



# Agenda

## Planning Committee

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

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

Join Zoom Meeting <https://us02web.zoom.us/j/87320444954?pwd=cFpvK2hNajlwOWRrWTNlNFYktXRUtvUT09>  
Meeting ID: 873 2044 4954  
Passcode: 665617

### Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">3 February 2021</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
	<b>DECISION ITEMS:</b>	
4	<b>Planning Matters</b>	3 - 60
5	<b>Fylde Council Tree Preservation Order 2020/0006: Lund, Vicarage Lane, Newton with Scales, Preston, PR4 3RX</b>	61 - 77
	<b>INFORMATION ITEMS:</b>	

6	List of Appeals Decided	78 - 79
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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## Planning Committee Index 03 March 2021

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	19/0318	<p>LAND NORTH OF GARSTANG ROAD AT JUNCTION WITH WINDY HARBOUR ROAD, POOL FOOT LANE, SINGLETON</p> <p>MIXED USE TOURISM &amp; LEISURE DEVELOPMENT INVOLVING A 9-HOLE GOLF COURSE, SITING OF 495 HOLIDAY LODGES, ERECTION OF 4 STOREY HOTEL BUILDING PROVIDING 102 BEDROOMS, ERECTION OF TWO STOREY BUILDING PROVIDING POOL AND LEISURE FACILITIES, GREEN-KEEPER BUILDINGS, AND ASSOCIATED OPEN SPACE / BIODIVERSITY AREA</p>	Delegated to Approve	5
2	21/0110	<p>BOAT REPAIR SHED, FAIRHAVEN LAKE AND GARDENS, INNER PROMENADE, LYTHAM ST ANNES, FY8 1BD</p> <p>EXTERNAL ALTERATIONS TO EXISTING BOATHOUSE TO FACILITATE SUBDIVISION OF INTERNAL WORKSPACE INTO 4 SEPARATE BOAT STORAGE AND REPAIR UNITS INCLUDING: 1) SINGLE STOREY EXTENSIONS TO FRONT OF BUILDING TO CREATE SEPARATE OPENINGS FOR EACH UNIT ENCLOSED BY ROLLER SHUTTER DOORS; 2) INSTALLATION OF FIRE EXIT DOOR ON WEST FACING ELEVATION; 3) REPLACEMENT OF ALL EXISTING WINDOWS AND 4) REPLACEMENT OF ASBESTOS CEMENT PANEL ROOF WITH NEW COMPOSITE TILE SYSTEM</p>	Delegated to Approve	49

## Background Papers

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

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

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

## Planning Committee Schedule 03 March 2021

Item Number: 1    Committee Date: 03 March 2021

<b>Application Reference:</b>	19/0318	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Pure Leisure Group	<b>Agent :</b>	De Pol Associates
<b>Location:</b>	LAND NORTH OF GARSTANG ROAD AT JUNCTION WITH WINDY HARBOUR ROAD, POOL FOOT LANE, SINGLETON		
<b>Proposal:</b>	MIXED USE TOURISM & LEISURE DEVELOPMENT INVOLVING A 9-HOLE GOLF COURSE, SITING OF 495 HOLIDAY LODGES, ERECTION OF 4 STOREY HOTEL BUILDING PROVIDING 102 BEDROOMS, ERECTION OF TWO STOREY BUILDING PROVIDING POOL AND LEISURE FACILITIES, GREEN-KEEPER BUILDINGS, AND ASSOCIATED OPEN SPACE / BIODIVERSITY AREA		
<b>Ward:</b>	SINGLETON AND GREENHALGH	<b>Parish:</b>	Singleton
<b>Weeks on Hand:</b>	96	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Ongoing discussions to resolve consultee concerns		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

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

### Summary of Officer Recommendation

The application site is an extensive area of land of 67 hectares located to the north of Garstang Road at either side of Windy Harbour Road from where it is accessed. The site stretches from Little Singleton in the west to Larbreck in the east and running towards the River Wyre over that distance. It is generally in use as arable land and consists of a number of gently undulating fields interspersed by ditches, ponds, hedges and trees. The site is entirely allocated as Countryside in the Fylde Local Plan to 2032 with parts of the northern edge alongside the River Wyre also designated as a Coastal Change Management Area under the landscaping policy ENV1.

Whilst the site is largely in agricultural use it does have an extant planning permission for a golf course, hotel and leisure development which dates back to the 1990s with permission for the hotel granted in 2003. These permissions have been implemented and so are extant, although the works are far from completed with just the formation of the contours of the golf course layout in the western parcel of the site visible as evidence of this. Nevertheless, this represents a fallback position to consider in the assessment of the application alongside the development plan policy and other material considerations.

The application proposes the establishment of a tourism facility at the site featuring 495 holiday lodges, a 9-hole executive golf course and supporting pro-shop, a leisure facility

building including gym, 25m pool and other indoor sports facilities, and a 102 bedroom hotel. The scheme also includes extensive landscaping proposals, a biodiversity enhancement area and alterations to the access and Windy Harbour Road to facilitate the development.

The key assessment to make with the application relates to compliance with Policy GD4 regarding development in the Countryside. This is generally restrictive of new development but does permit a number of exceptions to that restriction with exception a) allowing for large scale tourism developments in very exceptional circumstances. The officer assessment of this is that the scale of the proposal satisfies the requirement for the proposal to be 'large-scale', and the planning history and locational / accessibility benefits of the site allow it to meet the 'very exceptional' requirements. It is therefore accepted that the proposal is in accordance with exception a) of Policy GD4 and so accords with the applicable development plan policy associated with the designation of the land.

As is the case with most new developments the scheme will bring traffic to the area, but is well located to accommodate that as the access is directly off the Windy Harbour junction which forms a part of the strategic highway network that Highways England manage. They have provided comments that confirm that the network is capable of accommodating the traffic levels that are envisaged over the next 15 years even in advance of the Development Consent Order for the Skippool to Windy Harbour Bypass being granted. With that highway improvement now under construction the capacity will be eased on this route through the more efficient operation of that road and so the construction and operational traffic associated with the development is capable of being accommodated without leading to any severe highway impacts. LCC as the local highway authority are also satisfied that the works will not cause harm to the road network that they are responsible for with a series of improvements for vehicle and pedestrian use of Windy Harbour Road now incorporated into the scheme. Whilst they are fundamentally satisfied with the scheme both Highways England and Lancashire County Council have raised some issues that are yet to be fully resolved and so there is a need for additional discussions with the applicant's agent to resolve those.

There are other details of the development which are also to be considered further with the aim of securing improvements, with the design and layout of the buildings at the front of the site facing Windy Harbour lights a key one of these given the prominence of that location and the need for any development on the site to present as positive an image of the site and the borough as possible. Further work is likely to ensure that some elements of the holiday lodge layout are refined to avoid appearing overly concentrated and regimented and close to Pool Foot Lane which provides a pedestrian and cycle link to the Little Singleton lights junction.

The site is in close proximity to the River Wyre estuary which is a SSSI and to the Morecambe Bay SPA, which brings a potential use of the site for foraging habitat by the wintering birds that are largely responsible for the designation of this area. The site and development also raise the more localised implications such as nesting bird habitat. The initial consultation views on these aspects from Natural England and from GMEU both highlighted some significant issues and a likelihood that the development was to have an unacceptable impact on ecological matters. However, since that time there has been a considerable level of work undertaken by the various ecologists, including additional survey work and analysis of wintering bird survey numbers, that have allowed both consultees to revise their opinion on the development. They are now no longer objecting to the development in principle and are in agreement that the development can proceed without leading to the harms to the designated areas or the species that are responsible for their designation. This view relies on mitigation measures being introduced including the provision of an appropriately developed

and managed biodiversity enhancement area alongside the River Wyre. At the time of writing this report there are outstanding works to be undertaken on this aspect, including the finalisation of the Habitat Regulations Assessment and final consideration of other ecological matters. However, it was now considered appropriate to bring this report forward to Committee as officers are confident that these remaining aspects are capable of satisfactory resolution or mitigation.

The scheme raises a number of other issues which are to be expected in a development of this scale and nature but having assessed them to a reasonable degree officers are satisfied that there are no obvious policy conflicts that prevent the scheme being considered favourably, with commentary on these provided in this report. One key element will be a consideration of whether there are any planning policy implications from the development of the leisure building and hotel on the site given the local and national policy requirement for these to be located in town centre locations where possible. The scheme here is reliant on these elements providing part of the tourism attraction and so they are a fundamental part of the proposal and it seems likely that this prevents sufficient justification for their location at this site, particularly with the planning history including a larger hotel than that currently proposed, but there is a need for this to be more fully explored through the submission and consideration of the town centre assessments.

As a conclusion to the officer consideration of this application it is accepted that the development is an acceptable one in principle that accords with the requirements of Policy GD4a of the Fylde Local Plan to 2032. There are some potentially harmful implications caused in terms of the landscape impact of the development and the increased activity that will be evident to some of the small number of residents around the site. However, there will be economic benefits from the development as it will enhance the tourism offer available to the borough at a time when homegrown tourism is likely to play an increasingly key part of the local economy. The scheme also seems to present a more considered approach to the development of the site and will allow the work that was commenced many years ago on its development to be completed in a manner that suits the modern golfing and wider tourism market. Accordingly, officers recommend to Committee that the application should be supported.

Whilst a considerable level of assessment of the issues has been made, there are a number of areas where further assessment is needed and where additional information is required from the applicant to support that assessment. Although it would be normal, and preferable, for Members to be presented with a report in a final format that is not the case here as a result of this additional work that is required. However, with the significant scale of the development and its clear borough-wide implications on a site that is not specifically allocated for the proposed use in the development plan, it was considered appropriate to bring this report forward at this stage. The intention of this is so that Members can provide officers with a steer on the acceptability of the principle of the development before the further time and effort is made in resolving the outstanding issues. With that in mind the recommendation is to delegate the authority to officers to grant the planning permission but only to do that once a number of outstanding issues as set out in the recommendation to the report have been adequately resolved.

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

The application is for 'major development' and so it is necessary to present the application to the

Planning Committee for a decision. It has also been the subject of an objection from Little Eccleston with Larbreck Parish Council whose area the eastern part of the site is situated. Elswick Parish Council neighbours the site and they have also objected to the development.

### **Site Description and Location**

The site is an extensive area of land which runs to 67 Hectares and is entirely to the north of the A583 Garstang Road and is in two parcels at either side of Windy Harbour Road which is roughly central in the overall site.

The land in the western parcel is itself split into three areas. The largest of these is bounded to the north by Pool Foot Lane which is a highway for the first part of its length from the Singleton Crossroads junction but is blocked to traffic at the point where it is alongside the site although it is available for pedestrian and cycle use. This parcel has planning permission for a golf course and work commenced on the importation of material and modelling of land as part of the construction of that some years ago but has not advanced recently and so the site now has the appearance of rough and undulating scrub land. One of the undulations features a stream which runs northwards through the site before reaching the River Wyre with land at either side of this in Flood Zone 3, although the majority of this parcel and all the eastern parcel are in Flood Zone 1. There are also a couple of woodland areas with ponds within them in this parcel. The nearest dwellings are those at the end of Poolfoot Lane and a pair of properties at the entrance to the Windy Harbour Holiday Park which is at the northern termination of Windy Harbour Road and so in the north east corner of this parcel.

The other two parts of the western parcel are to the north of Poolfoot Lane up to the edge of the River Wyre and generally featureless undulating grassland, although there are a number of ponds within them and hedges around their perimeters.

The eastern parcel is also covered by the golf course planning permission but was to feature a hotel and the other supporting facilities for that leisure development. No obvious work has been undertaken on these and the land is in use for grazing. This parcel is generally flatter although it does follow the rolling landscape in that part of the borough. The parcel is bounded by the A583 and Windy Harbour Road, with the Windy Harbour Holiday Village, River Wyre estuary and Mains Hall as the other features around its edges.

The land is subject to the countryside designation in the Fylde Local Plan to 2032 where Policy GD4 applies. A part of the northern section of both parcels is within a Coastal Change Management Area under Policy ENV1 which effectively forms a buffer around the River Wyre at the northern edge of Fylde Borough. There are various ecological designations in the River Wyre and its estuary with a Site of Special Scientific Interest and a Ramsar site to the north of the western parcel, and a Biological Heritage Site to the north of the eastern parcel.

### **Details of Proposal**

The application is submitted in full and relates to the following elements which are described in more detail below:

- 9-hole 'executive' golf course
- Leisure buildings and supporting development
- 495 Lodges
- Hotel

### Golf Course

The proposed golf course has 9 holes and is provided entirely in the western parcel with 3 holes in the part between Garstang Road and Poolfoot Lane and the remaining 6 holes in the parts of that parcel between Poolfoot Lane and the River Wyre. The holes are each provided with multiple tee positions to give a flexibility to the course which allows it to be played as an 18-hole course, a so called 'executive' course. The holes vary in length to give a range of par scores. A putting green and pitching practice area is proposed close to the first tee which is near the junction of Windy Harbour Road and Garstang Road at the Windy Harbour lights.

