.
11. Taking the Site in isolation, and looking purely at its architectural qualities, it is not a building worthy of national designation and neither is it a building of any particular note on a local level, when architecture alone is considered. The original

pavilion plan has been all but obscured/largely lost due to incremental change and loss over the course of the Site's history. It is a substantial development but not one of any notably architectural significance, which has clearly been recognised and accepted by Fylde Council.

12. The interest in the Site remains predominantly derived from its history and associations within the local context. This is something that can be referenced and celebrated on the Site without necessarily retaining the existing, much altered, buildings on it, through display and interpretation boards along with informed and considered redevelopment in the future.
13. Local listing does not provide any statutory controls over development but it does introduce a presumption in favour of retention (in the same way a conservation area does over buildings within it that make a positive contribution). Given the remaining, original, development on the Site has not been recognised or identified by Fylde Council to be of local architectural merit, then it seems sensible to suggest that local listing may not be the appropriate response and further consideration should be given to how the important aspects of the Site, namely its local historic interest could be celebrated in other ways that do not preclude future development on this land.

Former Cottage Home, Moor Street (Kirkham Health Centre – 'the Site')

14. This small group of 3no. semi-detached cottage homes date to 1913 and were constructed on the Site of the 1843 Fylde Union Workhouse.
15. Fylde Council recognise the Site to be of historic interest and of rarity owing to the fact that it is the 'last remaining of the Cottage Homes'¹, but far better

¹ The use of cottage homes for housing problem children was pioneered at an agricultural colony for delinquent boys at Mettray, near Paris, in the 1840s. The homes were organised on the basis of family groups and proved successful in providing remedial care for juvenile offenders. This idea was taken up by a number of organisations. They were typically built in rural locations and based around the idea of a village with small houses (set around a green or along a street) and each home would accommodate a 'family' between 12 and 30 children. Large cottage homes often included a school, workshops and a chapel. In addition, for Poor Law Unions, cottage homes offered pauper children an alternative to the physical conditions of workhouse accommodation. Between 1874-8 accommodation in a few specific cottage homes was reviewed at unions in West Derby, West Ham and Bolton. At the first two aforementioned sites the homes were erected on existing workhouse sites. At Bolton a more traditional approach was taken and comprised 4no. smaller houses accommodating 30 children and including a school, built around a central green. homes were established in

examples still survive elsewhere across England and Wales. It has also been identified of archaeological potential due to it being constructed on the site of the 1843 Fylde Union Workhouse, which was demolished in 1912.

16. Of the local listing criteria set out within the associated question and answer form, archaeological interest is not ticked and, as previously, neither is architectural merit.
17. The existing building on the Site is unexceptional and has been subject to change. It is a subservient and unremarkable building. It is of local historic interest insofar as it represents the site of the only known poor house facility in Fylde, which the Fylde Council identify as suggesting that Kirkham had 'a high status in social provision at the time'.
18. Similar to the now NHS Wesham Offices (discussed previously) it is not the bricks and mortar/fabric of the development on this Site that is of any particular interest, it is the local historic associations and, in this case, potential archaeological value. To locally list this building would be deceptive and ascribe a greater and disproportionate amount of aesthetic/architectural weight to the existing building than it is deserving of.
19. Recognition of this Site's local historic and archaeological value can be recorded and celebrated in many ways without the need to retain the associated, and unremarkable, existing development.

Summary

20. Heritage Collective acknowledges that both Sites under consideration for inclusion on the local list are of some heritage interest. However, that heritage interest is not derived, in this instance, from architectural qualities found in either of the buildings in question. In both cases, what local value there is in these two hospital Sites, is derived predominantly from local historic interest specific to the area and,

South Wales in the 1870s and these were followed in England by homes in Birmingham and London. Examples survive in a few locations around the country including Aston, Hornchurch, Elham, Stoke-on-Trent, Chipping Ongar and Sidcup.

in the case of the Cottage Home, archaeological potential through its construction on the site of the earlier Fylde Union Workhouse.

21. Heritage Collective consider that local designation, in this particular case, would not be a proportionate response and is of the view that the historic value in both Sites can be adequately celebrated without the need to retain the existing development, by way of interpretation boards and informed future development.

LOCAL LIST APPEAL PANEL DECISION REPORT

Asset: Poor law trio, Kirkham, Wesham

Panel meeting date: 19 September 2019

Comment on historic and architectural significance

Institute, Derby Rd

Distinctive architecture

Highly significant in Fylde as there was not a workhouse in other towns in this part of Lancashire

Axis format – horizontal corridor gives an ordered impression

Architects are Heywood & Harrison 1896 (dissolved 1908) Few surviving buildings including Accrington cottage hospital at Ramsbottom, bowling club at Accrington, Pavilion extensions at Lytham pier, Moss Side hospital at Westby with Plumpton, Free library at Darwen, Ansdell Rd North baptist church at Lytham St Annes

Grandiose offices at front

Coherent architecture across the site

The present car park area was large gardens serving the institute

The architecture is austere but not unbearable, there are softer elements including small roofs (Germanic style)

The building has rarity as most towns would have had a workhouse which has since been lost, most have become hospitals and later demolished when not suitable for modern standards

Although not decorative it is not austere and not purely utilitarian – the attention to detail suggests that the design ethos was to provide a visually interesting design. The non-decorative architectural features does not detract from the architectural interest

Changed windows and the additions have not affected the overall character

Selection Criteria met

Architectural interest should be included for the criteria of the Derby Road site.

Comment on appeal

Disagree with the comments that the Derby Road building has no architectural note on a local level. The former administrative block in particular, is a good quality, well designed example of Edwardian architecture.

Local listing does not 'preclude' future development, it informs it. Whilst local listing does not have the same statutory protection as listing, the NPPF directs decision makers to make an assessment of how a development might affect the significance of a non-designated heritage asset, and confirms that a balanced judgement is required having regard to the scale of any harm.

It is acknowledged that there may be better examples of surviving Cottage Homes elsewhere across England and Wales. However, this is a local listing process looking at buildings in a local area with local significance.

Conclusions

The architecture of the institute is typical for a poor house and alterations have not significantly altered the overall character of the asset.

The architecture of the Superintendent's house and its satellite building, and the cottage home similarly demonstrates the design principles of the original use; the alterations have not significantly altered the overall character of the asset.

Recommendation

to add the asset to the Local List of Heritage Assets

BUILT HERITAGE REVIEW 2016

THE PROTOCOL FOR IDENTIFYING HERITAGE ASSETS

Introduction

The Built Heritage Strategy for the Borough was adopted in November 2015, following extensive research and consultation. It is now fully updated and published, taking account of legislative changes and Historic England Practice Notes. It contains an extensive Action Plan, which describes a significant number of projects that will be implemented over the lifetime of the Strategy. One of the principal objectives of the Strategy is one of identifying, appreciating and protecting the built heritage of the Borough. There are various means of achieving this, including the national lists of buildings, conservation areas, historic parks and gardens, and archaeologically important sites. Planning policies to be contained within the emerging Local Plan set out how these historically important assets should be managed and protected.

The National Planning Policy Framework (NPPF) sets out the Governments planning policies, including those relating to the protection of heritage and the built environment. The NPPF advises that local authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. The Council's Built Heritage Strategy fulfils that ambition.

The NPPF advises that local heritage can be significant and go well beyond nationally designated assets. This is probably the case as much in Fylde as anywhere else. One means of identifying such heritage assets is through the compilation of a local list of buildings. This would be in addition to other means of protection such as conservation area designation. Historic England strongly supports local listing and has published guidance on how this might be achieved. Local listed buildings would not, by definition, be as important as those contained within the national list but, nonetheless, would be valued for their importance to the local area, perhaps being good examples of a particular national style or local building tradition. Historically important buildings may be appropriate for local listing in view of their particular associations with the locality, including socially important events, notable individuals or use of the particular building.

The Borough is fortunate in that it has a wealth of heritage assets and this is already recognised through current designations including nationally important buildings, parks and locally designated conservation areas.

Within the context of the Heritage Strategy, the production of a borough-wide local list of buildings was one of the suggested early projects. The Council, by way of its Development Management Committee, has now resolved to undertake this exercise. In reaching this decision, it accepted the generous offer of the Lytham St. Anne's Civic Society (LSACS), which offered to provide some complimentary funding to the Council's in houses resources, to expedite the delivery of the project.

As the activity and interest of the LSACS is primarily confined to the two coastal towns, of necessity it was then agreed that the focus of this work should initially be confined to these areas. However, it should be noted that a major part of the work is one of creating an appropriate system for selection, which can be used for identifying particular buildings in the general sense. The advantage of this initial part of the work is that once a system and process is agreed as to how buildings can be selected for the initial area, this allows for the same system to be used across the Borough as a whole.

The early stages of the project have involved considerable thought as to how the method of implementation of the project can be rolled out. To assist in the process, established methods of establishing the criteria by which buildings might be selected have been considered. This includes taking account of the advice of Historic England on local listing, through its publication 'Good Practice Guide for Local Heritage Listing'. This essentially lists the type of criteria that can be applied to identify heritage significance. It is, in fact, similar to that used in assessing whether particular buildings are appropriate for 'national listing'.

This document essentially sets out a narrative of the process that has emerged following discussion with individuals and groups who have been through the local listing process. In addition, the advice of Historic England has been reviewed and taken into account, particularly as regards the selection criteria, which is to be used in the process. However, it is clear from research that the process should be tailored to the individual circumstances of the locality in question. This is particularly important in assessing the issue of the 'quality bar', that is, the quality of buildings, due to their architectural or historic interest, that should be considered suitable for heritage protection. Fylde is fortunate that it contains a very extensive legacy of such buildings.

As a result, the local list of buildings will be selective and representative of particular types and styles of buildings. However, following due consideration, the scope of the review has been broadened from its original remit, which was aimed solely at assessing the scope for individual buildings. It is some time since there has been any review of the general built heritage of The Borough, including conservation area designations. Therefore, there seemed to be the potential for assessing the scope for built heritage protection on a basis that is broader than individual buildings. This will be outlined in the protocol.

Scope of the Review

In the context of the Built Heritage Strategy, the primary objective of the review is one of providing recognition and protection for the appropriate heritage assets that presently do not have such protection. As a result, the review will not, at this stage assess the scope for locally listed buildings within designated conservation areas since these buildings have the statutory protection of being within a designated area. The scope for assessing the value of individual or groups of buildings within conservation areas will be assessed when appraisals and management plans are prepared, which is also a specific action contained within the Built Heritage Strategy. However, within this specific review, the potential scope for conservation area extensions or new areas will be identified along with groups of buildings or buildings considered appropriate for 'local listing' – see below.