The course is set out in a parkland style with additional tree planting and ponds provided to supplement the existing features to demarcate the various fairways and to provide golfing challenges. The application intends that the final details of the position of landscaping, bunkers, green / tee details, etc are dealt with by subsequent conditions.

The clubhouse, greenkeepers, facilities, parking areas, professionals training area, etc are provided on the eastern parcel where the main buildings are located.

### Leisure Building

This is a two storey building to be located on the eastern parcel close to the junction of Windy Harbour Road and Garstang Road. It measures 80m x 40m and is designed with a pair of opposing mono-pitch elements to the main building which has a rectangular form with a flat roofed section providing a café section. The building is constructed with timber cladding and extensive areas of glazing. It provides multiple functions as follows:

- A sporting / leisure element that provides a swimming pool, gym, associated changing and sauna / spa facilities.
- A golf element with the clubhouse and indoor practice / training areas.
- A reception element for the whole site.
- A retail element providing convenience goods at a scale that is designed to serve the visitors to the site
- A hospitality element providing restaurant, café and bar facilities for the site.
- A management function where the operations on the site will be coordinated

The supporting information advises that the primary purpose of this building will be aimed at those on site, although membership will be available to non-visitors as a gym or golf club. Those members will clearly be able to utilise the facilities, as will non-members.

### The Hotel

This is a split-level building that is located on the eastern parcel where it is closest to the junction of Windy Harbour Road and Garstang Road. It has 3 storeys when viewed from Garstang Road and 4 storeys from within the site. The building measures 70m x 15m to the main bedroom section with the overall height of this element being 15m although the eaves drop to 9m on the 3-storey side facing the road. It has a generally rectangular form with a single storey lobby section and is constructed in alternating vertical bands of render and timber cladding with the windows in the timber cladding linked to add interest to the regimented appearance of the elevations. It has a scale of 102 bedrooms with a reception and dining facility for guests in addition to those which they would be able to access in the Leisure Building described above.

### Holiday Lodges

A total of 495 lodges are proposed with these in both the western and eastern parcels laid out in

small cul-de-sacs off a road that meanders through the parcels and features lodges alongside it. The lodges are intended to be single storey and are for holiday use with their size being that which satisfies the definition of a caravan in the Caravan Sites and Control of Development Act and their spacing being at least 6m apart to comply with the Model Conditions in that legislation.

#### Other Development

The scheme includes areas of landscaping and biodiversity habitat. This is spread throughout the golf course and holiday lodge areas. A surfaced circular walk around the perimeter of the eastern parcel is proposed and indicated to be available for walking or cycle use, presumably by visitors to the holiday element of the site,

A biodiversity area is proposed for the part of the western parcel that is closest to the River Wyre. This extends to 3.1 hectares and is to be designed and managed to provide an optimal habitat for breeding and overwintering birds. This is in recognition of the proximity of the site to the high-level ecological designations in the area and will be discussed further in the ecological section of this report.

The access is to be taken from Windy Harbour Road with a single vehicle access into the eastern and western parcels. The western access leads to an internal road network that serves the lodges. The eastern access divides into separate access points for the hotel, leisure building, greenkeepers / golf training facility, and then to a road network serving the holiday lodges.

#### Supporting Information

The application is supported by an extensive package of supporting information including plans and reports to cover the key elements such as ecology, highways, design, and the planning policy framework for the application. The supporting information refers to a partnership with Myerscough College which provides courses around golf and golf course management and so it is expected they will be a partner in the operation of the site.

The conclusion to the planning statement is included here for reference.

*“Tourism and leisure uses are an acceptable form of development within the countryside in principle, including larger scale tourism and leisure development, with certain types development such as that being proposed in this instance generally requiring rural and countryside locations. Indeed the site already has an extant permission for a golf course, hotel and holiday lodges.*

*The holiday lodge element of the proposals are an integral part of a major leisure facility and the proposals will secure a range of benefits such as:*

- *Contributing towards diversifying and growing the local economy through increasing visitor numbers and generating employment opportunities. The proposals themselves would create 85 full time equivalent jobs, whilst based on the 2019 Economic Benefit Report for the UK Caravan & Camping Alliance, the proposals could generate over £2.5 million a year of off-site visitor spending in the local economy. This is in addition to the on-site spend which will filter into the local economy through Pure Leisure’s use of local suppliers etc.*
- *Contributing to the objective of strengthening the rural tourism sector by broadening the range of attractions such as the proposed golf course, indoor golf simulators, swimming pool and leisure / gym facilities. The submitted Golf Report highlights how the proposed executive golf course has been specifically designed to be enjoyed by all levels of golfers and would be a facility different to those already in the area.*
- *Provision of substantial areas of open space including a circular footpath around the site.*

- *Provision of opportunities for Myerscough College which will help deliver the objective of encouraging the provision of training in leisure, culture and tourism development.*

*There would not be an unacceptable detrimental impact on the intrinsic value and rural character of the countryside to the degree that it would outweigh the substantial benefits of the scheme. Given the proposed biodiversity area and the sensitive way in which the scheme has been designed, there would be no significant harm to biodiversity in general or harm to the adjacent SSSI. However, the proposals do present opportunities to incorporate biodiversity improvements in and around the development. The biodiversity opportunities include:*

- *The proposed 3.1ha biodiversity area alongside the river;*
- *Enhanced wildlife corridors and substantial new native tree and shrub planting providing new and improved habitats for birds, invertebrates and foraging / community routes for bats;*
- *The creation of new ponds as part of the golf course and SuDS features such as reed bed infiltration systems which provide additional habitat for invertebrates and other species;*
- *Bird nesting boxes on existing trees etc.*

*The proposals would represent an improvement on the extant permission for a hotel, holiday lodges and golf course which has no measures for mitigation built in for birds or any other species.*

*There are no insurmountable technical issues relating to highways, flood risk or drainage, whilst the scheme has been sensitively designed to respect the objectives of the coastal change management areas and avoid unacceptable harm to visual amenities generally.*

*The golf course has been designed by a senior member of the European Institute of Golf Course Architects to ensure that it is both a high quality course but that it is laid out in a safe manner taking account of the adjacent highway, neighbouring properties and the proposed lodges etc. The proposed layout accommodates adequate car parking areas which are safe and accessible and which would not compromise highway safety. There are opportunities for significant landscape planting across the site.*

*In summary, the proposals have been informed by a variety of surveys and assessments and pre-application discussions with Council officers. They are in general compliance with the requirements of relevant Local Plan policy and represent a sustainable and positive development which ought to be granted planning permission."*

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
04/0636	PROPOSED VARIATION OF CONDITIONS 4 AND 5 ON APPLICATION 03/405	Refused	18/08/2004
03/0921	PROPOSED ANCILLARY CAR PARK WITH ASSOCIATED WORKS	Permission not required	18/11/2003
03/0405	REVISED GOLF COURSE LAYOUT INCLUDING ADDITIONAL LAND	Granted	20/08/2003
02/0652	ADVERTISEMENT CONSENT TO DISPLAY NON-ILLUMINATED SIGN BOARDS - RETROSPECTIVE	Granted	04/12/2002
01/0005	OUTLINE APPLICATION FOR REVISED SCHEME TO REINCLUDE ADDITIONAL FIELD TO THE WEST OF BANKFIELD FARM, PROVIDE CRAFT VILLAGE, GOLF SHOP AND FOOD COURT, DISPERSING THE	Withdrawn by Applicant	28/10/2002

00/0185	HOLIDAY CHALETS THROUGHOUT THE COURSE. RETROSPECTIVE ADVERTISEMENT CONSENT FOR NON ILLUMINATED SIGNBOARD	Granted	19/04/2000
97/0005	FURTHER APPLICATION FOR USE OF LAND FOR CAR BOOT SALES & ASSOCIATED CAR PARKING FOR MAXIMUM OF 14 DAYS IN ANY CALENDER YEAR	Granted	26/02/1997
96/0366	USE OF LAND FOR CAR BOOT SALES & ASSOCIATED CAR PARKING FOR MAXIMUM OF 14 DAYS IN ANY CALENDAR YEAR	Granted	26/02/1997
95/0537	USE OF LAND ON SUNDAYS BETWEEN APRIL 1ST AND SEPTEMBER 30TH, EACH YEAR, FOR THE HOLDING OF CAR BOOT SALES/ MARKETS AND ASSOCIATED CAR PARKING	Refused	22/05/1996
95/0306	RESERVED MATTERS - 18 HOLE GOLF COURSE & GOLF CLUB/HOTEL LEISURE/CONFERENCE CENTRE & 40 HOLIDAY LODGES.	Granted	09/09/1998
94/0044	AMENDMENT TO CONDITON NO 1, APP/5/90/145 RE SINGLETON GOLF VILLAGE, TO EXTEND THE TIME FOR THE SUBMISSION OF RESERVED MATTERS FOR A FURTHER 12 MONTHS	Granted	02/03/1994
93/0084	AMENDMENT TO CONDITION 1 ON APPLICATION NO. 5/90/0145 TO EXTEND TIME FOR APPROVAL OF RESERVED MATTERS BY 12 MONTHS	Granted	24/03/1993
90/0145	O/L 120 BED'M HOTEL 18 HOLE GOLF COURSE & CLUBHSE 40 TIMESHARE UNITS SEWAGE TREAT'T WKS LANDSCAPING	Granted	23/05/1990
88/0595	PRESTON; OUTLINE FAMILY RESTAURANT (LITTLE CHEF)	Refused	30/11/1988
88/0511	LITTLE SINGLETON - OUTLINE - PROPOSED GOLF VILLAGE	Refused	13/09/1989

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
04/0636	PROPOSED VARIATION OF CONDITIONS 4 AND 5 ON APPLICATION 03/405	Allowed	08/06/2005

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

The Parish Council situation is slightly complicated by the size of the application site. The eastern parcel is entirely within Little Eccleston with Larbreck Parish, and the western parcel is entirely within Singleton Parish with Windy Harbour Road forming the boundary between the two. Consultations have also been undertaken with Greenhalgh and with Elswick Parish Councils given their proximity to the site. The various comments received are reported here.

**Little Eccleston with Larbreck Parish Council** notified on 10 May 2019 and comment:

*“Little Eccleston with Larbreck Parish Council carefully considered the above planning application at the Parish Council meeting 13th June 2019 and wishes to object to this application on the following*

grounds:

Impact of holiday lodges on the sustainability of rural communities

*The use of holiday homes in this area will undoubtedly cause an influx of households into the countryside, which will compound the already deteriorating sustainability of the surrounding villages, which have been subject to numerous successful planning applications for large scale housing development.*

*This proposed application, if passed, will place a further burden on the existing stretched services within the local area which has suffered loss of bus services with most people having to travel using their own transport and additional pressure on healthcare facilities.*

*The proposed 495 lodges and 120 bedroom hotel will bring visitors into the area, posing a specific challenge to local NHS healthcare services, which are already under severe pressure. Increasing the amount of people into the area will only add pressures on local accident and emergency departments, urgent care centres, walk in centres and local GPs. Currently, residents of our parish are already reporting to councillors that they are having to wait up to 8 weeks to get a GP appointment at the local Great Eccleston practice.*

Transport and Traffic

*This proposal will add to the tourism dominated economy of the Fylde Coast and will place untypical demands on the transport network. The A585 junction currently operates at over capacity. We note the Highways Agency A585 Windy Harbour to Skippool improvements. The primary objective of that scheme is to improve journey times on the A585 between Windy Harbour and Skippool junctions. This however will not solve the volume of traffic arriving at the Windy Harbour junction for onward travel to the M55 or A586. To add the burden of a further 495 holiday lodges and a four storey hotel is not acceptable or sustainable.*

Conclusion

*As noted in this proposal, outline planning permission has already been granted for the development of a 120 bedroom hotel and leisure / conference centre and car parking, 40 holiday lodges and an 18-hole golf course with practice grounds sited.*

*This proposal to reduce the golf course and increase the size and scale of accommodation is an encroachment into the countryside.*

*The Parish Council therefore asks the Development Management Committee to reject this new application outright."*

**Singleton Parish Council** notified on 10 May 2019 and comment:

*"This proposal is for a very large development and the Parish Council would ask for assurance that none of these lodges would be for permanent residence and would not be a first or only residence. The Parish Council has previously written to Fylde BC about concerns about the number of holiday residential sites in the parish and the strains on local infrastructure, in particular local health services which are already stretched. The Parish Council would also ask the Planning Officers to ensure that all the facilities in the proposals are built and not just the lodges."*

**Elswick Parish Council** notified on 10 May 2019 and comment:

*"There are real concerns regarding the additional strain such a development will place on the existing*

*infrastructure and services within the rural area. This are already at breaking point and any type of future large-scale development will cause additional, unacceptable strain.*

*The degree of additional traffic utilising the A585 to access the M55 at junction 3 will cause further disruption on an already over-utilised highway. Additionally, access west on Fleetwood Road will be adversely affected particularly at the Singleton crossroads.*

*The proposed development further results in the loss of the rural area and will not address any housing needs as this is a proposal for holiday homes.*

*The parish council OBJECTS to the proposed development.”*

**Greenhalgh with Thistleton Parish Council** notified on 10 May 2019 and comment:

*“It was resolved to offer NO OBJECTIONS with the caveat that the local infrastructure is adequate to maintain the impact of 100% occupancy of the site for the allocated time-period the site can be occupied; that there is an assurance that the residencies are NOT for permanent residents; a plan to ensure the development is phased in a manner that ensures completion of ALL aspects within a specified time-frame.”*

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

#### **Wyre Borough Council - Planning Dept**

No consultation comments have been received.