Project Board

The principal objective of the Project Board is one of overseeing the heritage review and ensuring the processes and procedures associated with it are applied in the correct way. It will also be a sounding board for discussing the progression of the review and making informed alterations to the way in which it operates, by for example, making the procedures more efficient. An important constituent part of the Project Board will be the inclusion of selected elected members (councillors) who can ensure that the remit granted by the parent Development Management Committee of the Council, is fulfilled. The Project Board will meet as and when required and will make the recommendations to the Council's Development Management Committee as the project progresses.

The Creation of Heritage Zones: Mapping

The first stage of the process has been one of creating a series of 'Heritage Zones'. This designation does not signify any particular status but is simply a way of sub-dividing the urban area of Lytham and St. Anne's into a series of zones that can be isolated due to their particular character. These areas or 'zones'

will then be the subject of assessment to ascertain whether they have specific buildings, groups or areas within, that justify recognition and protection for their heritage value. The particular zones may be identified for a number of reasons including:

- The street plan or layout of the area
- The type of building that gives the area a particular character e.g. the properties were built around the same time or have the same form or style
- The area has a recognisable identity and contained by defining features such as open space, roads or other edges
- The area has a defined 'centre' with a recognisable form of development that surrounds it
- Areas with a particular type of use supported by building form e.g. an industrial site
- Combinations of any of the above

Discounting

As a result of this 'mapping' exercise the two towns have been divided into zones and from that point some areas will have been discounted as having the potential to become Heritage Zones for a number of reasons, including:

- The defined area contains development that does meet heritage criteria e.g. the age of the development i.e. Post 1939.
- The type of development is of a form that would not qualify for heritage zone designation in view of its use and building typology e.g. industrial and employment sites
- The areas are presently protected for their present quality i.e. conservation areas, that will be the subject of a separate review
- The areas generally lack any specific significance and anything out of the ordinary.

A map of Lytham and St Anne's has been produced that identifies a number of Heritage Zones following this mapping exercise.

Heritage Zones Identified

The term 'Heritage Zone' does not imply that the defined area has, of itself, any particular value that will necessarily result in its recognition through some form of designation. This is rather a way of isolating zones that have the potential to contain buildings, groups or areas that have heritage value. The principal reason for the recognition of the zones is so that a more detailed assessment can be made that will identify such assets. The stages in that particular process will be considered later in the Protocol.

Range of Protection and Types

Some initial analysis work undertaken in the creation of this protocol and based on experience and knowledge of the area, strongly suggests that in fact there are three types of 'heritage asset' that are likely to result from this heritage review. These are summarised as follows.

Locally Listed Buildings or other Artefacts

As a result of an analysis of the particular Heritage Zone, the initial characterisation field work, based on the *selection criteria*, will identify buildings of particular note that can be considered candidates for local listing designation. In addition to 'buildings', historic structures or artefacts might be considered suitable for protection, in the same way as national listing can include features that would not normally be referred to as 'buildings'. To be eligible, locally designated listed buildings would be required to meet at least three of the selection criteria (Appendix 1).

Conservation Area designation

As a result of the analysis of the defined Heritage Zones, the quality of individual or groups of buildings may suggest that area based protection, in the form of a conservation area (or an extension to an existing area), might be appropriate, rather than locally 'list' numerous individual buildings. This conclusion would result from the initial characterisation study for each heritage zone where buildings are given a value. (See Characterisation below). The essence of a conservation area is that it has a particular identity as a 'place', of distinctive character where buildings enclose spaces in the form of streets or squares or form a setting for open spaces. To warrant conservation area designation, the area would need to have special architectural or historic interest. The initial characterisation work would identify areas as having the potential for designation and if this recommendation was accepted, then further detailed study should follow.

Groups of Buildings of High Townscape Value

In addition to conservation areas and potential locally listed buildings, the Borough often contains groups of buildings that have particular merit from a heritage perspective. Such groups, by definition would not be individual buildings but, perhaps a number clustered together in the form of a terrace or 'run'. As such these groups would not be appropriate for conservation area designation, but may be imposing or attractive in their own right and evocative of the stage of development associated with the locality - being good examples of a particular type or style of development. They would be required to make a significant contribution to the character of a street or location. Such buildings would be required to meet at least two of the selection criteria to be considered appropriate for the High Townscape designation.

Rapid Area Characterisation : Historic Overview

The heritage value of a particular location – and its buildings – will be determined by the characterisation study. Initially this will result from a rapid visual survey of the zone – hence the title Rapid Area Characterisation. However, prior to this undertaking, it will be appropriate to assess whether the zone in question contains any particular historic significance. This may be in view of its age, type of development, its use and layout, the origins and significance of particular streets or the area as a whole. There may be an element of significance deriving from the designer, architect or developer involved in its development. This aspect of research will draw out any historical significance, which will be in addition to the visual survey.

Rapid Area Characterisation : Visual Survey and Mapping and the Traffic Light System.

This aspect of the characterisation is essentially a visual survey of the area with the aim of mapping individual buildings (and any other features/artefacts), with the objective of assessing whether the buildings, individually or collectively are considered to have any special architectural or historic interest that would warrant their protection. This part of the process requires an on-site survey by 'walkabout', with a map. The means of recording the findings are based on a '*Traffic Light System*'.

Each property is 'scored' as either 'positive' (green) or 'neutral/negative' (red), based on an assessment of their quality by applying the Selection Criteria. Any buildings that appear to be of exceptional quality will be highlighted in yellow. This will be the first stage in the process of identifying potential local listed buildings, groups of buildings of High Townscape Value or as a potential Conservation Area, where there is a large concentration of important groups. As a general rule, buildings considered to be potentially listed should meet at least three of the Selection Criteria and those that may be amalgamated into groups or a conservation area, at least two of the criteria.

The field survey work will also allow for the boundaries of the Heritage Zone to be confirmed: namely that they reflect the appropriate boundaries for the Zone or, whether it needs minor adjustment to include buildings or land that naturally should form part of the Zone.

The Stage Following Rapid Characterisation

Following the site survey, a map will be produced highlighting the following:

- Any significant relevant aspects to the Heritage Zone that have been highlighted from the Historic Overview.
- Buildings considered to be 'positive' i.e. that have heritage value, to be coloured green on the base map.
- Buildings considered neutral or negative, to be coloured red on the base map.
- Particularly important buildings, which are likely candidates for local listing to be coloured yellow on the base map.
- As a result of this process, the map will indicate buildings to be 'put forward' for local listing, groups of buildings that are suitable for recognition as having High Townscape Value and identifying areas appropriate for potential conservation area status or, as an extension to a presently designated area, if appropriate.

LOCALLY LISTED BUILDINGS

Local Listed Buildings : Process for Designation

The potential for buildings to be locally listed will emerge from the area characterisation as described in the text. The initial field survey work will highlight particularly important buildings that will be described on a data sheet (see below) and placed before an expert panel. The Panel will consider candidate buildings and a recommendation will be made to the Project Board and subsequently to the Council's Development Management Committee, when a decision will be made. This will follow consultation with property owners and other interested parties.

Public nomination area by area basis

A major aspect of this heritage review is one of engaging the public thereby promoting an understanding and appreciation of the significant heritage value of the Borough. It follows that there should be an opportunity for the general public to input into the process. This would best be done on an area by area basis, when a particular 'Heritage Zone' was under consideration. The advantage of asking for building nominations in this way would ensure that the process would be set to a relatively short timescale; in other words, individuals nominating buildings would see a decision made on their suggestions quite quickly. In suggesting particular buildings, those nominating candidates would be required to explain their reasoning, based on the selection criteria that is applied. However, a simplified application form with a straightforward explanation of the criteria would be available so as not to discourage the public from participating in the overall project. The application form and explanatory note would be available 'on line'

Quality Bar Issue

As essential aspect of the listing of buildings will be one of verification. This part of the evaluation will be the responsibility of the Built Heritage Panel. For each of the candidate buildings a Data Sheet will be compiled by the case officer undertaking the field survey. This will be verified by the Regeneration and

Design Manager. The Data Sheet will contain the following information. (An example is given at Appendix 3).

- The location of the building, the name of the Heritage Zone and the Ward.
- A brief summary of the significance of the Building i.e. why it is important in respect of the Selection Criteria, which is set out at Appendix 1.
- A more detailed description for background outlining the architectural and or historic importance of the building (or artefact).
- Photographs of the building
- Selection Criteria Checklist. This will identify the particular criteria that the building identifies (a minimum of 3 for a locally listed building).

The Expert Panel

The process provides for the use of a panel of ‘experts’ that will be used to assess whether the buildings suggested for the List are justified. The principal aims of The Panel are as follows:

- To provide a forum for considered debate as to whether the building proposed meets with the criteria specified. This will ensure that the merits of the buildings and their potential for listing are provided with a critical appraisal, notwithstanding a recommendation to the panel.
- To provide for a mix of expertise including architectural, planning, historic analysis and an archaeological input, where appropriate.
- To provide checks and balances to maintain a consistent approach to selection.
- To provide a forum for Member involvement both to understand the process and oversee the work of the Panel.

It is proposed that the Panel will meet as required to consider a number of buildings at a time. The Panel should provide for a minimum of 4 members. The Panel, overall, will comprise of:

- An Architect with experience if historic building issues
- An Architect with specialist local knowledge of the area or able to research, as appropriate.
- A Town planner with Conservation Experience
- A Town planner with Urban Design Experience
- A local Historian
- An Archaeologist
- An elected Member(s) from the Project Board as observers.
- Members of the Development Management Committee and Ward Councillors will be notified of Panel meetings as a courtesy, which may include buildings within their area.

Procedure Following Draft Selection

Following due consideration by the Panel, owners of the buildings and interested parties will be notified of the *intention* to locally list the particular building, citing the reasons why and what the implications are. At this point anyone who wishes to make representations in respect of the proposed listing will have 21 days to make comments. If the owner, or interested party wishes to object they will be able to do so. However, an appeal could only be made on the grounds that the building in question does not meet the Selection Criteria. The reasons for objection should be couched in these terms and a standard form will be made available for this purpose.

Appeal against Local Listing

If an interested party wishes to object to a proposal to locally list a building, they will be required to set out the reasons why. The reasons for challenging the proposed listing should be on the grounds that the building in question does not meet the selection criteria that is used by Council. In other words, the appeal would be made on the basis that the Council and its advisors may have made an error of judgement or relied on facts that are unsound, which has led to its decision to list based on the architectural or historic significance attributed to the building. In such cases, the grounds for appeal should be clearly stated with evidence used, where appropriate to challenge that produced by the Council. It would not be sufficient simply to state that the building should not be listed and such an objection would not be treated as an appeal.

In the case of an appeal the matter will be considered by a conservation expert(s), who will take account of all of the matters that led to the conclusion of listing and then consider the reasons for objection. This will result in a recommendation to the Council's Planning Committee being made as to whether the appeal should succeed or not.

Planning Safeguards

Buildings that are locally listed would not automatically benefit from additional planning protection. As a result, it may be appropriate to consider the introduction of additional planning controls. This has been the case in some of the Borough's conservation areas. Proposals to demolish most buildings in a conservation area require planning permission. However, outside these areas planning permission is not required, rather, a simplified notification procedure of the intent to demolish. A planning authority may only object on certain grounds but this does not include reasons in respect of the architectural quality of the particular building. More recently, applications have been made to demolish buildings where the land owner may aspire to redevelop a particular site. Such applications could be made in respect of locally listed buildings or where buildings are considered to form part of a group having group value.

The means of preventing demolition would be by way of introducing an Article 4 Direction to prevent demolition, without first obtaining planning permission. The Council may consider the potential for issuing such directions when buildings or groups are first identified or on an 'emergency' hoc basis when consent applications are made to demolish. The 'emergency' provision would probably be necessary since the local authority only has a timeframe of 28 days in which to consider the demolition request.

Development Management Committee

Ultimately, it is the duty of the Council's Development Management Committee to determine whether a building is locally listed. This decision will take account of a recommendation on each candidate building, placed before Committee as a 'block'. An accompanying report will highlight all of the buildings, including those supported by the Panel and any recommendations made as a result of an appeal. The decision of the Development Management Committee will be final.

CONSERVATION AREAS

The review points to a system whereby a series of Heritage Zones are to be created. From this evaluation, a method of historical appraisal is undertaken to assess how the particular zone might be considered to have historic merit, perhaps due to the history of the development of the area, its layout, planning and pattern of uses. The historical appraisal will then be supplemented by the Rapid Characterisation survey, which is primarily engaged with assessing the architectural quality and integrity of the buildings within the zone. This combined study will isolate particular buildings of quality, but it may also lead to conclusions about the extent of building quality where they are grouped together within a discernible area that possesses a special architectural and historic character. In such cases, it

may be recommended that the particular Heritage Zone, or part of it, has the potential to be designated as a conservation area. It may also be the case that particular part of the zone adjoins an existing designated area and might form an appropriate extension.

In cases where conservation area designation has resulted from the review, a recommendation would be made that the Development Management Committee authorise a specific detailed review of the potential designated area and undertake the appropriate appraisal, in detail and bring this matter back to Committee for further assessment. The designation of conservation areas, where they are justified is a recognition of the special value of the area and a signal of the intent of the Council, as local planning authority, to safeguard its special character into the future.

Conservation Area designations or the alteration of boundaries would be defined locally but declared through national legislation. As such the Act provides for specific planning powers in these areas as well as the potential for justifying additional planning controls by way of Article 4 Directions or additional controls in respect of outdoor advertising.

GROUPS OF HIGH TOWNSCAPE VALUE

As outlined, the characterisation stage may well identify groups, comprising of a number of buildings (in special cases as few as two) which contain buildings of quality with at least two of the Selection criteria being met, in addition to the 'age' bar. Such groups would not readily fall into what might be considered an 'area', sufficient to be a candidate for conservation area designation. Nonetheless, such buildings will be seen as important, having significant heritage merit. It may be appropriate to consider additional planning controls in the case of particularly important groups. These groups would be identified and be taken into account in the determination of planning applications.

APPENDIX 1

THE SELECTION CRITERIA

AGE

The age of a building or other notable feature should be of a particular vintage so as to fit the definition of 'architectural or historic interest' – the two generally being taken together as a measure of the potential qualification.

Buildings, artefacts or other historic features dating from before 1939 unless there are some exceptional features of a particular building e.g. a unique example of its type and that satisfies all or most of the designation criteria.

ARCHITECTURAL MERIT

The value of a building as normally recognised by the public usually includes its visual qualities that support its form and scale and is related its purpose as designed. In the context of the Borough of Fylde – as is the case nationally – there are a number of 'styles' that are often evocative of the period in which they were commissioned and built. This factor is important as it can in turn be a reflection of

the development of a particular street, neighbourhood or settlement as a whole. Architectural merit can be further illustrated as follows.

STYLE

Individual buildings, groups or a street/area that are representative of a particular 'style' that was developed in an era e.g. in a philosophical sense e.g. Vernacular, Classical, Gothic or Modern. Within these broad definitions, particular styles associated with certain 'eras' e.g. Georgian, Victorian, Inter-War or Post war can be generally identified. Large areas of particular places may have been developed during certain of these eras. Beneath these broader descriptions particular 'styles' have been developed in response to fashion or as a response to a client's design brief – more recently as a requirement of planning authorities. These may include as examples, Neo Gothic, Classical, Arts and Crafts, Queen Anne, Moderne and Art Deco. These adapted styles can be evocative of important historical events or associated with the development of particular localities. Style will, therefore, be an important consideration alongside 'age'. A compendium will be produced that will assist in the identification of particular 'styles'.

UNIQUENESS

The purpose of recognising locally important heritage assets is one of acknowledging their relative significance as a part of the heritage value of the Borough. By using this criteria as a measure, in addition to other qualifying factors, it is likely that buildings and assets that are subsequently locally listed or otherwise protected (through conservation area status for example) are of special quality and not the commonplace. Many buildings, groups or larger areas may have other virtues rather than architectural or historic interest. Uniqueness is a value that will be a determining factor in assessing merit but this should not mean that buildings that have architectural or historic quality, which are not unique are not given the necessary protection. This is where group value or conservation area status may be a more appropriate means of giving certain buildings overall protection with particularly important buildings being identified through the conservation area appraisal.

INTEGRITY

It is assumed that for a building to be worthy of local listing it should have architectural integrity, that is it has completeness, being in a relatively pristine condition expressing its style and syntax (the way the building is put together) in a largely unaltered form. That is not to say that if the building has been altered in some way that it will automatically be seen as having no integrity. However, to meet the 'tests' of integrity it should be primarily in its original form and elevation with any alterations, that are not considered to be sympathetic to the original, being relatively modest when considered against the overall character of the building. The present condition of a building can also be important but as long as the building has overall integrity, such buildings can be reinstated or repaired.

ARCHITECTURAL FEATURES

Research has shown that buildings with a high degree of visual interest are usually more highly valued than those of a simple form. Buildings associated with particular periods of history are often associated with features, decoration or ornament that are evocative of certain building types. Some buildings contain a particular form i.e. symmetrical and have a particular rhythm, for example in the pattern and

proportion of window openings. Other important features can include roofs, chimneys, door cases, window detailing (fenestration), string courses, eaves detailing, bays, gables etc.

Materials are an important aspect of the analysis and potential significance of buildings or groups. This is the case as they may represent traditional forms of construction or locally sourced materials based on the geology of the area. Conversely, the material may have been mass produced from particular manufacturers at a point in time or the mixture of facing materials may be associated with a particular style of building. The material may have a technological relevance e.g. a pioneering use for construction or for its aesthetic value.

SETTING

In traditional areas of townscape, the location of buildings was often determined by its public significance, notably its level of visibility supported by its overall form and appearance. Buildings of public significance, such as places of worship or other community buildings, tended to occupy prominent locations as a centerpiece or were located to be visually prominent i.e. on street corners, set in their own grounds, or rose above buildings that surrounded them. This planning concept is often referred to as 'building hierarchy'. Buildings of this type tend towards being seen as having particular value because they are publically accessible or their setting is accompanied by a striking form and appearance. Buildings of this type are often referred to as having 'landmark quality' although scale and importance is a relative term and depends on the context in which such buildings may be located and how they relate to surrounding development. The setting of a building may be important as it forms part of a larger group. Setting may also be wider than being considered in a purely visual issue, for example where a building or feature might be related by association or theme to other buildings some distance away. In such cases the setting may be considered to be much broader.

GROUP VALUE

All buildings have a particular setting and apart from those in isolation (which would have a landscape setting) each one will relate to neighbouring buildings. That might be as a cluster, a terrace, a street, neighbourhood, district, town etc. Such a context can be applied at a variety of scales. In considering 'Group value' the importance of buildings can be as a result of a variety of factors.

DETACHED AND SEMI DETACHED PROPERTIES

Significance may be derived by the fact that the single building forms part of a purpose built architectural composition. This could be a series of detached properties designed as a group by one developer, to a particular form and style or, as a pair (or grouping of pairs), each designed as a single architectural composition, e.g., to a symmetrical design. The setting of the group, to a building line or within frontage landscaping may add to the significance of the particular group value.

TERRACES : UNITY

The importance of a building may be the fact that it sits within a group or terrace of similar properties designed as a single composition where each component part of the terrace shares almost identical features that binds it together. In such cases, the terrace should be complete to a high degree with the key features remaining for example, roofline, specific features such as the rhythm of windows, storey

heights, materials, chimneys, decoration and ornament, fenestration and door cases. Frontage landscaping and external but unifying features including boundary walls may be important.

TERRACES : ADAPTIVE - VARIETY WITHIN UNITY

In certain situations, the importance of a terrace may be the fact that it has developed not as single composition, by one commission, but as a series of individual component parts (Adaptive). Nonetheless, in some cases the overall terrace may have significant value as a group because the individual elements of the terrace nonetheless share common characteristics that appears to give it a coherent and cohesive appearance. The terrace may have variety but overall, it has a defined unity. The unity may be the result of a number of factors that could include a common theme such as the width of plot frontage, the verticality of expression by way of window openings, fenestration, and a similarity of other features such as fascia depth, roof slope, materials, the scale and proportion of architectural elements. There is a fine balance involved where this unity is apparent. Where terraces have been altered in an inappropriate fashion, the unity is often disrupted, which devalues the principle.