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

They were consulted on the initial proposal and raised a number of objections to the development, largely related to the internal arrangements and the implications for Pool Foot Lane and Windy Harbour Road as the local highway infrastructure in that area. The applicant's highway consultant has submitted revised information in an effort to address those concerns with the result that their objection was withdrawn in revised comments received on 11 February 2021.

#### **Summary**

They conclude that with the revisions made the development will not have a significant impact on highway safety, capacity and amenity in the immediate vicinity of the site. They refer to the role that Highways England play with regards the Strategic Highway Network in the area and note that they have also withdrawn their initial objection (as is noted elsewhere in this report).

#### **Site Access**

The site access is from Windy Harbour Road and has been redesigned slightly to accord with LCC's wishes. The revised plan is now said to provide adequate sight lines and geometry for the expected level of movements. They also refer to the pedestrian connections and crossing points for both Windy Harbour Road and Pool Foot Lane and conclude that all arrangements are acceptable subject to the final details of these being agreed by condition and implemented via a s278 agreement relating to works in the adopted highway,

#### **Sustainable Links**

These involve the opportunities for pedestrians and cyclists to travel to and from the site

on Windy Harbour Road and Poolfoot Lane, and the redesign of the barrier that currently exists to prevent vehicle traffic accessing Pool Foot Lane to accommodate the development. They are satisfied that the details shown for these on the latest plan are acceptable subject to the detailed design being agreed and implemented.

An internal consultation has been undertaken with the Rights of Way Team. They have requested that a contribution of £13,390 be provided for the upgrade of the definitive footpath 5-11-FP2 although no details of how this sum has been arrived at or what it would provide are offered. This matter has been queried with LCC to assist in determining if this contribution request is appropriate.

#### Travel Plan

They confirm that the Framework Travel Plan is acceptable.

#### Sustainable Transport

They confirm that the existing public transport services and facilities around the site are acceptable and so no requests are made for any enhancements to these.

#### S106 Contributions

They make two requests for funding from the development:

- £12,000 to assist with the monitoring of the implementation of the Travel Plan
- £13,390 towards improvements to definitive footpath 5-11-FP2

#### Vehicle Charging Points

They support the provision of these within the development as is encouraged by local and national policy. A condition is appropriate to agree the number and location of these.

#### Internal Highway Network

They have no concerns over the internal circulation and the location and levels of parking that are provided.

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

No consultation comments have been received.

### **Environment Agency**

Raise no objection to the development.

#### Flood Risk

They highlight that parts of the site are within Flood Zones 2 and 3 where there are higher risk of flooding, and that the development includes a mixture of 'water compatible', 'less vulnerable' and 'more vulnerable' uses as set out in the PPG table for assessing the vulnerability of uses.

They then highlight that as the holiday lodges (which are the more vulnerable use) are to be used as non-permanent holiday accommodation these are suitable for use in Flood Zone 3 areas subject to site-specific flood warning and evacuation plan being in place.

They are satisfied that the submitted Flood Risk Assessment demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate

flood risk elsewhere. They do highlight that 3 lodges are within an areas that is identified as being at risk of flooding and so suggest that these lodges are re-location (Note: This has been complied with on a revised masterplan).

#### Sequential Test

They highlight the need to undertake a sequential test to examine if the development could be undertaken in areas that are at a lower risk of flooding, otherwise the proposal would be in conflict with para 158 of the NPPF.

#### Flood Warning and Emergency Response

They highlight that as the area has the potential to suffer floods there is a need for a flood waring and response plan to be put in place. They explain that the EA do not assess these but it is expected that the developer will provide an appropriate plan and measures for the gusts at the site to be able to evacuate before any extreme flood event. This is particularly an issue as the access route to lodges to the west crosses the flood plain.

#### Developer Notes

They highlight the following areas of advice to the developer:

- Flood warnings – they should sign up for this service that the EA offer to those in vulnerable locations
- Environmental Permit – Given the proximity of some of the works to the main river and tidal River Wyre there is likely to be a need for the developer to obtain an Environmental Permit to undertake works in these areas.

#### Coastal Erosion

They recognise that a range of works are proposed within the Coastal Change Management Area but conclude that the nature of these development works do not cause any concerns over their impact on this area.

#### Contaminated Land

They highlight hat as part of the site has previously been used for landfilling it presents a high risk of contamination being released during the construction works. This could then lead to contamination of controlled waters such as an aquifer. They refer to the lack of any Appropriate Assessment to demonstrate that these works will be undertaken in a manner that manages the risks of development and request that further information is provided on this, with particular reference to the Larbreck Hall Farm historic landfill site.

Should this aspect be considered acceptable they refer to the need for a remediation strategy to ensure that any potential contaminated areas are appropriately remediated. They then set out the scope of the advice that the EA is responsible for on this matter and so that other agencies may have other advice, and provide some detailed advice to the applicant over the permitting and other regulations that could apply to the remediation of these areas.

#### Foul Drainage

The hierarchy of proposed options in the NPPF is highlighted. They then explain that the proposal is to use package treatment plants or septic tanks which are at the bottom of the hierarchy. Whilst this is not necessarily unacceptable, they highlight the ned to undertake a permitting process that will need to demonstrate why a preferable solution

(i.e. a foul sewer connection) cannot be implemented. The concerns over this aspect are highlighted particularly given that any effluent that is discharged from the site would create potential impacts to the Morecambe Bay & Duddon Estuary SPA and the Wyre Estuary SSSI.

They again highlight the separate permitting regime that exists for the control of these elements.

#### Water Resources

The sourcing of water for the site is an area that the EA raise concerns over. They infer that the water demands of the scale of the development and the leisure elements (golf course watering and leisure facilities) will be significant, and that should this be supplied from a stream, borehole or well then there will be a need to obtain an abstraction licence, and that the ability to grant this will be dependent on available water resources and existing protected rights.

#### Further Advice

The EA conclude their letter by highlighting that there are a large number of potentially significant issues raised by the consultation response and so it may be of benefit for the developer to meet with them to progress these and so the details of how this could be facilitated are set out.

### **Highways England**

They initially offered an objection to the development following a detailed assessment of the proposal. This assessment covered the following elements

#### Initial scope of impacts

Highways England are primarily concerned with the impact of the development on the Strategic Road Network and highlight that the junction of Windy Harbour Road with Garstang Road, to the immediately south of the site, junction 3 of M55 to the south, and the Little Singleton lights junction to the west are the key impacts.

#### Initial concerns

1. There may be a conflict between a small part of the site and the land required to implement the Windy Harbour Bypass works
2. The modelling work on the Little Singleton junction undertaken in the submitted Transport Assessment does not use the version of that junction that will be in place following completion of the Windy Harbour Bypass
3. The existing and proposed highway drainage utilises a watercourse that runs through the application site to the River Wyre. This is to be crossed by a series of bridges to facilitate movement around the golf course and so the details of these are needed to ensure they do not impact on its flow
4. There are no details of lighting around the hotel at the site entrance which could impact on safe operation of the highway
5. The lights of vehicles on the site could cause confusion to drivers on the highway network at the Windy Harbour junction unless they are to be screened
6. The proximity of some parts of the golf course to the highway creates a potential for balls to be struck onto the road unless protective fencing is in place

#### Subsequent Comments

Additional comments were provided in October 2019 following the receipt of

clarifications and additional information from the developer which enabled Highways England to remove their objection and suggest a series of conditions be attached to any planning permission should Fylde Council resolve to support the application.

The consultation response is very detailed and so the key points are summarised below.

#### Car Parking at Lodges

The developer has confirmed that at least 2 spaces are to be provided for each lodge and so this satisfies the previous concerns of HE on the parking being inadequate and leading to the possibility of visitor parking off-site.

#### Other Committed Developments

HE requested confirmation that there were no other committed developments in the area that could impact on traffic generation or other highway matters to a degree that could influence the safe operation of the highway network alongside this proposal. It is agreed that there are no such other developments in that area.

#### Accident Analysis

The applicant's highway consultant now provides an analysis of the accident figures in the area, specifically at the Windy Harbour lights junction. This analysis satisfies HE that there is no commonalities or correlations between the various accidents to indicate that there is a particular safety issue with that junction that would influence how it is to be operated in the future should this development proceed.

#### Little Singleton Junction traffic flow Modelling

The applicant's highway consultant provided some additional detail on this which HE are satisfied reflects how the junction performs. These demonstrate that there are lengthy queues leading to the junction as is partly the reason that the Skippool to Windy Harbour bypass was proposed. At the time of their comments that Scheme did not have consent, but HE confirm that they expect that it is to be supported and that when operational will significantly reduce any development impacts at that junction. They express caution over the approval of the leisure development if that scheme is not to be supported.

#### Windy Harbour Junction traffic flow Modelling

They are satisfied that the additional modelling work adequately reflects the base conditions with regards the operation of that junction. This has allowed HE to undertake more accurate modelling of the impact of the leisure development on the operation of that junction. This looks at the expected traffic flows through each of the arms of the junction in respect of each of the directional choices that are available, and then projects these forward using accepted traffic growth models to 2037 with the both with bypass and without bypass scenarios tested.

They conclude that the development of the leisure facility will bring a modest increase in vehicle movements through the junction and so associated queue lengths. The scale of the development is such that it will take many years to be fully developed and so the growth in traffic levels from the site onto the highway network will be incremental. However they conclude that by 2037 the junction is forecast to operate within capacity in both the with bypass and without bypass scenarios, albeit some arms are approaching capacity when the development traffic is included.

#### M55 Junction 3 traffic flow Modelling

There were some initial concerns over the data supplied for this assessment which the applicant's transport consultant has provided corrections to. The result of this is that HE are now satisfied that the impact of the proposed development on the operation of that junction will not be severe in isolation and that the committed congestion relief scheme would be expected to mitigate the forecasted queuing that the modelling revealed.

#### MOVA Data

There was a dispute between HE and the applicant's highway consultant over the need to provide modelling data regarding how this system (which modifies signal timings in response to traffic flows) operates at the Little Singleton and Windy Harbour junctions. In their revised response HE are satisfied that the models that are available are fit for the purpose of assessing the impact of the proposed development.

#### Conclusion

*In view of the fact that the development site lies adjacent to the A585 trunk road and would be affected slightly by the published route of the A585 Windy Harbour to Skippool Bypass, Highways England formally recommends the following conditions be applied to any grant of planning consent:*

- *No Drainage from the development shall connect into the Highways Drainage of the A585 trunk road.*
- *Should the application made by Highways England for an Order Granting Development Consent for the A585 Windy Harbour to Skippool Improvement Scheme be approved, no part of the development shall take place on any land identified within the Development Consent Order without the agreement of Highways England.*
- *No development shall take place until full details of an appropriate boundary treatment scheme along the site boundary with the A585 trunk road has been agreed with Highways England in conjunction with the local planning authority.*

*Where the decision-making authority or the applicant does not agree to the imposition of the pre-commencement condition(s) as recommended above, then it is the formal recommendation of Highways England that the application be refused. Should the decision-making authority disagree with this recommendation, then it must consult the Secretary of State for Transport prior to issuing any decision, in accordance with The Town and Country Planning (Development Affecting Trunk Roads) Direction 2018.*

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

They offered initial comments in June 2019 that highlighted the need for further information to be submitted to ensure that there is no net loss of biodiversity, that there are no harms to any protected species or their habitats and that the implications of the development to a Biological Heritage Site and for nesting birds and invasive species can be resolved.

Since that time they have had considerable involvement with the application including a site visit with the applicant's ecologist and joint work with them (under instruction from Fylde Council) on the Habitats Regulation Assessment that is required due to the location and nature of the development.

Revised comments were received in the August 2020 and are included here in full:

#### Summary

*The additional documents provided, are primarily intended to answer Natural England's comments on the potential impacts to the SPA and Ramsar sites and therefore it is their views that are more important. However I am satisfied that the additional survey information, professional opinion and technical documents demonstrate that negative impacts are unlikely and can be avoided. I have also updated my other comments in light of the time since my previous comment to the application and the site visit and conversations I have had since my original comment.*

#### Statutory Protected Sites

*There were a number of potential direct and indirect impacts to the European sites identified by Natural England and the GMEU including direct recreational, noise during construction and pollution impacts as well as indirect impacts to functionally linked land.*

*A technical noise report has been provided and I am not qualified to comment on the technical aspects of the report. They do however conclude that noise disturbance would occur to the SPA during construction in the northern part of the site and therefore any construction within the zone of influence will need to occur outside the wintering bird season. This appears to be a workable approach, could be conditioned as part of any permission and resolve this issue with the required appropriate assessment.*

*No noise issues are expected post construction. Again I am not technically qualified to determine this but I have no reason to doubt the findings of the report.*

*In terms of recreation a buffer area is being created along the SPA boundary, visitor packs proposed and the site designed to draw users to the southern half of the site. The bird recorder has also noted that birds utilising the estuary did not appear to be disturbed by walkers. I am therefore satisfied that a solution is available and that a commitment has been shown by the developer to avoid recreational disturbance that can again be resolved via a condition.*

*In terms of pollution and levels of run-off the developer has again committed to ensure drainage from the site is no worse in terms of quality or quantity. Again I am not qualified to comment on the technical side of this issue, but I am aware that the technology is available to prevent increased levels of pollution and flow entering the SPA and that the details can be conditioned.*

*In terms of the functionally linked status, further winter bird surveys have been carried out and the professional opinion of other bird watchers sort. The winter bird survey failed to record any flocks of pink footed geese, though evidence in the form of goose dropping indicated some use does occur in the western arable field and the eastern field currently grazed. High levels of pink footed goose were recorded in the estuary. The droppings do not necessarily mean pink footed geese were present, as the dropping could be from another species of goose. Higher number of greylag geese was recorded to the west of the site, which could account for the droppings in the western field. The level of dropping was however regarded as well below what would expected is a significant usage occurred. ie above the 1% threshold. It should also be noted that both the surveyor and opinions of the experienced bird watchers is that the site other than the western arable field is unsuitable and the arable field whilst theoretically suitable is too small, with too many trees to be optimal. I am therefore satisfied that the site and adjacent fields are not functionally linked for significant numbers of pink footed geese.*

*One other SPA species was however encountered on the site in moderate numbers in the eastern cattle grazed field, Teal. The numbers were however below the 1% threshold and this is not a key species for the SPA, only listed in the assemblage.*

*In conclusion I am satisfied that whilst there are risks to the SPA, all can be overcome through appropriate mitigation measures. However Natural England may disagree and require more than the measures proposed by the developer. Fylde will also need to produce their own HRA.*

#### River Wyre – Upper Tidal Section BHS

*My previous comment of the 24th June 2019 still applies.*

#### Protected Species

*My previous comment still applies which indicated updates would be required if development was delayed beyond Spring 2020. This has occurred. Currently this would require a simple review that there are no changes in circumstances and given the level of risk, I would be happy for this to occur via condition.*

#### Nesting Birds

*My previous comment of the 24th June 2019 still applies.*

#### Contributing to and Enhancing the Natural Environment

*Since my previous comment, I have had correspondence and a site visit with the applicant, along with additional information on the proposed mitigation strategy for the golf course and the wider site. This has convinced me of the developer's commitment to achieve adequate mitigation and that it is feasible on-site. Whilst the detail has not been provided they have provided a high level strategy showing the areas to be set aside primarily for biodiversity, which if adequately designed and well maintained, have the scope to achieve net gain. Whilst reluctant to use off-set matrices, (which they are not required as yet to utilise), should development be delayed further, it may become necessary. I am therefore now in a position that I would be willing to have the finalised details for the landscape and environmental management to be conditioned. I should probably though provide a more detailed response to the additional information to the developer before the wording of the condition is finalised.*

*In terms of species proposals eg mitigation for loss of bird nesting habitat, no detail has been provided. There is however adequate scope on the site to utilise retained trees and incorporate bird bricks, boxes in to buildings as well as the proposed wetland site to achieve it and therefore for the detail to be conditioned as part of a LEMP."*

## **Natural England**

### Background

Given the proximity of the site to the Morecambe Bay & Duddon Estuary Special Protection Area (SPA), Morecambe Bay Ramsar Site and the Wyre Estuary Site of Special Scientific Interest (SSSI) they are a key ecological consultee. They made initial comments in June 2019 which raised objection to the development based on a range of information which they felt was lacking from the original submission and was needed to allow a proper consideration of the impacts on these designated areas.

There has been considerable engagement between the applicant's ecologist, Natural England and the council's ecological consultee (Greater Manchester Ecology Unit) since

that time with the latest position of Natural England from November 2020 being summarised here.

### Summary

Their summary position is that they raise no objection to the development subject to appropriate mitigation being secured. The mitigation is needed to avoid the development having an adverse effect on the integrity of the Morecambe Bay Special Area of Conservation (SAC), Ramsar site, Morecambe Bay and Duddon Estuary Special Protection Area (SPA), and to ensure that the development does not damage or destroy the interest features for which the Wyre Estuary SSSI has been notified. The mitigation needed to avoid this is the agreement of a Construction Environment Management Plan, control over external lighting during construction, the timing of works, and the provision of visitor information packs. These are matters which Natural England believe can be secured through a condition.

### European Designated Sites

They highlight that the site is around 300m from the Morecambe Bay SAC, Morecambe Bay Ramsar and Duddon Estuary SAC and so this is a key assessment. The investigation of these impacts has been undertaken in a Habitat Regulations Assessment produced by GMEU actin for the applicant but with the approval of Fylde Council. Natural England highlight that Fylde Council must adopt the HRA to fulfil its duty as a competent authority under the regulations.

The Appropriate Assessment concludes that the development will not result in adverse effects on the integrity of any of the sites in question, and Natural England agree with that conclusion providing all the mitigation measures that are proposed are appropriately secured. These are:

- Construction Environment Management Plan – This is needed to protect water quality by ensuring that run-off and other pollutants are prevented from entering water bodies
- Surface Water Drainage – Details of this are needed to ensure that reed bed filters or other such SUDS measures are introduced in the development to help ensure that any water leaving the site will not impact on the water quality in the protected sites
- Lighting – the external lighting needs to be directed away from the estuary during construction to avoid causing disturbance
- Timing of works - Construction works should only be undertaken in the April to September period to avoid the season when wintering birds are present in the area.
- Visitor Packs – The development will increase the number of visitors to the area and so increase recreational pressure on the Estuary. In turn this places pressure on the sensitive interest features that are designated. A visit pack is a helpful method of ensuring that all visitors to the sire are aware of the designations, their international importance, their vulnerability to disturbance, and to highlight the availability of alternative recreational facilities in the vicinity.

### Wyre Estuary SSSI

They highlight that the concerns set out in respect of the SAC/Ramsar site also apply to the Wyre Estuary SSSI.

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

Highlight a series of concerns over the development

- That the static units are generally regimented in long lines of units and should be remodelled to provide a more parkland setting with greater landscaping and a more organic approach
- The hotel arrangement should be redesigned with the parking repositioned to be behind the hotel
- The 25m deep planting along Garstang Road should be continued around that site boundary
- Clarification should be sought over the possibility of protective fencing being required along any site boundary or within the site.
- The herbicide use on the golf course maintenance may have ecological considerations
- Queries the golf course layout not being 'circular'
- The LVIA is lacking in visual representations of the impact and looks at the site in isolation which it should be assessed alongside the existing Windy Harbour Caravan Park
- There is a need to establish if the ground conditions with previous landfill use are such that the planting that is proposed can actually be undertaken
- There needs to be a stand off of circa 50m of units from Poolfoot Lane to ensure that the visual impact to that route are minimised.

#### **Tourism Officer**

Notes that this development is of a significant scale which would be a signature destination development that would attract customers from a regional and national basis. He draws a comparison to Ribby Hall as the only other similar development in the borough and highlights that as Ribby Hall is continuing to implement a programme of expansion and redevelopment of the site it indicates that there is an active demand for additional high quality accommodation and supporting facilities such as this.

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

No consultation comments have been received.

#### **Lancashire County Council Rights of Way**

No consultation comments have been received.

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

Highlight that the development of the holiday lodges will require the grant of a licence from Fylde Council under the Caravan Sites and Control of Development Act. They also refer to the submitted details seemingly indicating that the requirements of this legislation have been considered in the submission.

#### **Marine Management Organisation**

They have been consulted as the development is in proximity to the tidal section of the River Wyre. They have provided comments which advise that the development will need a licence from the Marine Management Organisation should any works be undertaken which fall below Mean High Water Springs.

The response also provides details over the role and responsibilities of the MMO relating to licencing, marine plans and marine waste/mining activities which do not relate directly to this development.

### **Lancashire Fire and Rescue Service**

They have commented on the application to advise that the development should provide suitable access and turning facilities for fire appliances, and a suitable access to water supplies within the site.

### **United Utilities**

Refer to their preference for the site to be drained on separate systems with the foul water going to the public sewer and the surface water to the most sustainable way as set out in the drainage hierarchy. They refer to having reviewed the applicant's Flood Risk Assessment and that they have no objections to the development having done so subject to a condition that requires the site drainage to follow the drainage arrangements set out in the submitted FRA.

### **Neighbour Observations**

<b>Neighbours notified:</b>	10 May 2019 (letters sent to 103 properties)
<b>Site Notice Date:</b>	13 May 2019
<b>Press Notice Date:</b>	16 May 2019
<b>Number of Responses</b>	Comments have been received from 6 properties in the area with a letter received from a planning consultant representing 1 of these
<b>Summary of Comments</b>	The comments received are summarised as follows:

- A direct neighbour to the site suggests that there is a need for a suitable boundary treatment to be installed
- A neighbour is concerned to ensure the views of the estuary are not obscured
- A direct neighbour highlights concerns over some lodges that are located close to their boundary which they feel could lead to noise and odour (BBQ, etc) disturbance to them (Note: the identified properties have been relocated in the current masterplan). Their planning consultant highlights the limited levels of strategic landscaping that are proposed in this part of the site.
- The planning consultant refers to the likelihood that the development will lead to additional users on Pool Foot Lane and argues that its limited width and lack of pavements means that it is unsuited to accommodate additional users.
- Express concern to ensure that the development does not become available for residential use
- Support the establishment of the golf course and environmental improvement area as an initial phase of the development
- Highlight that there are drainage concerns over the part of Pool foot Lane where the golfers crossing point is proposed and so there is a need for this to be remedied in the development.
- There should be no vehicle access to the site from Pool Foot Lane, including construction access, as it is unsuited for that use.
- The construction of this development needs to be phased so it does not conflict with the construction of the bypass as that will exacerbate the inevitable congestion in the area that both will bring.

- The construction works associated with the site will lead to noise, dust and odour pollution to neighbours.
- The level of traffic generation for the site will be considerable and there are doubts that it can be accommodated on the road network given the current levels of queuing and that the development will require the phasing of the lights to be amended which will compound issues on the main routes through that junction.
- The development will result in a conflict with the development plan allocations of the land as Countryside and Coastal Change Management Area.
- There will be a conflict with the landscape character of the area as the undulating wild meadows that the site currently consists of will be replaced by the manicured golf course and lodges
- The fall back position is of limited value as it only accounts for around 25% of the total site as the golf course area should be excluded.
- The development proposals prevent the approved 18-hole golf course from being delivered. This is more beneficial in both economic and sporting terms than the 9-hole course that is proposed which the neighbour describes as a token gesture which they doubt will be delivered.
- Biodiversity harms are highlighted in particular with regards to the negative impacts on the Morecambe Bay and Duddon Estuary SPA, the Morecambe Bay Ramsar site, and the Wyre Estuary SSSI. These harms are said to arise from the construction works, the loss of habitat on the site, and the recreational disturbance that will arise from the increased visitor presence in the area
- The sprawled layout of lodges that is proposed across the site will lead to landscape harms that are considerable
- A resident argues that the negative impacts of the development are such that they outweigh any positive ones with the result that the scheme does not deliver sustainable development and should be refused.

### **Relevant Planning Policy**

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity
EC6	Leisure, Culture and Tourism Development
EC7	Tourism Accommodation
T1	Strategic Highway Improvements
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
HW2	Community Facilities

HW3

Protection & Provision of Indoor & Outdoor Sports Facilities

**Other Relevant Policy:**

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

**Environmental Impact Assessment**

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

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

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

In this respect the application is now accompanied by a shadow HRA which has been prepared jointly by the council's ecologists who advise that there is a low risk of a Likely Significant Effect to qualifying features of a Natura 2000 (Morecambe Bay & Duddon Estuary SPA). There are a series of mitigations required to satisfy this position, including the provision of an ecological mitigation habitat area and other controls over the development. These are to be the subject of further assessment and planning conditions to secure their implementation.

Whilst there are other impacts, most notably highways related given the position of the access being closely associated with the Skippool to Windy Harbour improvement scheme that was itself EIA development, it is not considered that the implications of this development have wider significance.

Having considered the information submitted in regard to the Habitat Regulations Assessment and other matters, it is considered that the proposal does not represent EIA development and so an Environmental Statement is not required in this instance.

**Comment and Analysis**

The application covers an extensive geographical area and includes a number of different but interlinked land uses. To assist Members in their consideration of the application this report will set out the policy position to be assessed in respect of the scheme and then provide commentary on how the individual sections relate to that policy background before turning to the implications of the development in a more general respect.