SETTING

The setting of terraces is often an important feature in a particular street scene, neighbourhood or, town. It will be important to recognise the value of individual buildings with a terrace and the role they play in the general character of the terrace. The value may be enhanced where the terrace itself benefits from a particular setting e.g. fronting gardens or open space. In such cases particular aspects of the setting may accentuate particular features such as the skyline, roofscape, and the symmetry of the terrace or defining features.

HISTORICAL INTEREST

The historic interest of a building may be expressed through its particular style or its importance in relation to the economic, social, environmental or cultural circumstances of the time. Historical interest may also be relevant in the context of:

- A building artefact or other feature (asset) that has strong associations with notable individuals or events.
- An asset that is important for its community associations – e.g. public building used for civic use or entertainment or market cross.
- A building or group of buildings that are important in the development of a particular place or are a good example of town planning.
- An asset that is important overall in the development of a location or in connection with an important feature of an area.
- As asset that is a good example of a particular type of development tied to a notable historical period of development.

ARCHAEOLOGY

An asset that important as it demonstrates the evolution of human activity based on the development of a particular feature, building or locality. This might include a site that contains remnants of previous development, processes and will potentially reveal information about past activity.

DESIGNED LANDSCAPES

An open space, park or garden that has historic or landscape significance. These could include:

- An asset that was designed by a notable designer.
- A landscape asset that is representational of a particular landscape style.
- A landscape that is considered important as an integral part of the development of a notable building, site or town

RARITY

The issue of rarity is a part of the process that will follow on from the evaluation of a locality through field evaluation.

It might be the case that if a building or asset is rare, having attributes that meet the criteria as set out, then its significance will be all the more pronounced. On the other hand, many buildings that are typical of an area may nonetheless, have significance. The field evaluation will identify the importance of rarity as the study progresses.

APPENDIX 2

FAIRHAVEN : HERITAGE ZONE 1

Introduction

Fairhaven is the pilot study area for testing the methodology, which can subsequently rolled out over the Borough. The objective is one of identifying the potential for local listed buildings, Groups of High Townscape Value and any conservation area potential within the zone.

Discounting

The whole of the Lytham St Annes has been reviewed by field survey, local knowledge and utilising the Lancashire Extensive Urban Study, which aims to discount areas of development that could not be regarded as having heritage value. These areas of development effectively postdate 1945, although it is possible that there could be some buildings of heritage value albeit sitting within these later areas of development.

Formation of Zones

Once the areas of discounted development are taken into account the remaining areas are deemed as having potential heritage interest. The objective is then one of characterising them into definable areas or zones which tend to have a particular character. The zone might have particular defining features such as edges (major roads, railways, open spaces, seafront etc.) or a specific character that distinguishes it from another area. It may, for example, have a particular street pattern, type of development, form of enclosure e.g. street width and building height, style of building, land uses or having a particular ambience.

It should be noted that the term Heritage Zone does not imply that it necessarily has heritage value in whole or part. This descriptions rather a definition and means of identification of the particular study area for the means of identifying any heritage assets it possesses.

The Fairhaven Heritage Zone

This zone is shown on the Map and is defined quite clearly as a distinctive area with firm edges Fairhaven Lake/Inner Promenade, King Edward fields, the railway line and Ansdell Road South.

Historical Overview

Research undertaken as part of the Heritage Lottery Bid for Fairhaven Lake identified that Fairhaven as a whole was a purpose built planned suburb/resort containing a marine lake, hotel, community facilities and recreational provision. It developed to a grid iron pattern with the Inner Promenade as a coastal road to accommodate building plots that would command views over the lake and associated parkland. The suburb was planned from the turn of the twentieth century and development commenced soon after. During the early 1920's, the noteworthy landscape architects and town planners Thomas Mawson and Sons were commissioned to undertake a review of the site – and adjoining land alongside Inner Promenade – to include a significant expansion of the lake, its parkland and recreational facilities. The outer promenade was an initial part of the overall scheme, designed as a 'marine drive', originally planned to link with St. Annes. The residential frontage fringing the lake was, in fact, developed later and contains inter and postwar development. Nonetheless this is important as it was designed as an integral part of the Fairhaven development.

Rapid Characterisation

A field study has been undertaken by mapping each property within the defined zone on a street by street basis. Using the *Selection Criteria* each building. The traffic light system has been used has been identified as 'Red' – Buildings of no architectural or historic interest based on the criteria, 'Yellow' – buildings of quality and having the potential to be locally listed and 'Green', Buildings collectively forming groups with architectural or historic interest.

Building Assessment

As a result of the characterisation field study and detailed assessment of the Selection Criteria, a number of buildings have been identified that are considered significant enough to be individually locally listed. These tend to be those of high public significance as community assets or of particular historic merit. These buildings are the subject of a more detailed assessment. The characterization stage has also identified a number of buildings identified in green. These buildings have then been reappraised to ascertain as to whether they fall into the description of Groups of High Townscape Value. In assessing the scope for such groupings the individual quality of buildings is important – each one should meet at least two of the Selection Criteria. However, the collective importance is of great relevance and in this regard the relationship of the buildings to each other as a group is important e.g. form, building line, style, materials, roofline, boundary walls, consistent architectural features, trees and landscaping. In the case of Fairhaven, the historic importance of the lake is important as a site, as outlined in the historic overview, above.

In the case of potential locally listed buildings, each candidate will be considered in more detail through the provision of a Data Sheet which contains a full description of the building identifying why in particular it is considered suitable for local listing. Each building will then be considered by the Expert Buildings Review Panel.

Evaluation

Following the process undertaken, the following conclusions can be drawn.

1. That the Fairhaven Zone is generally of historic interest as it was designed as a purpose built coastal resort complete with lake, residential and community buildings and recreational provision.
2. The street pattern is of interest in general terms but the characterization points to many of the frontage buildings being of mediocre quality or have been the subject of significant alteration such that they would not meet the criteria for local listing. In general the area as a whole would not therefore be a candidate for conservation area designation.
3. However, the frontage area to the lake (and the lake itself) can be considered to be historically and architecturally significant and the lake frontage and its setting and were an important feature of the development of the area.
4. Notwithstanding the lack of architectural or historic interest of much of the development, the characterisation study has identified a number of building groups of particular interest.
5. There are a number of individual buildings that appear to be worthy candidates for local listing, in particular, these with community significance.

Conclusion and Recommendations

1. That the buildings shown on the Heritage Zone Map be considered appropriate for Local Listing and that additional Planning control measures are considered as appropriate.
2. That the area shown be the subject of more detailed consideration for potential designation as a conservation area – designated as an area of special architectural and historic importance. In this respect, a full appraisal be carried out and public engagement be an important part of the process.
3. That the buildings shown as specific groups (G1, G2 etc.) be designated as Groups of High Townscape Value and following further consideration additional planning control measures be considered as appropriate
4. Ratification is required by the Project Board and Fylde Council's Development Management Committee.

APPENDIX 3 : DATA SHEET EXAMPLE

Appeal Decisions

The council received decisions on the following appeals between the dates of 27 September 2019 and 25 October 2019. The decision notices are appended to this report.

Rec No: 1 28 May 2019	18/0136	MERLEWOOD CARAVAN PARK, CARTFORD LANE, LITTLE ECCLESTON WITH LARBECK, PRESTON, PR3 0YP REMOVAL OF CONDITION 1 ON PLANNING APPLICATION 3/7/527 TO ALLOW USE OF LAND AS A CARAVAN SITE FOR 140 CARAVANS WITH UNRESTRICTED OCCUPANCY RIGHTS	Informal Hearing Case Officer: RT
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Fylde Dec. Level Appeal Decision:	DEL Allowed: 24 October 2019
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Rec No: 2 24 May 2019	18/0317	176 ST LEONARDS ROAD EAST, LYTHAM ST ANNES, FY8 2HL RETROSPECTIVE APPLICATION FOR RAISING OF PERIMETER WALL AND INSTALLATION OF INFILL FENCE PANELS BETWEEN BRICK PIERS TO AN OVERALL HEIGHT OF 1.9 METRES TO BOUNDARIES WITH ST LEONARD'S ROAD EAST AND DORSET ROAD	Written Representations Case Officer: AS
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Fylde Dec. Level Appeal Decision:	DEL Allowed: 08 October 2019
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Rec No: 3 24 June 2019	19/0049	SMITHY FARM, FLEETWOOD ROAD, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HJ CHANGE OF USE OF RESIDENTIAL ANNEX TO CREATE A SEPARATE, INDEPENDENTLY OCCUPIED DWELLINGHOUSE (USE CLASS C3)	Written Representations Case Officer: AP
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Fylde Dec. Level Appeal Decision:	DEL Allowed: 07 October 2019
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Rec No: 4 02 September 2019	19/0134	MANOR HOUSE FARM, BALLAM ROAD, WESTBY WITH PLUMPTONS, LYTHAM ST ANNES, FY8 4NL SINGLE STOREY DETACHED GARAGE TO FRONT OF DWELLING	Householder Appeal Case Officer: AP
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Fylde Dec. Level Appeal Decision:	DEL Allowed: 24 October 2019
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Rec No: 5 05 July 2019	19/0079	BANK HOUSE, 9 DICCONSON TERRACE, LYTHAM ST ANNES, FY8 5JY ENFORCEMENT APPEAL AGAINST ENFORCEMENT NOTICE SERVED ON THE ERECTION OF A CANOPY FRAME ENCLOSING THE FORECOURT WITH A RETRACTABLE ROOF	Enforcement Written Reps Case Officer: KLH
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Fylde Dec. Level Appeal Decision:	DEL Dismiss: 23 October 2019
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Rec No: 6

05 July 2019

19/0575

62A CLIFTON STREET, LYTHAM ST ANNES, FY8 5EW

Enforcement

Written Reps

Case Officer: KLH

APPEAL AGAINST ENFORCEMENT NOTICE SERVED ON
THE ERECTION OF A TIMBER FRAMED CANOPY TO THE
FRONT ELEVATION

Fylde Dec. Level

Appeal Decision: Dismiss: 23 October 2019



Appeal Decision

Hearing Held on 24 September 2019

Site visit made on 24 September 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th October 2019

Appeal Ref: APP/M2325/W/18/3216891

Merlewood Country Park, Cartford Lane, Little Eccleston, Lancashire, PR3 0YP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by M W Estates Limited against the decision of Fylde Borough Council.
 - The application Ref 18/0136, dated 7 February 2018, was refused by notice dated 24 May 2018.
 - The application sought planning permission for a site for caravan trailers without complying with a condition attached to planning permission Ref 3/7/527, dated 2 February 1952.
 - The condition in dispute is No 1 which states that:
(1) The use of the land as a caravan camping site shall be restricted to the period between 1st March and 31st October each year.
 - The reason given for the condition is:
(1) In order to confine activity to the holiday season.
-

Decision

1. The appeal is allowed and planning permission is granted for a site for caravan trailers at Merlewood Country Park, Cartford Lane, Little Eccleston, Lancashire, PR3 0YP in accordance with the application Ref 18/0136 dated 7 February 2018, without compliance with condition numbers 1-8 previously imposed on planning permission Ref 3/7/527, dated 2 February 1952, but otherwise subject to the following condition:
 - 1) No more than 82 caravans shall be placed on the site at any time.