**Policy Background**

The application site lies within the Countryside as designated by Policy GD4 of the Fylde Local Plan to

2032. This Policy is a generally restrictive one towards new development, but it does allow for development where it meets one of a limited number of exceptions. One of these is 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.*

Whilst the scheme is clearly not associated with the first part of this exception relating to the agricultural and other such uses, it is a use that would diversify the rural economy and so could comply with that requirement. That section of the exemption sets out some options for uses that could achieve that diversification and whilst this scheme is obviously not small-scale it is a tourism development and so there is a need to examine if it is acceptable as the 'very exceptional' larger scale tourism development. If that is considered to be the case then the proposal is in accordance with this policy which dictates the types of development that can be acceptable in countryside areas of the borough.

A part of the site is also within an area designated as 'Coastal Change Management Area' which forms part of the wider countryside designation and is intended to highlight those parts of the borough where the tidal influence of the River Wyre is to be considered. The policy control in these areas is provided by Policy ENV1 which addresses landscaping matters in general and so is a key consideration in the assessment of this application as a result.

The scheme is driven by a tourism aspect and so there are key elements of the economic chapter of the Fylde Local Plan to 2032 that are relevant to the consideration of this application. In that section Policy EC6 deals specifically with supporting leisure, culture and tourism development. This sets out a number of positive measures that the council will do with the majority of these are focused on the existing coastal resort areas of the borough but there is support provided for rural tourism in a specific section of the Policy which will assist the assessment of this proposal. Policy EC7 is also of relevance and relates to the provision and control of tourism accommodation in the borough.

Alongside these specific policy assessments are the more general policy tests relating to highways, ecology, drainage, design, etc which are considerations that are common to all planning applications and are addressed under Policy GD7 and other policies of the Fylde Local Plan to 2032 which will be referred to where appropriate in this report.

### **Planning History**

The planning history of a site is a key material planning consideration in the assessment of an application. That is particularly the case here where there is a long-standing and extensive planning permission for a similar form of development to that proposed under the current application.

Planning permission 90/0145 was granted by Fylde Council in 1990 in outline for the establishment of an 18-hole golf course with clubhouse, 120 bedroomed hotel and 40 timeshare units. This permission was progressed through reserved matters approval in 1998, and a full planning permission for a revised golf course layout in 2003. This permission has been implemented with significant quantities of material brought onto the site to facilitate the formation of the golf course element, with this element now completed, although the final treatment to this facility has not been undertaken. No works have seemingly taken place on the other elements of the permission, but they remain extant due to the works to the golf course part of the planning permission.

Whilst the planning permission was secured by a previous landowner to the current applicant, they are able to take advantage of it should they wish. The continued development of this planning permission represents a fallback position for the applicant to utilise, and so is a factor to be

considered in the council's decision on the current application.

### **Golf Course Development**

This is a 9 hole course that is located entirely on the western side of Windy Harbour Road, although the supporting facilities are located on the eastern side. The course has been professionally designed by golf course architects brought in to support the submission and is intended to be an 'executive golf course'. This refers to each hole featuring a series of tee positions both to accommodate different standards of golfers, and to provide different approaches to the same green to enhance the flexibility of the course. This will allow an individual golfer to play the course twice from different tees and so provide the challenge of an 18-hole course without the same space demands, albeit one that is not to the lengths expected of a standard 18-hole course. The course is designed with 3 x par 4 holes and 6 x par 3 holes but includes differences of around 100 yards on most tee positions to achieve that variety of challenge.

The supporting facilities include a practice area, a club shop, a professional's teaching facility, a greenkeepers store and a separate car park. These are clustered together on the eastern side of Windy Harbour Road alongside the entrance to the existing Windy Harbour Holiday Park, although they are accessed from the main vehicle access to serve the site.

The layout of the course features its first hole close to the Windy Harbour lights junction, then runs along the southern perimeter of the site with Garstang Road and then through the western parcel to the north western parcel where the majority of the holes are located. The course finishes at Windy Harbour Road close to the clubhouse where golfers playing 9 holes would return to the clubhouse area and those playing a second 9 holes could walk along a footpath that is to be provided along Windy Harbour Road back to the tees for the first hole close to the Windy Harbour lights. The submission explains that the course is to be operated in partnership with Myerscough College who offer courses in golf course related matters.

Unlike its predecessor the Fylde Local Plan to 2032 does not include any specific policies relating to golf courses other than protection to the existing courses in Policy EC6 from their use for non-golf purposes. That policy then refers to the promotion of rural tourism and makes some generally supportive references to land uses that will encourage access to rural landscapes including the enjoyment of the coastline by visitors to the borough. The establishment of a golf course on land that is rural in character and offers views of the river and its coastal influence, where it is currently inaccessible to the public must therefore be a policy benefit from the development.

The planning history is a key factor in the acceptability of the golf course development on the site, with there being an implemented, and so extant, planning permission for that use. This proposal will provide a different form of golf course than the previous approval but utilises some of the same area and so has similar impacts to offsite neighbours and other visual receptors such as those in vehicles on Garstang Road and pedestrians/cyclists on Pool Foot Lane.

There is an argument, which is one put forward by a neighbour to the site, that the development of the 9 hole course proposed in this application is contrary to the requirements of Policy EC6 as it would prevent the 18 hole course from being implemented by replacing much of the area that that course was to occupy with the lodges. Whilst it is factually the case that the lodges do occupy the land that the approved course would require, it is also factually the case that the permission for that course has existed in one form or another since 1990 without actually being actively developed to any great degree. This seems to indicate that there is a limited demand for a course of that nature. It is also the case that the protection to golf courses in Policy EC6 is in a section of the policy that refers to them adapting to new challenges and it could equally be interpreted that the adaptation of

the approved 18-hole course to the 9-hole 'executive' course proposed in this application is in accordance with that element of Policy EC6. The justification to the policy provides no guidance on this point, but with the course at Windy Harbour not being anywhere near functional, it is not considered that there is any conflict with its requirements.

The layout is a logical one that allows the provision of a course that is of a suitable standard for those likely to visit a site such as this without competing with those golfers who visit the existing and traditional courses in the borough and wider area. It allows this facility to be provided without utilising the same extensive area of land that a traditional course uses and is laid out to offer a visual break and screening of the holiday lodges from the off-site receptors.

The phasing of the delivery of the course and the operational arrangements for its management are elements that need to be incorporated into the planning decision either through condition or clauses to a legal agreement. Unfortunately, time constraints mean that these matters are yet to be finalised at this time and so it is requested that they form an element that officers are delegated authority to progress with the applicant and conclude prior to the determination of the application.

As an overall position the formation of the golf course is acceptable in policy terms as a rural tourism facility and as a use of countryside land that will help diversify the rural economy. It is further supported by the extant planning permission for that use on the site. The course is laid out in a logical manner given the location of the off-site receptors and the benefits it provides in separating the lodges from those receptors. It also assists with the relationship to the Coastal Change Management Area designation as set out in a following section of this report. The supporting development associated with the golf course use are modest in nature and are appropriately sited. Accordingly, this element of the proposal is acceptable.

### **Leisure Building Development**

This is the largest building proposed on the site and is situated close to the Windy Harbour lights junction. It is designed to accommodate the facilities expected of a modern leisure / gym operation with a 25m indoor pool, gym area, studios and associated changing, café, treatment and ancillary rooms. The facility would be available to holiday visitors to the site, but as with the golf course would also be open to non-visitors. This element raises matters of planning policy as well as the design, visual impact, parking, etc. implications.

The planning policy position is twofold: an assessment of compliance with Policy GD4 relating to development in the Countryside, and an assessment of compliance with the town centre impact element of Policy EC5.

Dealing with the countryside policy, this element of the application proposal does not by itself meet any of the requirements of Policy GD4 as it is not in itself a tourism development as is required by Policy GD4a as is quoted earlier in this report with it being a leisure facility. However, it is clearly an important aspect of the overall development and one that relates appropriately to the establishment of the lodges on the site. It is important that any lodge / cabin development of this scale provides a 'hub' facility where visitors are able to focus their leisure time alongside that time which will be spent off-site, and a leisure facility of this nature will satisfy that requirement. Therefore, in terms of an assessment against Policy GD4a it is considered that this element is acceptable providing the overall use of the site is considered to be so and its delivery is linked to the establishment of that wider leisure use.

Dealing with the town centre policy aspect in Policy EC5 of the Fylde Local Plan to 203, the first consideration is to accept that a leisure facility of this nature is a 'main town centre use' of the type

that is set out in the glossary to NPPF. As such that guidance indicates that it should be located in a town centre or failing that an edge of centre location where it is accessible to a wider range of customers by more sustainable means and will encourage footfall and so vitality in those areas. The NPPF expects that this sequential approach is applied and then looks for an impact assessment to be made where the gross floorspace exceeds 2,500m<sup>2</sup> unless this is amended by a local threshold. In Fylde there is a local threshold of 750m<sup>2</sup> as set out in Policy EC5 although the policy confusingly then relates this to the application of a 'retail impact assessment' rather than the 'impact assessment' applied in the NPPF. As this proposal is for a primarily non-retail use there is an argument that the local threshold in Policy EC5 should not apply but that is not the case as it is the local threshold as described in NPPF.

The application is not supported with any impact assessment and the sequential assessment is limited to a section in the planning statement that argues that the inclusion of this facility within the wider development is a locational necessity that prevents its practical location at any neighbouring main town centre. The nearest such centres to the site are Kirkham (5.5 miles), Poulton (3 miles) or Garstang (9 miles) and given these distances it is accepted that there is merit in the facility being located alongside the lodges providing its delivery is linked to the lodge, with the phasing of this the subject of a further section of this report.

The planning statement argues that there is no need for an impact assessment as the reference in para 104a of the NPPF should take precedence. This reference is in the sustainable transport chapter and explains that planning policies should support a mix of uses on larger sites to minimise the number and length of journeys for various activities including leisure. Whilst the NPPF para does make that reference it is explicitly in relation to planning policies, rather than decisions, and cannot overrule the need for an impact assessment as this facility is in excess of the 750m<sup>2</sup> threshold set out in Policy EC5 and the 2,500m<sup>2</sup> threshold set in NPPF. This is a matter that needs to be progressed further to allow a full consideration of the merits of this aspect of the proposal and it is requested that members delegate the decision to officers to allow them to consider this aspect further following the receipt of the required impact assessment. The officer recommendation is drafted to accommodate this.

The building measures 80m x 40m at two storeys in height and has an additional sizeable café element at single storey projecting from one corner. As such it is a sizeable building that will have a considerable presence on the site. The masterplan indicates that it is to be located in the front corner of the site where it will be highly visible to users of the Windy Harbour lights junction and from Windy Harbour Road. Notwithstanding this prominence the building is not unattractive in its design and it if it is accepted that there can be a policy support for a building of this nature and scale then the proposed scale and design are acceptable in principle in other respects. However, there are some concerns over the general layout of buildings in this location with the current arrangement providing a large expanse of parking to the frontage and so it is suggested that officers be delegated the authority to discuss this aspect further with the applicant and to consider revised options for the arrangement of the buildings in this location. This is particularly important given the uncertainty of the policy position surrounding this building.

At this point it is not possible to reach an overall conclusion on this aspect due to the need to explore the town centre planning policy position further, but subject to that being acceptable, and the layout being modified to an acceptable arrangement, and the appropriate phasing of its construction then this facility will be acceptable.

### **Hotel Development**

This is the tallest building on the site as it provides accommodation over 4 floors with 102 bedrooms

and a supporting restaurant, reception and other servicing facilities. It is shown to be sited at the very frontage of the site running generally parallel to Garstang Road with a car park and grassed area separating it from that road.

As with the leisure building this is a main town centre use and it also exceeds the threshold whereby an impact assessment is required. As no such assessment has been provided this is a further element that needs to be considered further in policy terms. The complication to this is that the planning history includes a permission for a larger hotel on the site (03/0405 refers) that is extant and so would provide for a viable fallback position to justify this element. This is an aspect that can be incorporated into the impact assessment that needs to be received and considered to reach a conclusion on the policy compliance of this aspect.

The prominent siting and considerable scale of this building ensures that it is critical that it is appropriately sited within the application site, and whilst a location at the front of the site is undoubtedly correct in general terms it is not necessarily the case that the current arrangement is the best in that area. This is an area that officers would like to discuss further with the applicant once the acceptability of the hotel and leisure building in policy terms have been clarified. The design of the hotel building is an issue that may well also be key to the successful incorporation of this element into the site and so should also be an aspect that officers are authorised to discuss further with the applicant.

It is therefore the case that there is no conclusion on this aspect to present to Members in this report, other than to request that the authority to finalise the discussions over this aspect be delegated to officers.

### **Holiday Lodges Development**

The most widespread aspect of the application is the provision of the 495 holiday lodges that are proposed. These are split so that 340 are located on the eastern side of Windy Harbour Road and 155 on the western side, with those to the west in two parcels that are separated by two of the golf holes. No details of the lodges are provided other than they are to be single storey, for holiday purposes only, and will reflect the size and other legislative requirements of a 'caravan'. The masterplan indicates that they are laid out in a linear but slightly organic manner with a number of cul-de-sac arrangements, and areas of planting and other open space provided around the site and between the rows of lodges. A series of ponds, ditches and other features are accommodated within this layout.

In policy terms the only support that could apply for this development is if the site is considered to be an 'exceptional large scale tourism development' as set out in Policy GD4a quoted above. Policy EC7 relates specifically to 'Tourism Accommodation' and has two sections: one relating to the defined holiday area in St Annes which is clearly not relevant here, and one relating to Holiday Caravans and Camping Pitches which should have relevance. This section explains that existing holiday pitches should be retained for that use and that the residential use of holiday pitches will be resisted. It also explains that pitch numbers on existing sites can be increased where environmental improvements are delivered. As this is a new site it is therefore the case that there is no part of Policy EC7 that provides any guidance either way on its assessment. Policy EC6 however does offer some guidance albeit it provides more general support for rural tourism. Para 83 of NPPF also provides general support for the development of land-based rural businesses which could conceivably be interpreted as the provision of a holiday lodge facility.

The supporting statement makes it clear that the lodges are the key element of the submission, with the other elements designed to support the attraction of the site to visitors and support their stay at

the site. The applicant is a developer of holiday parks and the statement refers to other sites in the country that they operate as evidence of this.

The existing planning permission for the site does include an element of holiday lodges but these are located in a corner of the site alongside the existing Windy Harbour Holiday Village and limited to 40 in number. The majority of the accommodation in that scheme was provided in a large hotel building leaving the bulk of the site to be developed as the 18 hole golf course. In contrast this scheme provides a significant number of lodges and these are the largest user of land in the application. Accordingly, whilst the principle of the holiday lodge use is arguably accepted by the previous permission, the extent of the site occupied by this use is very different.

The fact that the site is much more extensively covered is not in itself an issue as it largely reflects the change in the tourism market that has occurred in recent years with the growth in the popularity of holiday lodge style accommodation at Ribby Hall and elsewhere in the borough, it is also a market that is likely to grow further in the coming years as the economy recovers from the COVID19 pandemic and the travel restrictions that this brings.

The visual impact of the lodges is discussed elsewhere and officers feel that there is a need to secure a more sympathetic visual impact of the development to key receptors, to secure improvements to their layout with a more organic feel and perhaps a reduced density of their development. Subject to these improvements being secured the provision of lodges over the site allows an opportunity for it to be developed as part of a modern leisure led development which will avoid creating any significant harm and will bring some economic and other planning policy benefits.

The conclusion to this section is that there is no direct policy support for the provision of holiday lodges, other than where they form part of an 'exceptional' large scale facility, there is support in more general terms. With the breadth of other uses that are involved in this application it is conceivable that the scheme does deliver that large-scale facility and so if that were the case then the lodges would be acceptable in policy terms. There are no overriding issues with their provision in other respects other than some concerns over some elements of the layout and so the office recommendation is that this should be an area that officers are delegated the authority to discuss further with the applicant's agent. Conditions are also needed to ensure that the design of the lodges is appropriate, that their delivery is phased to ensure they are provided alongside the landscaping and other supporting developments to minimise trip movements, and that their occupation is strictly limited to holiday purposes.

### **Other Elements**

The scheme has a series of other more minor elements of development including the provision of a circular walk around the perimeter of the eastern parcel of the application site and extending to Pool Foot Lane, the provision of a biodiversity area to the north western parcel, areas of parking alongside then main leisure/hotel/reception hub, and some associated improvements to the pedestrian and cycle connections along the length of Windy Harbour Road to improve the safety of that route to all users.

These do not raise any particular policy issues and are all clearly ancillary to the main uses that are described in the previous sections of this report.

### **Economic Implications**

Whilst these will be both positive and negative they are difficult to quantify both in terms of the level of impact and the scope of that impact. It is clearly the case that tourism is an important contributor to the local economy with the Local Plan advising that 1 in 10 jobs in Fylde is related to

the tourism economy and so it has a key role to play in the economic wealth of the borough.

The establishment of a destination facility such as this will bring direct investment through the construction of the facility, through the jobs of those employed to operate it, and through the investment that the visitors to the site will contribute to the area. Those visitors will spend money whilst at the site with the planning statement with the application quoting a figure of up to £100 a day from visitors to a holiday lodge site such as this with this split between on and off site spending. Clearly such expenditure will be a welcome contribution to the local economy and whilst some will be spent outside of Fylde borough given the location of the site it is likely to be retained in the sub-regional Fylde Coast area so will bring local economic benefits. Set against that is the likelihood that at least some of the visitors to the site will be attracted there in an alternative to stays or trips that they would make to existing facilities in the borough, be it a local golf course, caravan site, leisure facility, etc.

The application suggests that great weight should be placed on this point, and whilst it is accepted that the economic aspect of sustainable development is an important one in the council's assessment of an application, the lack of any direct evidence to demonstrate that there is a need for these facilities to support a local economic sector, or a quantifiable way of assessing the contribution that the proposed development will make means it is difficult to apportion any significant weight to this factor in the overall decision on the application.

#### **Overall Compliance with Policy GD4**

The sections of this report to this point have sought to provide commentary on the respective merits of the various elements of the application proposal and how they can accord with local policy and national guidance. The overall point on this is that there is no direct policy support for the establishment of such a facility, other than the general NPPF and Fylde Local Plan to 2032 support for the development of facilities that support the rural economy and the visitor economy in particular. However, it is equally the case that there is no policy that would direct that this proposal should not be supported.

The direct policy test is therefore that set out in Policy GD4a. This relates to development in Countryside areas in a more general form and allows only certain forms of development. In this case there can be no doubt that the provision of 495 lodges and a golf course with supporting hotel and leisure building spread over a 67 hectare site constitutes a 'large scale tourism development' as referenced in that policy. The question is whether this particular proposal should be allowed as being one that complies with the 'very exceptional' requirement of that exemption to the general restraint in the countryside areas.

Having assessed the proposal carefully it is officer view that it does deliver that requirement. This view is based largely on the planning history of the site where there are extant planning permission for the establishment of a golf course on the site, for the erection of a hotel and for the development of holiday lodges. To a lesser degree there is a locational factor which favours the development also as the constraints that apply over much of the borough make it difficult to locate a facility of this site elsewhere without compromising agricultural land, being in land at risk of flooding, being on land that is protected by green belt, being on land that would be more appropriately used for residential or employment development, etc. The site is also highly accessible to the strategic highway network via Garstang Road and Fleetwood Road which will enable it to attract visitors in without causing congestion to the local road network.

To meet the policy test of being a 'very exceptional' form of development it is expected that it is necessary for there to be no other realistic opportunity for it to come forward in the borough. It is

considered that this is the case with this development and accordingly it satisfies the requirement of Policy GD4a of the Fylde Local Plan to 2032 and is acceptable in principle.

This policy support comes with three riders: the assessment of the other policy and materials considerations which are now assessed in the remainder of this report, the need to reach a satisfactory conclusion on the town centre impact assessments of the leisure and hotel elements, and that the development is brought forward in an appropriately phased way.

This phasing is needed to ensure that it delivers the overall landscaping and economic benefits that are set out in the submission. The current planning permission for the golf course has been developed over many years and has led to the site having a somewhat degraded appearance over that time as the works have been undertaken slowly without any of the supporting infrastructure being implemented. To avoid this being perpetuated through the development of any planning permission granted for this scheme it is appropriate to impose a condition that requires agreement to be reached over the phasing of the works, and then that complied with. This is not an area that has been finalised at present, but the key feature is to ensure that the ecological mitigation works are undertaken first, with the landscaping around the golf course then instigated alongside the completion of that facility. The lodges are key to the financial model of the applicant and so these are to be phased alongside the provision of the supporting leisure and hotel facility to ensure that there are facilities available on site for the visitors to utilise and so reduce the pressures on the surrounding road network from the increased trips to access services that will result. The agreement of this phasing is important to the development of the site and is a matter that officers should be specifically delegated the authority to agree prior to the grant of any planning permission.

### **Highways and Parking**

This is an important consideration with any planning application, but given the scale of the development proposed here, the range of highway movements that it would attract when operational, and the proximity to one of the key highway junctions in the borough it is essential that full considerations are given to these aspects of the development. Members will be familiar with the need for any development to avoid having a 'severe' impact on network capacity to ensure compliance with the requirements of the NPPF, and that there are policies in the Fylde Local Plan to 2032 that address network use, parking standards, junction safety and general connectivity.

#### Existing Situation

The current highway arrangement is that there are a pair of field gates on Windy Harbour Road that serve each of the main parcels of the site. Windy Harbour Road is an adopted highway that runs northwards from the signalised junction of Garstang Road (A586) and Fleetwood Road (A585) to serve the Windy Harbour Holiday Park and a couple of dwellings. The road is around 200m in overall length and is straight with no footpaths and no lighting. The junction described above has recently been improved with crossing phases introduced to the lights and pedestrian footways to direct pedestrians around the junction, although the only route that continues is on the northern side of Garstang New Road leading to the Little Singleton junction. Pool Foot Lane joins Windy Harbour Road at the entrance to the Holiday Park and is closed to vehicle traffic so provides a pedestrian and cycle route only which separates the two parts of the western parcel before the road re-opens to vehicle traffic some distance to the west where a number of residential properties are served from it with access from its connection to the Little Singleton junction. There are no public rights of way within any part of the site, although there is a public footpath to the western boundary.

#### Network Capacity

Lancashire County Council defer any views on this to Highways England given that the main routes to the site will be the strategic highway network that they are the responsible authority for.

In their original comments on the application Highways England expressed an objection to the development on the basis that the applicant had failed to satisfy them that the works would not have an unacceptable level of impact on the surrounding strategic road network. However, that situation has changed with the submission of additional information from the applicant's highway consultants and the reconsideration of the position as a result by Highways England. They offered revised comments in October 2019 which withdrew their objection subject to three conditions. These relate to the details of the development rather than its principle. The conditions are to require details of fencing to minimise the risk of golf balls leaving the application site, to ensure that the development will not encroach on the highway works for the bypass, and that the site drainage will not connect to that serving the highway.

With regards network capacity in particular it is important to note that the consultation comments of Highways England were provided prior to the decision to consent the construction of the Skippool to Windy Harbour bypass. That scheme has now been consented and so will likely be operational prior to the development of the whole of the development proposed in this application, and potentially before any of it is even commenced. Highways England could have recommended conditions that required that only a certain level of the development be brought forward before that bypass is operational, but did not do so and so this indicates the general acceptability of the scheme on network capacity even without that now consented scheme being developed.

The comments of Highways England look at the operation of the strategic highway network in detail and focus on the 3 key junctions at Little Singleton, Windy Harbour and M55 J3. They conclude that the development will have an acceptable impact on the operation of that network and so it is considered that this a sufficiently robust analysis for Fylde Council to be satisfied also.

The conditions that are suggested are all reasonable ones as it is necessary to ensure that the works do not have an impact on the drainage or construction of the highway, and that the operation of the golf course will not lead to an unacceptable risk to users of the highway from stray golf balls. With regards that final point, the applicant's golf course architect statement explains that the course has been designed to position the two holes that run alongside the road such that they are adequately separated and appropriately angled from the site boundary to ensure that no boundary treatment is required as this would clearly have a harmful visual impact on that key aspect. This is an area that perhaps requires further assessment though and so is an area that officers propose to liaise with the council's health and safety officers in advance of any decision so that the course layout can be tweaked if needed to avoid this impact.

#### Operation of Windy Harbour Road

This provides the sole vehicle and pedestrian and cycle access to the site and is part of the local highway network that Lancashire Council provide advice to Fylde on. They initially raised objection on a number of matters of details but have since revised their stance to one where they no longer oppose the development.

The existing carriageway of Windy Harbour Road provides two-way vehicle movements but has no footways, lighting or drainage. This application will bring a series of calming measures and other improvements to Windy Harbour Road which will allow it to be designated as a 20mph road and will provide improved pedestrian and cycle facilities including a 2.7m wide shared footway / cycleway from the access point of the developments to the Windy Harbour junction.

Windy Harbour Road sees only modest levels of traffic as it doesn't connect to anywhere other than the Windy Harbour Holiday Village and 2 dwellings and so there are no concerns over the increased

traffic from the development adding to that level. A pair of opposing priority junctions are to be provided in generally the location of the existing field gates to provide access to the western and eastern parcels with that to the east being the one that will see the majority of vehicle movements as it is the access to the leisure building, hotel and other facilities as well as the holiday lodges, whilst the western parcel is just holiday lodges. LCC have not raised any concerns over this junction arrangement or their detailed design, with a series of standard conditions necessary to ensure that they are appropriately constructed and the visibility and other works are implemented.