Background and Procedural Matters

2. The appeal site was granted permission for the siting of 140 caravans in 1952 under planning permission Ref 3/7/527. That permission was subsequently varied by applications Ref 98/0586 (granted on 7 October 1998) and Ref 14/0022 (granted on 3 March 2014). A further Lawful Development Certificate (Ref 17/0060) was granted on 31 March 2017 which sets out the lawful use of the site having regard to the previous permissions. This confirms that unrestricted occupancy of the site is allowed from 1 March to 31 October in any year, with only holiday use permitted outside of these dates.

3. The Council state that the subsequent approvals have superseded permission Ref 3/7/527, and that the correct approach would therefore have been to seek the removal of conditions 2 and 3 of planning permission Ref 14/0022. However, those variations related solely to restrictions on the occupancy of the caravans, and they do not physically prevent a reversion to the original permission. Should the appeal succeed, a new free standing permission would be created and the original permission (and all other extant permissions) would remain unaltered. The new permission could then be implemented separately from any existing permission on the site. Moreover, the approach suggested by the Council is not what has been applied for by the appellants and it is therefore not before me.
4. The Council adopted the Fylde Local Plan to 2032 on 22 October 2018, after its refusal of planning permission. This replaces the previous Fylde Borough Local Plan (As Altered) (2005) which is referred to in the Decision Notice. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision.

Main Issues

5. The main issues are whether removing the disputed condition would result in:
 - (a) An appropriate form of development in the countryside;
 - (b) A need for the provision of affordable housing; and
 - (c) A need for the provision of open space.

Reasons

Development in the countryside

6. The appeal site is located in the countryside for the purposes of Policy GD4 of the Fylde Local Plan to 2032. This policy seeks to limit development in the countryside to a narrow range of exceptions that are considered appropriate in rural areas. At the hearing, the appellant acknowledged that the development would not meet any of the exceptions set out in Policy GD4. It would therefore be in conflict with this policy.
7. The appeal site is located in the village of Little Eccleston, which is not identified in the Settlement Hierarchy under Policy S1 of the Fylde Local Plan to 2032. In this regard, Policy S1 states that within the rural areas, development will be restricted to identified 'Tier 1' and 'Tier 2' rural settlements, except where development is allowed by other Local Plan policies. Policy DLF1 further seeks to direct the majority of future growth to four strategic locations, with other development mainly being located in identified 'Tier 1' and 'Tier 2' rural settlements. As the appeal site falls outside of these settlements, it would also be in conflict with policies S1 and DLF1.
8. Little Eccleston is located close to the boundary between Fylde Borough and Wyre District. In this regard, the settlement of Great Eccleston is located approximately 1 kilometre away within Wyre District. This settlement contains a number of services and facilities, including shops, a health centre, and bus services to Lytham, Blackpool, Lancaster, and Preston. It also emerged at the hearing that there is currently a pending outline application in Wyre (Ref 19/00860/OULMAJ) for the erection of up to 350 dwellings, 1 hectare of employment land, a medical centre, a school, a village hall, and a convenience

store. That site is located to the west of Great Eccleston in walking distance of the appeal site, and forms part of a wider allocation for 568 dwellings under Policy SA3 of the Wyre Local Plan (2019). Policy SA3 also requires that this allocation provide a local convenience store, village hall, health centre, and areas of public open space.

9. Great Eccleston and the nearby allocation are outside of the Borough of Fylde and are therefore not reflected in the Settlement Hierarchy under Policy S1. However, the appeal site is readily accessible to existing services, facilities, and public transport connections in Great Eccleston, as well as to those proposed in the nearby allocation. Whilst parts of Cartford Lane do not have a pedestrian footway, there is street lighting between the appeal site and the junction with Blackpool Old Road. Moreover, Cartford Lane is relatively lightly trafficked and it is used by existing residents to access services and facilities in Great Eccleston. It provides a reasonable pedestrian route in this regard. In view of these circumstances, I consider that the appeal site is in a relatively accessible location.
10. At the hearing a condition was proposed by the appellant that would limit the number of caravans that could occupy the site to 82. In the context of a total Local Plan housing requirement of 8,715 homes, I do not consider that this would be of a scale that would undermine the distribution of development envisaged in the Local Plan. In any case, I note that the figure of 8,715 homes is a minimum requirement.
11. Separately, it is common ground that the proposal would not result in any harm to the character and appearance of the surrounding countryside, as the appeal site is already operating as a caravan park.
12. However, as set out above, the appeal site is designated as being within the countryside outside of any identified settlement, and the proposal therefore conflicts with Policies GD4, S1, and DLF1 of the Fylde Local Plan to 2032 (2018). I return to this matter in my overall balance and conclusion below.

Affordable housing

13. Policy H4 of the Fylde Local Plan requires that new market housing schemes of 10 or more dwellings provide 30% affordable housing, subject to viability. This policy states that where park home developments are proposed, contributions towards off-site provision of affordable housing will be sought.
14. At present, caravans stationed on the site can be occupied without restriction for 8 months of the year. The appellant states that this allows residents who live abroad/elsewhere during the winter months to occupy one of the caravans as their main residence for the rest of the year. However, only 1 caravan on the site was registered as a main residence for Council Tax purposes on 11 June 2019, and very few of the caravans have historically been registered for Council Tax. Whilst the actual number of caravans occupied in this way could be higher, there is no information before me to confirm this. Moreover, the existing caravans are relatively small and tightly spaced and it is unclear how attractive they would be for use as a main residence were this to be actively encouraged.
15. The appellant states that they could pursue a lower density park home development under the existing permission that could be occupied for

residential purposes for 8 months of the year. However, it is unclear from the information before me how much demand for this there would be. In this regard, I note that no comparative data from other sites operating on this basis has been provided, and the submitted evidence of demand is largely anecdotal. Based on the information before me, I am not persuaded that there is a realistic prospect that a park home development would be pursued under the existing restrictions that was not predominantly for holiday purposes. Accordingly, an affordable housing contribution is required in this case, in accordance with Policy H4.

16. The submitted Unilateral Undertaking (UU) includes an offsite affordable housing contribution of £15,077 per single unit and £22,881 per twin unit. This amount is based on the re-provision of park homes off-site, whereas the Council consider that the off-site contribution should relate to the provision of bricks and mortar housing. However, the Community Infrastructure Levy Regulations 2010 require that planning obligations be directly related to the development proposed, and fairly and reasonably related in scale and kind. In this regard, the appeal proposal would allow for park homes to be stationed on the site, and the proposed contribution should therefore relate to that form of development. In my view, a contribution relating to the provision of off-site bricks and mortar housing would not meet these tests.
17. Policy H4 envisages that affordable housing contributions relating to park home developments should be for off-site provision. I also acknowledge that registered providers of social housing are unlikely to be interested in taking on and managing park homes. In these circumstances, I am satisfied that an off-site contribution has been robustly justified in this case.
18. My attention has been drawn to a draft Affordable Housing Supplementary Planning Document (SPD). However, that document is at a very early stage of preparation and it has not yet been consulted upon or adopted. I therefore attach little weight to the draft SPD at this stage.
19. For the above reasons, I conclude that the development would make an appropriate contribution towards affordable housing provision. It would therefore accord with Policy H4 of the Fylde Local Plan to 2032 (2018).

Public open space

20. Policy ENV4 of the Fylde Local Plan requires that new housing developments of 10 or more dwellings provide amenity open space with facilities for children's play. The amount of open space required by this policy varies depending on the number of bedrooms per dwelling.
21. At present, there is an existing area of open space within the caravan park located towards Cartford Lane. The submitted UU commits the appellant to providing this space for the recreational use of occupiers of the site. It also requires the submission of further details to the Council in relation to its design and maintenance. Moreover, large areas of open space will be provided in the new allocation to the south in Wyre District, and there are a number of footpaths nearby that lead out into open countryside. The proposal would therefore be well served by open space and recreation opportunities. The submitted UU further restricts the occupancy of the proposed caravans to those aged 50 and over, which would obviate the need to provide children's play facilities on the site.

22. The Council state that the proposed area of open space would fall significantly short of that required under Policy ENV4. However, given the particular circumstances that apply in this case, I am satisfied that the proposed level of provision would be sufficient. This would outweigh any conflict with Policy ENV4 of the Fylde Local Plan to 2032 (2018) in this regard.

Other Matters

23. The appellant has submitted a Unilateral Undertaking (UU) that would require future occupants to be over 50 years old, would secure an off-site contribution towards affordable housing, and the provision of open space within the site. Given that no children's play facilities are proposed, I consider that the age restriction is necessary in this case. The contribution towards affordable housing provision is also necessary in order to comply with development plan policy. Finally, the provisions relating to open space are necessary to ensure that these areas are available to future occupiers of the development. Overall, I am satisfied that the provisions of the UU are directly related to the development and fairly and reasonably related in scale and kind to it.
24. The proposal would reduce the number of caravans at the site from a maximum of 140 at present to a maximum of 82, which could be secured by condition. This reduction would ensure that any additional traffic, over and above that associated with the current use of the site, would be limited. I further note that the Highway Authority has not objected to the development on highway safety or network capacity grounds.
25. It is common ground that the Council is able to demonstrate a 5 year supply of deliverable housing sites.

Conditions

26. A condition restricting the number of caravans on the site to 82 is necessary in order to limit the scale of the development. This number has been reduced from 140 based on information provided by the appellant and is necessary given the larger size of the proposed park home units.
27. At the hearing it was agreed by both main parties that the other conditions originally attached to permission Ref 3/7/527 in 1952 no longer meet the tests of necessity. I concur with that view.
28. A time limit condition was discussed at the hearing. However, Section 73(5) of the Town and Country Planning Act 1990 states that:
- "Planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which - (a) a development must be started; (b) an application for approval of reserved matters (within the meaning of section 92) must be made."*
29. Accordingly, as the original development has been implemented a time limit condition is unnecessary in this case.