To increase the pedestrian and cycle connectivity of the site it is proposed that the connections to Pool Foot Lane are improved. This currently provides a pedestrian route from Windy Harbour Road near the access to the Windy Harbour Holiday Centre to the section of Pool Foot Lane that is open to vehicle traffic beyond the western edge of the site. This is available as a recreational route to pedestrians but is of limited value to cyclists at present due to the nature of the barriers that prevent vehicle use. The scheme will address that and so allow its use by those utilising that transport mode. Signage and a crossing point are to be introduced to this route as the golf course layout requires that golfers cross it to access the holes that are located in the north western parcel of the site. These have all been revised to address the concerns of the local highway authority.

#### Improvement of PROW

The reported comments of the local highway authority refer to the payment of a sum of £13,390 towards the improvement of public footpath 5-11-FP2 but offers no explanation over why this is needed, what policy basis would support it, how that sum has been calculated, or what improvements it would deliver. This is an aspect that has been queried with the local highway authority and their views are expected by Committee.

The public footpath in question runs in a north-south direction from Pool Foot Lane on the western boundary of the site, across Garstang New Road and connects with Grange Road / Church Road and so offers a connection to Singleton village. Whilst the request from LCC is vague it is clearly the case that the development will bring additional hotel and lodge visitors to the area and they will look to utilise the recreational routes that are available in the area. This footpath links to Poolfoot Lane which will be an attractive pedestrian route for visitors to the facility and will allow them to access the facilities in Singleton such as the Church, Millers Arms, etc. The public footpath crossing of Garstang New Road will deter some from using this route and so alongside the suggestions from LCC it is expected that options for improving the safe operation of this crossing will also be explored.

Policy INF2 of the Fylde Local Plan to 2032 refers to the provision of contributions from developments to assist with a range of infrastructure improvements with section d) of this relating to transport improvements including footpath improvements. This request is therefore considered to be a necessary improvement to the safe use of this footpath that will improve accessibility of the development to local services and so spread the economic and social benefits of the development to the nearest rural community. Accordingly, it is appropriate that this is required from the development with a clause in a s106 agreement an appropriate mechanism to secure that.

#### Parking Levels

The masterplan indicates that parking is to be provided in several locations around the site. The majority is to be located in a large car park at the site entrance with around 300 spaces. Separate parking areas are provided of the golf centre, the hotel and then will be provided for each of the lodges.

The council utilises the parking standards that were set out in the Joint Lancashire Structure Plan and which set a target number of spaces for different land uses. This allows a scientific assessment to be

made of the adequacy of the parking provision. Officers have not undertaken this assessment as yet as there are concerns over the layout of the leisure hub building which features its car parking area to the front and so would be a generally unattractive aspect for new development in this prominent location. The earlier sections of this report which focus on the leisure building and hotel building discuss this concern and it is requested that officers be delegated the authority to consider how the layout of this aspect of the site could be improved in the event that these uses satisfy the planning policy assessments that are outstanding. This would include parking numbers and layout.

Whilst it would be preferable for this to have been resolved by the time that the application is presented to Committee Members should draw comfort from the fact that neither the local highway authority nor the strategic highway authority have any sustained concerns over the level of parking that is provided in the development. Officers are aware of the need to ensure that parking levels are proportionate and appropriate as the location of the site is such that off-site parking would not be acceptable, and so it is envisaged that the parking levels will be pitched at a level that is 'to standard', albeit with their layout improved and better assimilated into the surrounding area.

### Construction Works

The scale of the development means that it is likely to be developed incrementally over a lengthy period. This has construction benefits as the traffic movements required to facilitate those works will be well spread out, but brings an obvious protraction of the duration that construction traffic is visiting the area. There is an added complication to this in that the Skippool to Windy Harbour bypass is also likely to be under construction in the coming years so possibly could conflict in part with the construction works on this site.

Whilst the highway authorities have not commented explicitly on these points it seems likely that that they will have been considered as the construction traffic is an inherent part of any development. The site has a direct access to the strategic highway network so there are no concerns over the accessibility of the site by construction traffic, but its access through the Windy Harbour junction and onto and off Windy Harbour Road may cause some temporary issues. The earlier policy section of this report highlights the need for a phasing scheme to be agreed relating to the various aspects of the development and this will be the subject of a condition to be imposed on any planning permission. This will also need to consider the construction arrangements and so can be the subject of consultation with the local and strategic highway authority to assist Fylde Council in the consideration of any phasing proposal. The access to the site for construction can only be via Windy Harbour Road as Pool foot Lane is unsuited for such use, with this also forming part of that construction plan.

### Summary

One of the reasons that the application is now being presented to Committee for consideration is that the applicant has introduced the revisions necessary to address the concerns that the strategic highway authority had initially, and the local highway authority had more recently with the scheme. The position is that these two key consultees no longer raise any objection to the development subject to the imposition of conditions to control the development of the site.

The site is located at a key intersection on the strategic highway network and it is imperative that the council has the comfort that its development and operation will not lead to any undue congestion or safety issues to that highway network. That does now appear to be the case from the comments that have been supplied and so officers are satisfied that the development satisfies the requirement of NPPF to not lead to severe impacts on the highway network and is capable of addressing the obligations of the policies of the transport section and relevant criteria to Policy GD7 of the Fylde Local Plan to 2032 with regards highway matters.

## **Visual Impact**

### Background

The extensive site area and scope of uses involved in the application result in a potentially significant visual impact. The rural nature of the site and the Countryside designation ensure that an assessment of the visual impact is critical to the overall conclusion on the merits of the application. Whilst there are no public rights of way within the application site there is one to the west and there are the highways of Pool Foot Lane, Windy Harbour Road and Garstang Road where users will have clear views of the site, in addition to those that are resident in its periphery and so all are to be considered.

The application presents this through the submission of a Landscape and Visual Impact Assessment (LVIA) which looks at the various view points and makes an assessment of how the development will impact on them with respect to the accepted guidance on these matters which is set out in the Guidelines for Landscape and Visual Impact Assessment. The LVIA concludes that the site does not lie within or adjacent to any designated landscapes, that its development will lead to a loss of arable land that is typical of the wider area, but that this change will be negligible given the large expanse of similar landscape that there is in the general area.

### Assessment

Looking at different aspects of the visual impact there will be some areas where the change in view is relatively limited. This will be the case for those from a right of way and a small number of dwellings on the opposite side of the River Wyre where the views are only available at a distance and are already dominated by the intensively developed Windy Harbour Holiday Village and other existing caravan / chalet parks on the Fylde side of the River Wyre.

More noticeable views will be achieved for those using the pedestrian route along Pool Foot Lane as the development of the site will change the views from the arable land and partly developed golf course to one of the more manicured golf course and some areas of holiday lodges. The impact of these views will reduce over time as the landscaping which forms part of this scheme matures, but nevertheless there are concerns over the proximity of some of the lodges to this route and so this is an aspect that officers would like to discuss further with the applicant to secure improvements to the visual impact in this area.

The change in views of the site will also be noticeable to those at the Larbreck Gardens site on the far eastern edge of the site. They are in a slightly elevated position and so look down across the site which is currently in an active arable use but will be developed in that area entirely for holiday lodges. This will change their outlook, but it is also the case that the single storey nature of the lodges and the landscaping that is to be provided within and around the site will ensure that their influence is limited as the site matures.

The most significant visual impacts are to be found at Windy Harbour Road where the nature of that road will change from one that intercepts two parcels of agricultural land to one which serves as the heart of a major tourism development. The receptors of this change will be the visitors passing along the road to the Windy Harbour Holiday Village, the occupiers of the two dwellings on that road at the entrance to the Holiday Village and recreational users of the Pool Foot Lane route. They will see a significant and permanent change to the site.

That level of change to the visual impact will also be experienced by those using the Windy Harbour junction and Garstang Road as the agricultural landscape that the site currently provides will be replaced with the urbanised development of the access, the hotel, the leisure facility and the parking

areas associated with these hub elements. The inevitable lighting, signage and other urban infrastructure will exacerbate the change in character in this area, albeit the recent highway improvements to the junction with a significantly widened carriageway have resulted in the junction now having an urban character itself. However, there is no denying that these views will change considerably, with the LVIA recognising that in categorising the change as a 'moderate-major adverse effect' that even the maturing landscaping will only improve to a moderate adverse impact by Year 15.

In landscape terms there are no local or national designations to protect the site and it has become degraded to a degree as a result of the works to implement the previous planning permission for a golf course on the western parcel which have altered landforms with minimal top soil material being available to support vegetation. There are some ponds and hedgerows which are to be retained and enhanced as part of the development with additional features introduced to complement those which are present. The current environment is relatively featureless and so whilst the development will bring urbanising elements in the case of the building, roadways, parking areas and lodges it will also bring enhancements that add visual interest to the site through the landscaping opportunities.

#### Visual Impact Summary

The development of the site will lead to significant changes to the landscape of the site and so the visual impact it presents to the various receptors living in and passing through the area. The assessment to make is not whether that change exists, but whether it is of such harm that it outweighs the benefits that can be brought by the scheme. In many respects the fallback position of the existing development is less beneficial to the applicants in this respect as the majority of the site was to be golf course with a more focussed, albeit larger, development alongside Windy Harbour Road. The officer view on the current scheme is that it is generally acceptable in principle, but could be improved to reduce the visual impact further with three areas to be investigated with the applicants: the arrangement and scale of the leisure hub buildings at the site entrance and their parking areas, reducing the density of the lodges and removing some of the linear features in the holiday lodge layout to give a more organic feel, and increasing the separation of some of the lodges from Pool Foot Lane to allow a better opportunity for landscaping in that area. These are areas that officers propose to discuss further with the applicant's representatives to secure improvements over the current arrangement prior to the grant of any planning permission for the development.

The key policy test is the inherent requirement of Policy GD4 for development in Countryside areas to protect its intrinsic value and rural character, and the more clear-cut requirement of Policy ENV1 for all development to have regard to its visual impact within its landscape context and the landscape type in which it is situated. Policy ENV1 goes on to require that new development pays due regard to existing landscape features, includes appropriately sized and designed landscape buffers for all development that impacts upon the Countryside, to secure appropriate native species planting in that landscaping, and to put measures in place to deliver ongoing maintenance of that landscaping.

Once an acceptable quantum of development and layout has been negotiated with the applicant these are all matters that will be secured through planning conditions relating to the implementation of a detailed planting strategy through the phased development of the site should planning permission be granted. At this stage there are further discussions needed with the applicant's agent over some aspects of the visual impact of the development, but it is expected that agreement on these will be reached and so an effective landscaping scheme delivered.

Even with the expected improvements, and the delivery of a suitable landscaping strategy for the development, there will be some adverse visual impacts from the development and so these need to

be balanced carefully in the overall decision on the application, which may well include a need to reduce the overall density of the lodges proposed across the site.

#### Coastal Change Management Area

This is a specific designation that is referenced in Policy ENV1 and relates to an extensive area of land alongside the River Wyre running from Pool Foot Lane in the west to Little Eccleston village in the east. It varies in width over that distance with the designation seemingly following field boundaries and contours to identify areas where the influence of the River Wyre is greatest. In respect of this application site the north western parcel (containing 6 of the golf holes) and part of the northern section of the eastern parcel (containing a row of lodges) fall into this designation.

The designation aims to protect the open and coastal nature of these areas and does that by restricting the forms of development which can be undertaken within them. This utilises a policy restriction that requires for 7 criteria to be met for the development to comply with the policy. The first of these criteria requires that the development 'exceptionally requires a coastal location'. This proposal as a whole and in respect of the golf course and holiday lodges within the allocation clearly does not require a coastal location as there are no locational factors that ensure these features must be located alongside the coast. Indeed, Fylde borough features many golf courses and caravans / holiday lodge sites that do not have a coastal location. Accordingly, there is a conflict with this criterion and so the policy given that it requires all criteria are satisfied.

The other criteria relate to landscaping, ecology, tourism value, coastal process, and sea defence requirements, with the development complying with these or being capable of subject to matters that can be addressed through the controlled implementation of the scheme.

After listing the criteria to be complied with the policy explains that where development does occur in the Coastal Change Management Areas there is an expectation that the scheme will bring improvements to existing wildlife habitats or the creation of new habitats. This scheme achieves that through the specific allocation of a 3-hectare part of the site between the golf course and the river, so inside this Coastal Change Management Area, for environmental enhancement. Further details of this are provided in the ecology section of this report, but it is considered that this assists with mitigating the harm caused by the works that are proposed in this Coastal Change Management Area.

The actual works in the Coastal Change Management Area are relatively limited. The Golf course element will provide some landscaping and a relatively natural environment through the parkland nature of the course which will retain the open aspect of the wider coastal change area. The lodges to the eastern parcel will not achieve that, but they are to be separated from the river by a landscaped area and an open space area that ensures they are well separated from the boundary of the site and further from the river itself so reducing their influence on this feature.

Accordingly, whilst there is a conflict with a strict interpretation of this aspect of Policy ENV1 the level of harm crated by it is limited and it is mitigated by the ecological enhancements that the development is to bring forward.