Overall Balance and Conclusion

30. The appeal site is located in the countryside outside of any settlement boundary, and would be contrary to Policies GD4, S1, and DLF1 of the Fylde

Local Plan to 2032 (2018) in this regard. As set out above, the Council is also able to demonstrate a 5 year supply of deliverable housing sites.

31. Set against this, I have found that the site would be in a relatively accessible location, would not significantly harm the character and appearance of the area, and would not prejudice the distribution of development envisaged in the Local Plan. The development would also provide a significant number of new dwellings on a brownfield site, including a contribution to affordable housing provision, and would generate economic benefits through the creation of employment and the purchasing of materials and furnishings. Moreover, I consider that it would be served by sufficient open space.
32. Overall, there is some conflict with the development plan, but no other significant harm would arise from the proposal. Significant benefits would also be delivered. In this case, the conflict with the development plan would therefore be outweighed by other material considerations.
33. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Z Simons	Landmark Chambers
K Apps	Apps Legal Limited
M Ward	M W Estates Limited
A Ward	M W Estates Limited

FOR THE LOCAL PLANNING AUTHORITY:

M Taylor BSc MPLAN MRTPI	Fylde Borough Council
R Thow	Fylde Borough Council

INTERESTED PERSONS:

D Sharples

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Final Statement of Common Ground.
- 2 Revised draft Unilateral Undertaking.
- 3 Policy SA3 of the Wyre Local Plan (2011 - 2031).
- 4 Details relating to pending outline planning application 19/00860/OULMAJ in Wyre District.
- 5 Adopted versions of relevant Policies in the Fylde Local Plan to 2032 (adopted October 2018).



Appeal Decision

Site visit made on 1 August 2019

by D Child BA BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/M2325/W/19/3227066

**176 St Leonard's Road East, St Annes on Sea, Lytham St Annes,
Lancashire FY8 2HL**

- 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 Ms Allison Hayhurst against the decision of Fylde Borough Council.
 - The application Ref 18/0317, dated 10 April 2018, was approved on 22 March 2019 and planning permission was granted subject to condition.
 - The development permitted is raising of perimeter wall and installation of infill fence panels between brick piers to an overall height of 1.9 metres to boundaries with St Leonard's Road East and Dorset Road.
 - The condition in dispute is No 1 which states: That the brick piers and fence panels/gates to the entire St Leonards Road East and Dorset Road boundary of the property, and the timber fencing that returns from this perimeter boundary to the dwelling on both street aspects shall be reduced to a height that does not exceed 1m in height measured from pavement level on the respective road no later than the earlier of 31 January 2021, or 3 months from the date when Jack Hayhurst has not resided at the property for a single period in excess of 6 months.
 - The reason given for the condition is: As this planning permission has been granted on the basis that the personal needs of the occupier outweigh the harm to the streetscene it is necessary to limit the duration of the planning permission and so mitigate the harm that is caused by the development so that this planning balance can be reassessed prior to the works becoming lawful. This is to ensure accordance with Policy GD7 of the Fylde Local Plan to 2032.
-

Decision

1. The appeal is allowed, and the planning permission Ref 18/0317 for the raising of perimeter wall and installation of infill fence panels between brick piers to an overall height of 1.9 metres to boundaries with St Leonard's Road East and Dorset Road, at 176 St Leonard's Road East, St Annes on Sea, Lytham St Annes, Lancashire FY8 2HL, granted on 22 March 2019 by Fylde Borough Council, is varied by deleting condition No 1.

Preliminary Matter

2. The brick piers and fence panels/gates were erected at the time of my visit. I shall proceed to consider the appeal on this basis.

Background

3. The application sought planning permission for the erection of brick piers and infill fence panels and gates, to a height of 1.9 metres. Following negotiations which culminated in the dark staining of the timber infill panels, planning

permission was granted subject to a single condition. The condition requires that the brick piers, fence panels, gates and side fences, on both street aspects, be reduced to a height that does not exceed 1m.

4. The required period for compliance under the condition is no later than the earlier of 31 January 2021 or 3 months from the date when a named occupier has not resided at the property for a single period in excess of 6 months. The reason stated for the condition is, in effect, that the development is only acceptable on a temporary basis, due to harm to the street scene, harm that is only justified by the personal circumstances of an occupant. On expiry of the lesser of the two periods, the Council wishes to reassess the planning balance.
5. The appellant contends that the development is not harmful to the street scene, or the character and appearance of the area; the appeal therefore seeks removal of the condition.

Main Issue

6. The main issue is whether the condition is reasonable and necessary, in order to safeguard the character and appearance of the area, having particular regard to the street scene.

Reasons

7. The appeal dwelling is a two-storey semi-detached property, situated on a corner plot at the junction of St Leonard's Road East with Dorset Road. Dwellings on the same side of both streets as the appeal site are predominantly of two-storey detached/semi-detached design. The front boundaries of dwellings in the area are generally defined by low brick walls.
8. In support of the application, a number of other properties in the area that have similar forms of boundary treatment were referred to. The Council states that none have the benefit of planning permission, but due to the passage of time, they have become immune from enforcement action. As a result, they have become an established part of the character and appearance of the area.
9. The timber fence erected behind the low brick wall to the boundary of the property on Dorset Road on the opposite corner of the junction is of a similar appearance and height to the appeal development. The mature hedge to the same property on the St Leonard's Road East frontage is of a similar, if not greater height. Because of this, the appeal development visually aligns with the boundary treatment on the opposite corner of the junction in views along both streets and appears balanced in the street scene. The timber gate and side boundary fences that return to the dwelling are not visually prominent.
10. Mature tree planting and landscaping within the garden of the host dwelling far exceed the height of the appeal scheme. As a result, views of the dwelling from adjoining streets are restricted in any event, and the development does not therefore deprive the street of an active frontage that would otherwise exist.
11. The existing landscaping and the dark stain finish of the timber infill panels soften the impact of the appeal scheme in views from adjoining streets. The bricks used to construct the piers are of a similar size and colour to the original wall and respect those of existing boundary walls in the locality. The sense of the low wall is retained by the use of brick piers and timber infill panels.

12. As a result, the development is neither oppressive or incongruous in the street scene. I accept that because the dwelling is semi-detached, the boundary treatment does not follow the original wall of the adjoining property. This is not an uncommon arrangement for semi-detached properties, and, in my opinion, of itself this arrangement does not give rise to any unacceptable visual harm.
13. I appreciate that the Council has sought to arrive at a balanced and pragmatic decision, balancing the personal medical needs of the appellant's family against what it perceives to be the harmful effect of the development on the character and appearance of the area. Nevertheless, for the above reasons, I find that the development does not cause undue harm to the character and appearance of the area, having particular regard to the street scene.
14. Accordingly, the development does not conflict with the environmental and visual amenity protection aims of Policy GD7 of the Fylde Local Plan to 2032 (2018). Nor does it conflict with the policies of the revised National Planning Policy Framework (2019). Consequently, the condition is not therefore necessary.

Other Matters

15. In support of the appeal my attention has been drawn to a number of other fences which have been more recently constructed. However, the Council considers that as these are in more remote locations and do not enclose the entire site boundaries, they are not therefore directly comparable. In any case, I have considered the appeal development on its own merits.

Conditions

16. Because the dark staining of the timber infill panels has already taken place, I agree with the Council that the use of conditions is not required.

Conclusion

17. I therefore conclude that the appeal should succeed, and planning permission should be granted without the disputed condition.

D Child

INSPECTOR

Appeal Decision

Site visit made on 13 August 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2019

Appeal Ref: APP/M2325/W/19/3229597

Smithy Farm, Fleetwood Road, Esprick, Preston PR4 3HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ronald Stuart Salthouse against the decision of Fylde Borough Council.
 - The application Ref 19/0049, dated 31 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is change of use of annex from ancillary use to that of an independent dwelling.
-

Decision

1. The appeal is allowed, and planning permission granted for the change of use of annex from ancillary use to that of an independent dwelling at Smithy Farm, Fleetwood Road, Esprick, Preston PR4 3HJ in accordance with the terms of the application, ref:19/0049 dated 31 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan – Scale 1:2500, supplied by 'Getmapping.com'

Site layout plan dated 9-10-2002

Plans & Elevations – submitted to support the appeal and referred to the council as being dated stamped 5 February 2019
 - 3) Before the dwelling hereby approved is brought into use details shall have been submitted to and approved by the local planning authority which make provision to enable vehicles to enter and leave the highway in a forward gear; such provisions shall be laid out in accordance with the approved details before the dwelling is occupied and thereafter maintained at all times.
 - 4) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Main Issue

2. The main issue is whether the occupants of the development will have adequate access to shops and services.

Reasons

3. Subject of the appeal is a single storey semi-detached structure forming part of Smithy Farm. The building was developed as an annex for the appellant's mother. The drawings show that the annex accommodation provides a single bedroom, bathroom, lounge, kitchen and utility room with separate access drive.
4. Policy H3 of the Fylde Local Plan to 2032 October 2018 (Local Plan) states that conversion of existing buildings to residential use requires that careful attention should be paid to certain issues including access to the nearest services. Further, Policy INF1 of the Local Plan states that in order to protect and create sustainable communities development should a) make the most of existing infrastructure by focusing on sustainable locations with best infrastructure capacity and f) where appropriate, demonstrate how access to services will be achieved by means other than the car and, where appropriate, demonstrate how the range of local social and community services and facilities available will be suitable and accessible for the intended occupiers of the development.
5. The National Planning Policy Framework (the Framework) at paragraph 108 and 110 (a) broadly seek to ensure that development prioritises other means of accessing facilities than the private car. Although paragraph 103 acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
6. During my site visit I noted the proximity of the facilities at Westholme Garage, which are approximated to be 350 metres from the appeal site. Facilities at the garage include spar shop with ATM, Gregg's bakery, coffee shop and petrol filling station. I also noted the position of a restaurant, the location of bus stops and the presence of footpaths on either side of the road with street lighting.
7. The appeal site is part of a hamlet of well-spaced ribbon development. In my estimation the facilities at the garage are within comfortable walking distance of the appeal site for the average person; although I accept that crossing the road will require care given the traffic conditions. The facilities provide a good level of the day to day requisites that one might hope to access outside a main food shopping trip, including access to a cash machine, bread and milk. There is also access to a local restaurant and coffee shop. In addition, there are buses operating along the road and, although not frequent, the evidence suggests that the buses would give a degree of choice of travel to nearby larger settlements. There is also a limited range of goods available from the farm shop adjacent to the site.
8. I am mindful that, although limited in size, the existing annex will generate some need to access local services in addition to those of the main house. I have also had regard to the wording of local and national policy wherein the Framework acknowledges that access to services will be different in urban and rural areas and, Policy INF1 requires the demonstration of alternative means of access to services 'where appropriate'.

9. Overall, I consider that the settlement has sufficient access to facilities to demonstrate that there are alternatives to the use of the private car that would be adequate to meet the needs of the future occupiers of a separate dwelling, particularly having regard to the existing annex use and its limited size. Moreover, where journeys are made by the car, as is not unusual in rural areas, the distance to the centres of Elswick, Kirkham and Wesham, which contain a range of shops and services are not excessive. Therefore, I conclude that there is no conflict with the requirements of Policies H3 and INF1 of the Fylde Local Plan to 2032 October 2018 or the National Planning Policy Framework.

Conditions

10. Conditions should be imposed to list the plans in the interests of certainty. Having regard to the status of, and traffic on, the main road it is necessary to ensure that vehicles leave the site in a forward gear. To protect the highway from obstruction it is also necessary to ensure any access gates are appropriately sited.

Conclusion

11. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Diane Cragg

INSPECTOR



Appeal Decision

Site visit made on 2 October 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/M2325/D/19/3232635

Manor House Farm, Ballam Road, Westby With Plumpton FY8 4NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dan Atkinson against the decision of Fylde Borough Council.
 - The application Ref 19/0134, dated 14 February 2019, was refused by notice dated 22 May 2019.
 - The development proposed is a detached garage.
-

Decision

1. The appeal is allowed, and planning permission is granted for the proposed detached garage at Manor House Farm, Ballam Road, Westby With Plumpton FY8 4NL, in accordance with the terms of the application, Ref 19/0134, dated 14 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: 1:1250 Location Plan – Supplied by 'Buy a Plan' and F/19/43/01 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the detached garage hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The main issue is the effect of the proposed detached garage on the character and appearance of the area.

Reasons

3. The appeal site is an existing dwelling within the countryside. It is located at the end of a small group of buildings arranged in a linear pattern, set back from Ballam Road. The surrounding land is agricultural in nature, and the prevailing character and appearance of the area is rural. The site has a high level boundary treatment to the front consisting of fencing and hedgerow, a group of trees screen the site when approached from the south.
4. The detached garage would be positioned forward of the building line. However, when viewed from the street the building line is less apparent due to the extent that the properties are set back from the road. Furthermore, the existing boundary treatments, hedgerow and tree planting to the front of these

properties provide a degree of variation in the appearance of the street. For these reasons the proposed garage would not appear overly prominent within the street scene.

5. Whilst the detached garage would be visible when approached from the north along Ballam Road, the existing boundary treatments and planting would screen much of the lower sections. From the south the garage would be screened by larger, mature trees. The design of the garage would be of a traditional gabled roof design, whose appearance would respect the context of the site and the surrounding area, so it would not appear incongruous.
6. It is proposed to construct the garage in brickwork and tiles that match those of the existing property. This would make a positive contribution to the character and appearance of the area, and ensure high quality new design, this could be secured by condition.
7. Consequently, there would be no harm to the character and appearance of the area caused by the proposed detached garage. The proposal accords with Policies GD4 and GD7 of the Fylde Local Plan to 2032 (2018) which collectively seek to ensure that new development respects the context of the site and does not harm the character and appearance of the area. The proposal is also consistent with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework), which collectively seek to ensure that new developments respect local character and promote quality of design.

Conditions

8. I have considered the Council's recommended conditions in accordance with Planning Practice Guidance and the Framework and altered them where necessary. In addition to the standard time limit condition, I have included a condition that specifies approved drawings to provide certainty. A condition is included ensuring the materials used match those in the existing dwelling to preserve the character and appearance of the area.

Conclusion

9. For the reasons given above, the appeal is allowed.

R Cooper

INSPECTOR

Appeal Decision

Site visit made on 19 September 2019

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23 October 2019

Appeal Ref: APP/M2325/C/19/3221435

Bank House, 9 Dicconson Terrace, Lytham St Annes, Lancashire FY8 5JY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Olive Tree Brasserie Lytham Limited against an enforcement notice issued by Fylde Borough Council.
 - The notice was issued on 2 January 2019.
 - The breach of planning control as alleged in the notice is: without planning permission, a canopy frame enclosing the forecourt and a retractable roof have been erected on the Land, together referred to as the 'canopy structure'.
 - The requirements of the notice are:
 - 1) Dismantle and remove from the Land all elements of the canopy structure.
 - 2) Fill all holes in the front elevation of the host building formed in association with the canopy structure with an appropriate stone filling material of a colour and texture that replicates the existing surrounding wall material.
 - The period for compliance with the requirements is: twenty-eight days after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended (the Act).
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld with a correction.

The notice

2. The requirements of the notice refer to an "appropriate" stone filling. The notice should be certain as to what the recipient is required to do. Since the filling material is adequately specified in the rest of the notice, and as to do so would not cause injustice to either party, I will correct the notice by deleting the word "appropriate", using my powers under s176(1)(a) of the Act.

Ground (a) and the deemed application for planning permission

Main Issue and Reasons

3. The main issue is the effect of the development on the character and appearance of the host building, the Lytham Conservation Area (CA) and the adjacent Grade II listed building, 7 Dicconson Terrace.
 4. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA when considering the grant of planning permission.
-

5. Section 66(1) PLBCAA also requires that in considering whether to grant permission for development affecting the setting of a listed building, special regard should be had to the desirability of preserving, among other matters its setting. Considerable importance and weight should be given to this factor.
6. Paragraph 193 of the National Planning Policy Framework (NPPF) advises that in considering the impact of development on the significance of a designated heritage asset such as the CA, great weight should be given to the asset's conservation. Where development leads to less than substantial harm to the significance of such an asset, the harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use (paragraph 196). For applications that directly or indirectly affect non-designated heritage assets, a balanced judgement should assess the scale of any harm or loss and the significance of the heritage asset (paragraph 197).
7. 9 Dicconson Terrace is a substantial Edwardian property in use as a restaurant, prominently situated at the intersection of Henry Street and Dicconson Terrace, whilst also fronting Clifton Square. At four storeys it is an imposing building next to the two-storey terrace. It has an elegant façade with tall and visually dominating stone arches that provide an attractive door and window arrangement. The building has a range of positive features justifying its inclusion in the Local List of Designated Heritage Assets. It makes a strong and positive contribution to the character of Clifton Square and the CA.
8. Several forward projecting canopies can be seen in the vicinity. By and large they respect the character and appearance of their host properties and the street scene. Many such canopies are of a traditional simple form of two supports leaving the canopy open to the front and sides, but with intricate detailing in the ironwork and a small amount of glazing to the sides of the roof elements. Their design is not untypical of commercial frontages in seaside or resort towns that flourished in later Victorian and Edwardian eras.
9. Planning permission was granted in June 2018 under Ref 18/0164 to change the use of No 9 to a restaurant and construct a raised decking area with glazed balustrade around it. The scheme would retain the open character and appearance of its host and preserve its historical and architectural qualities, whilst adding some vibrancy benefitting the business. However, the balustrade is constructed in different materials and is unauthorised. The canopy also differs in appearance and materials from an earlier refused scheme, dismissed on appeal in April 2019, Ref APP/M2325/W/19/3219951.
10. The structure as now built is at least as harmful as the refused scheme. I saw that the canopy encloses the space in front of its host. Its design including its bulk dominates the façade and obscures views of the ground floor elevation of the main building and its architectural detailing. The appellant did not demur from the Council's suggestion that it is likely that the roof would be in its fixed closed position for substantial periods. Even with the roof retracted the fabric and associated structure obscure large parts of the arched windows. The canopy as a whole has a particularly incongruous effect on its host and its setting from near and far views, either directly opposite it or to the side. This results in an adverse effect on the street scene in Clifton Square which is at the heart of the town centre and an integral feature of the CA.
11. The adjoining property to the north, 84 Clifton Street is a bar/restaurant with permission for an open-fronted glass-roofed canopy with glass balustrade.

- However it has been built with a fully-enclosed glass extension. An effective enforcement notice requires its removal, having been upheld on appeal, Ref APP/M2325/C/18/3206089 and APP/M2325/W/18/3206090. The compliance period ended in July 2019 and further enforcement action is being pursued.
12. Adjoining the appeal site to the south is 7 Dicconson Terrace, a Grade II listed building, also in use as a restaurant. The canopy in situ is the subject of an enforcement notice upheld at appeal, Ref APP/M2325/C/18/3203663. The period for compliance has also expired, in May 2019, and removal of the canopy is also being pursued. The bulk and enclosed design of the adjacent canopy at No 9 further undermines the setting of the listed building.
 13. These adjacent properties are seen in the same local context in the CA and I am in agreement with the appeal decisions submitted. The canopy at the appeal premises similarly obscures views of its own host façade and its detailing, to the overall detriment of the character and appearance of the area.
 14. Works to convert the premises to a restaurant improved the appearance of the ground floor elevation and the building, but the canopy has removed public views of these elements. The appellant states that the canopy provides an outdoor dining experience to sit and relax in with *"an improved opportunity for people to appreciate the conservation area and buildings within it"*.
 15. That is a strange assertion as the building is an integral feature itself of the CA. Its patrons may have a comfortable vantage point but the canopy impairs appreciation of the qualities of the ground floor façade, even for them. The argument is perhaps analogous with a relational interpretation of Schrödinger's cat experiment, in that the patrons (cats) inside the canopy (the box) have a different frame of reference from those outside. It is true that the character of a conservation area can be experienced in different ways, however when the appeal premises were erected the frontage would have been intended to be appreciated by a wider class of people, ie the general public than those who merely avail themselves of the facilities within the building. This kind of problem can exist when a dual use or purpose is present, and no less so than in the case of appropriation of space that is privately owned, but is at the same time a shared space protected by planning policies where appropriate for preserving or enhancing the character and appearance of conservation areas.
 16. "Al fresco" dining, as the appellant terms it, is available, but at present it seems more "al chiuso"¹ to me than al fresco. Walking around the site on a beautifully sunny market day I noted that the enclosed forecourt of the appeal property was sparsely patronised compared for example to the more open and busier terrace of the restaurant at the heritage centre opposite. Of course the development, including the retractable roof, may create a more viable use, especially during inclement weather, but such a claim is not substantiated.
 17. When granting permission Ref 18/0164 the Council, according to its statement intended to *"allow a form of containment to the terrace for the benefit of customers and the vitality of the town centre, whilst leaving the overall frontage of the building as open as possible with the objective of retaining the open character and appearance of the locally listed building so as to retain its setting in the street scene."* Unfortunately what has been constructed has unacceptably deviated from that scheme and a mutually acceptable solution

¹ indoors

has not been found. The Council is rightly concerned to take enforcement action to remedy this and similar breaches of planning control in the vicinity. A temporary permission as suggested would not be appropriate.

18. The design detail of the canopy is contrary to guidance in 'Canopies and Glazed Extensions on Commercial Forecourts – A Design Note', in that it harms the integrity of the host building which possesses important architectural features and is insensitive to the defining characteristics of lawful canopies in the vicinity. Although guidance only, it is underpinned by development plan policies in the Fylde Local Plan 2018 (LP).
19. The LP policies cited by both parties are generally compatible with the NPPF. The appellant cited several paragraphs of the NPPF but has not explained in all cases why they are relevant. The NPPF does however require great weight to be given to conservation of a designated heritage asset such as the CA when considering the impact of development on its significance, as well as a balanced judgement on the scale of harm to the significance of a non-designated asset.
20. A canopy structure can add to the vitality and viability of the street scene in a town centre and may benefit individual businesses. The NPPF supports the growth of town centres, LP Policy EC5 encourages restaurant uses in such areas and al fresco dining options feature in many central commercial areas. The scheme might have commercial benefits and possibly represents an optimum viable solution for the appellant; that does not provide a compelling reason to justify a dominant and incongruous addition to the building that obscures views of the ground floor frontage, including its architectural detail.
21. Furthermore the enclosed nature of the canopy structure causes substantial harm to the building as a heritage asset as well as to views of the adjacent listed building and to the sense of openness of Clifton Square, undermining a key quality of the CA. The harm may be less than "substantial" in terms of the NPPF but is still serious and considerable importance and weight must be attached to such harm when paying special attention to the desirability of preserving or enhancing the character or appearance of a CA.
22. The harm is contrary to Policy GD7 of the Fylde Local Plan 2018 (LP) which among other things aims to secure in a development proposal that its design, including massing, scale, materials and architectural character, relates well to the surrounding context. The development is also contrary to LP Policy ENV5 by among other matters, failing to conserve or enhance the built and historic environment in terms of the design of the canopy, including its setting, scale and physical characteristics.

Other matters

23. There is no evidence to support the appellant's claim that the only schemes the Council supports would fail to meet safety standards. The little public objection to the appeal structure is not a positive factor in support of the development. Nor does the fact that the scheme was driven by a professional architect, make it a factor in favour of the appeal, given its poor design relative to its surroundings.

Conclusion on ground (a)

24. Taking into account the above considerations and all other matters which have been put before me, the appeal on ground (a) does not succeed.

The appeal on ground (g)

25. The appeal on this ground is that the period for compliance with the requirements of the notice is too short and should be 6 or “perhaps 3” months. The erection of the canopy involved connecting its frame to the building at three points with similar connections to the floor of the roof terrace. The retractable roof is connected to the frame and main building. I note the scheduling problems that the appellant says he would be faced with, however given the short period within which it was erected, a period of 28 days to remove the canopy is reasonable. The terrace may be in constant use when the premises are open, however the sooner the notice is complied with the more quickly the appellant will be able to return to uninterrupted trade.²
26. The appellant is of the view that filling holes in the façade does not need to be done in 28 days but a period of 6 months would suffice. No major work is involved and to accede to this request would be to disregard the importance of restoring the building to its condition before the breach took place. There is no ground (f) appeal. The 28 day period is adequate to cover all requirements of the notice and therefore the appeal on ground (g) must fail.

Overall Conclusion

27. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the deemed application.

Formal Decision

28. It is directed that the enforcement notice be corrected by the deletion, in Requirement 2) of “n appropriate”. Subject to this correction the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Grahame Kean

INSPECTOR

² ie all other things being equal – given that the Council is still considering the balustrade element of the scheme on which, for the avoidance of doubt, I have not expressed a view.

Appeal Decision

Site visit made on 19 September 2019

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 October 2019

Appeal Ref: APP/M2325/C/19/3224475

62A Clifton Street, Lytham St Annes, Lancashire FY8 5EW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Arialdo Baccari of Farina & Co (Fylde) Limited against an enforcement notice issued by Fylde Borough Council.
- The notice was issued on 1 February 2019.
- The breach of planning control as alleged in the notice is without planning permission, a timber framed canopy has been erected on the Land, to the front of the building.
- The requirements of the notice are:
 - 1) Dismantle and remove from the Land the unauthorised wooden canopy that has been erected at the front of the building.
 - 2) Remove from the Land all of the associated materials used in the construction of the wooden canopy.
- The period for compliance with the requirements is three months after this notice takes effect.
- The appeal is proceeding on ground (a) as set out in section 174(2)(a) of the 1990 Act.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Ground (a) and the deemed application for planning permission

Main Issue and Reasons

1. The main issues are:
 - a) the effect of the canopy on the character and appearance of the host building, street scene and Lytham Town Centre Conservation Area (CA); and
 - b) the safety and accessibility of pedestrian routes in the vicinity.

Character and appearance

2. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of CAs when considering the grant of planning permission.
3. The appeal relates to a two-storey mid-terraced property in the designated town centre and the CA, in use as a restaurant and forming part of a busy parade of mixed uses on Clifton Street, the main retail area in the town. Several canopies are found in the vicinity, particularly along Clifton Street. They mostly display historic and local vernacular features and contribute

- positively to the character of the town and the CA. In particular the lightweight and open structure of such canopies contribute to the quality of the open spaces and public realm of Clifton Street, as a key characteristic of the CA.
4. A timber framed canopy has been erected to the front of the appeal premises following refusal of planning permission for its retention. The canopy provides a covered outdoor seating area with planters and screens to the sides.
 5. An approved scheme, Ref 18/0034, shows a lightweight, metal framed canopy with two vertical structural supports at each corner and a horizontal support connecting them with the glazed roof. The approval establishes the principle of a glazed canopy structure and its extension into the street scene with a width and projection similar to the structure in situ.
 6. "Canopies and Glazed Extensions on Commercial Forecourts – A Design Note" provides guidance to establish if a glazed extension or forward extension is an appropriate development, and if so guidance on its form. I agree with the appellant that the guidance allows for some flexibility in design, but the additional support columns toward the centre, although they may provide stability, make it appear significantly more bulky. The posts also reduce the openness of the canopy and the approved clear side panels between the roof and horizontal support structure are now covered over, adding to the bulk.
 7. The use of stained wood in the construction of the canopy is not prevalent locally. The built structure has planters to the sides and front which although on castors, are permanently in position, creating a closed frontage to the ground floor of the premises. Although providing shelter for customers, the clear screens attached to the planters further enclose the structure. The overall result is an unsympathetic design that, far from blending with the host building as suggested, is overly dominant and incongruous, and undermines the wider character and appearance of the street scene and the CA.

Safety and accessibility of pedestrian routes

8. The approved scheme has a condition requiring the canopy to stay open on all sides to allow free movement of pedestrians in the interests of highway safety. Whether the canopy projects over the existing highway or solely a privately-owned forecourt is not clear from the statements. Indeed the enforcement notice refers to the "area of private highway" which the canopy encloses, a contradiction in terms. If by using that phrase, the Council means to refer to privately-owned land over which public rights of passage exist, it should say so.
9. The Council will be aware of the recent decision in *Swindon Borough Council v Secretary of State for Housing Communities and Local Government & Anor* [2019] EWHC 1677 (Admin) where the court said that "*The Council has made itself clear because it has used a word [highway] which anyone would naturally understand to mean a public road, and which is never used to mean a private one.*" (Paragraph [70]).
10. The phrase "private highway" in the notice appears in the reasons for issue, rather than the description of the breach or the steps required to be taken. The misnomer appears, somewhat surprisingly, to stem from the comments of the highway authority itself as referred to in the Council's report. The comments refer to evidence of "use of the footway for decades", but this evidence is not submitted and the precise position on the ground is unclear.

11. The ambiguity and lack of robust evidence over the highway status of the forecourt area of the appeal site, diminishes the Council's case on this point. For the avoidance of doubt the validity of the notice itself is unaffected in my judgment, given its clarity as to the breach of control and steps to be taken.
12. On the broader issue then, of pedestrian safety and access I note the nearby tree and a zebra crossing. However the width of the footpath to the front of the canopy is generally consistent with other sites where canopies appear along the street, and pedestrians do not have to walk in the carriageway. It was difficult to conclude from my inspection of the site on a sunny day, whether roof water would discharge onto the footway or, as suggested by the appellant into the base of the tree at the edge of the forecourt.
13. In the circumstances I find on the evidence available to me in this appeal that the development does not unduly interfere with the aims of Policy GD7 of the Fylde Local Plan 2018 (LP), in particular sub-paragraph q) to ensure pedestrian safety, and the efficient and convenient movement of all highway users.

Conclusion on ground (a)

14. The unauthorised development results in a substantially bulky structure that encloses the space of the forecourt, producing a dominant and incongruous effect on its host. Its design, including its scale, materials, form and detailing, departs from the prevailing style of canopies in the area, and is a harmful influence on the character and appearance of the street scene, undermining this part of the CA.
15. The harm is contrary to LP Policy GD7 whose aims include securing in development a design, including massing, scale, materials and architectural character, that relates well to the surrounding context. The harm caused is also contrary to LP Policy ENV5 in failing to conserve or enhance the built and historic environment in terms of the design of the canopy, including its setting, scale and physical characteristics.
16. The National Planning Policy Framework (NPPF) requires great weight to be given to conservation of a designated heritage asset such as the CA when considering the impact of development on its significance. The harm identified is less than "substantial" in terms of the NPPF but considerable importance and weight must still be attached to such harm when paying special attention to the desirability of preserving or enhancing the character or appearance of a CA.

Overall Conclusion

17. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

18. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Grahame Kean

INSPECTOR