#### **Neighbour Amenity**

Despite the extensive site are there are a relatively small number of neighbours to the site. These are limited to the properties on Pool Foot Lane to the west, a pair of semi-detached houses on Windy Harbour Road adjacent the access to the Holiday Village, any residents on the Holiday Village, a small number of properties that front onto Garstang Road and any occupiers of 'chalets' at the

Larbreak Hall Caravan Site and Larbreck Gardens site to the east.

Of these only those who take access to their property from Windy Harbour Road will see an immediate and significant change in their outlook and the levels of activity around their property as they are located close to, and take their access from, the road that will serve as the hub of the development. They will suffer reduced amenity as a result, albeit their access is already a relatively busy one due to the level of traffic that passes the properties associated with the Holiday Village site. The proposed golf hub (pre-shop, greenkeepers hut, etc) are located closest to this point but are limited in scale and will not involve levels of activity that could reasonably be expected to cause any disturbances to these occupiers. The larger leisure and hotel buildings are well separated from these dwellings to avoid any overbearing or other physical impacts, with the separation sufficient to minimise noise disturbances although a planning condition to control the hours of their operation is likely to be justified to ensure that is the case.

The Pool Foot Lane, Larbreck Hall Caravan Site and Larbreck Gardens neighbours are alongside the holiday lodge, golf course (at Pool Foot Lane) and landscaping areas of the site. There will be some increased activity as a result of these land uses being brought forward on land that is currently in agricultural or no active use, and there will also be a visual change. However, the golf course will clearly be open development and the lodges are single storey so there will not be any physical impacts on these occupiers with the lodges being well separated from the site boundaries in any event. Some neighbours have highlighted the activity impacts from the lodges such as noise and BBQ odours, and as a consequence there have been some revisions to the proposed layout of lodges to relocate units that were particularly close to the site boundaries with neighbouring properties to positions elsewhere on the site. The revised masterplan that is currently with the council therefore provides for an improved layout in this respect, but is an area that officers will consider further given the suggested changes needed to the layout to address the landscaping concerns set out earlier in this report.

The other neighbours are adequately separated from the site to avoid any particular levels of impact with those on Garstang Road heavily nuanced by the high volumes and speed of traffic on that road in any event.

Taken together it is not considered that the proposed development will lead to any unduly harmful implications for the amenity of any neighbours around the site, and so will accord with the requirements of Policy GD7 in that regard.

### **Ecological Matters**

The site is open and undeveloped agricultural land and so has a habitat to reflect that, Much of the western parcel has been partly developed as the golf course that was previously approved which has changed the landscape character and has ecological implications itself. These implications and those of that are raised as a consequence of the development of the site in a wider context are assessed in this section.

#### Potential Impacts on Wider Habitats

The site is located in close proximity (circa 300m) to the Wyre Estuary. That area is part of a network of nationally and internationally designated sites (Morecambe Bay SAC, Morecambe Bay Ramsar, Duddon Estuary SAC and Wyre Estuary SSSI). These are protected for reasons relating to the water environment that they provide and the wildlife that is attracted to those areas as a result. This is a protection that is secured through national and European legislation down to Policy ENV2 of the Fylde Local Plan to 2032 which requires that new development does not have a harmful impact on these habitats.

The impacts can occur in two main ways: directly through the potential for the development of the site and its operation to lead to pollution of the water network, or indirectly through the increased activity in the area that the development will undoubtedly generate creating additional disturbance to the wildlife. The key consultee assessing these is Natural England and they were initially opposed to the development. However through the submission of additional survey work and the proposition of further mitigation they have now revised their position to a point where they are no longer objecting subject to a series of mitigation works. These are set out in the consultation response section of this report and cover both the construction phase for the development, and its operational phase.

The construction works are to be designed to prevent any water from the development entering the water environment without being treated, that the site drainage is designed in a way to ensure that the operational water arrangements will clean potential pollutants from the water, and that the construction works only occur during the summer months and do so without the use of artificial lighting that is directed towards the estuary. The operational works are to ensure that an appropriate visitor pack is prepared and widely circulated to ensure that there is widespread awareness of the sensitive nature of the surrounding habitat.

The analysis of these elements has been undertaken jointly by the ecologist working for the applicant, by GMEU working for the council, and the ecologists for Natural England. GMEU have worked with the applicant's ecologist to prepare a shadow Habitats Regulation Assessment that examines the possible effects from the development on the designated site and concludes that there will be no likely significant effects from the proposals subject to the mitigation being implemented. This process requires that this shadow HRA is formally adopted by the council and so the decision on this application will need to include that. The decision will also need to include appropriate planning conditions to secure the provision and implementation of the various mitigation measures.

Subject to these conditions and the adoption of the shadow HRA it is accepted that there will be no harmful impacts on the designated sites and so the proposal will not conflict with that legislation or the requirements of Policy ENV2 of the Fylde Local Plan to 2032.

#### Species on site

The submission includes a survey of the species and habitat on site which has been considered by the council's ecological advisors. They have highlighted areas where mitigation and compensation measures will need to be imposed by condition with some of these covering some complex technical matters such as controlling the noise from construction works and the management of a biodiversity area to achieve net gain. These are areas where officers recognise further discussion with the applicant and probably the respective ecological advisors are needed to ensure that these measures are appropriately controlled in any ultimate decision and that the requirements of national ecological protection legislation and Policy ENV2 of the Fylde Local Plan to 2032 are met.

Subject to agreement being reached on these issues and the imposition of appropriate controls through the implication of the development it is accepted that there will be no adverse ecological impacts that could lead to conflict with the relevant policy framework.

#### Environmental Enhancement

Legislation is being introduced that requires all developments to bring biodiversity net gain. Whilst that is not in place this scheme follows that approach through the provision of a 3 hectare parcel of land for 'Environmental Enhancement'. This is an area of land that is located to the north western corner of the site that lies between the northern edge of the golf course and the River Wyre. It is

designed to be inaccessible to the public and includes a series of ponds and other features that are intended to attract wildlife both as a compensation for the loss of areas within the developed part of the suite and to bring forward that net gain.

The submission includes some detail of this but it is expected that further details will be secured through conditions including the phasing of its implementation, and the management of it. The general site landscaping proposals are also to be designed to utilise native species and so introduce enhancements through introducing nesting opportunities for birds, bats and other priority species and so will be the subject of further planning conditions.

### **Drainage and Water Supply**

The application site is largely within Flood Zone 1 which is the Zone which is at lowest flood risk, although there are two tributaries that flow northwards through the site to the River Wyre with land to either side of them being in Flood Zone 3 as a consequence of their influence. The development of the site has sought to take this into account with the built development avoiding these areas although there are some lodges that are within and in close proximity to these areas of highest flood risk. This would be an unacceptable situation if the lodges were to be available for residential use, but as holiday accommodation falls into the lower risk 'more vulnerable' category in the flood risk categorisation table it is acceptable to provide it in high risk flood zones providing certain mitigation measures are in place. These are practical issues such as designing an effective flood evacuation plan, publicising this plan to all visitors to the site, and anchoring the caravans down securely. These measures can be secured by condition and will allow the development to proceed without any conflict with the flood protection legislation.

The foul water drainage arrangements will rely on a non-sewer arrangement as the closest public sewer is some distance from the site where it will not be economically feasible to connect to it. This means that private treatment system will be needed either through septic tank, package treatment facility or a combination of the two. The details of this are not provided at this stage but that is not unusual in a planning application and a standard condition to require that these details are provided and agreed for each section of the development can be incorporated into the decision. The foul drainage will need to be designed so that there is no possibility of any contaminated surface water runoff reaching the watercourses or other controlled water areas.

The various forms of development on the site provide different surface water management challenges and this is recognised in the submitted Flood Risk Assessment and Drainage Strategy which divides the site in different parcels and looks at how each could be drained. The drainage hierarchy seeks to handle surface water drainage through infiltration wherever possible with a surface water body being the next preference. In this case the report suggests that infiltration is a feasible option in all areas to varying degrees, with the presence of ponds on site also helpful in supporting the design of the SUDS system needed to manage surface water discharge rates for the site. This management is particularly important around the leisure hub area where extensive areas of hard standing such as car parks and paths and the roofs of building will concentrate surface water, with the masterplan including a new pond in this area. The report suggests a series of standard measures such as swales, filter beds, ponds, green roofs, etc could be used to help attenuate the flows. These are expected to form part of wider package of drainage measures which is not available at this time but would normally be required by a planning condition and so will be the subject of such a condition here. Given that the drainage will be to the River Wyre, which is tidal at that point, there are additional controls that will be required in the form of discharge permits from the Environment Agency to enable these to be implemented.

Water supply is generally not an issue that requires comments in a planning application, but in this

case the extensive area of the site and water demands of a golf course are such that United Utilities have highlighted that it could be an issue that needs further thought. At the time of writing this report officers had not secured clarity over this aspect with the applicant's agent and the relevant utility provider and so it is suggested that this is a further aspect that officers request that they be delegated the authority to progress to a satisfactory conclusion prior to the grant of any planning permission for the submitted proposal. UU have also highlighted that there is a water main crossing the site which is factored into the layout and will need to be highlighted through an informative to any decision notice.

Policy CL1 of the Fylde Local Plan to 2032 deals with the location of development to avoid unacceptable implications for flood risk and drainage matters in general with Policy CL2 dealing with surface water run-off and sustainable drainage matters in general. This proposal will create some complex water management arrangements and it is imperative that the development is brought forward in a manner that avoids creating flood risk, using excessive water supplies or being designed without effective SUDS systems. These matters are to be finalised through further discussion with the developer's representatives and other agencies as necessary in order to ensure compliance with these policies before any decision is issued.

### **Other Matters**

#### Skippool to Windy Harbour Bypass

At the time that the application was submitted this road was under consideration as a major infrastructure project. Since that time the project has gone through its public examination and the Development Consent Order was granted in May 2020. Contractors working for Highways England are currently onsite undertaking ground investigation works and it is expected that the construction work will commence soon. Highways England have expressed some reservations over the relationship of a small part of the application site to this route alongside Garstang Road, and over the drainage of the highway which will be the subject of further discussions with the developer and Highways England if needed as part of the drafting of the conditions for any planning permission. The final comments of Highways England were provided with knowledge of the route and delivery of this bypass and so the progress towards its construction since then does not have any impact on the consideration of the application.

#### Contamination

The western parcel of the site has been partly developed for a golf course under the existing planning permission. These works have included the importation of materials to form the mounds and undulations needed for the course. There are no further works of this nature proposed, but the Environment Agency express the view that the development of the site will disturb this material and so requires a full consideration of whether any contaminated material will be affected that could impact on the drainage ditches, river and water environment in general terms.

With the proposed development bringing a much greater level of human activity to the site than the previous permission through the increased number of lodges and the proximity of the site to a sensitive river location and aquifer this is a query that is to be assessed further in advance of any decision on the application being made. This is an aspect that officers need to progress to a satisfactory conclusion in advance of any decision being issued and so is a further aspect that it is requested that delegated authority be given to officers to progress.

#### Supporting Infrastructure

With the holiday nature of the accommodation provided it is not the case that the proposal would satisfy the policy requirements that requires them to provide for affordable housing, open space or

other infrastructure requirements that would be required if this were a residential site. The application explains that the holiday lodges are to be for holiday purposes only and a planning condition and possibly a clause to a s106 agreement will be used to ensure that is the case.

One of the Parish Council's suggests that the establishment of the site will create additional demands on health services in the area, and whilst the council has adopted the CCG infrastructure policy that enables justified contribution requests for additional health funding to be secured from developments, this is related to new residential occupiers in an area. As such it is not an area that could be used to secure funding from this application even if a consultation with the CCG delivered a request for such funding.

#### Departure Case

Members will be familiar with concept of referring major applications to the Secretary of State for consideration regarding a possible call-in as a departure from the development plan. Despite the scale of the scheme that is not necessary in this case as the officer conclusion is that the use of the site satisfies the exceptional large-scale tourism development aspect of Policy GD4a and so does accord with the development plan despite it not being specifically allocated for a tourism use.

It is also the case that it does not meet the criteria for other call-ins which relate to the development of land that is green belt, playing field, flood zone 3 or involves town centre development. The only rider to this is that the implications for town centre development are yet to be finalised and so should it be concluded that a referral to the Secretary of State to consider a call-in is required then that process will be undertaken. This is only the case though where a town centre use exceeds 5,000m<sup>2</sup>, is not in accordance with a development plan, and is not in a town centre or edge of centre location so is unlikely with this development.

#### Conclusions

The application site is an extensive area of land of 67 hectares located to the north of Garstang Road at either side of Windy Harbour Road from where it is accessed. The site stretches from Little Singleton in the west to Larbreck in the east and running towards the River Wyre over that distance. It is generally in use as arable land and consists of a number of gently undulating fields interspersed by ditches, ponds, hedges and trees. The site is entirely allocated as Countryside in the Fylde Local Plan to 2032 with parts of the northern edge alongside the River Wyre also designated as a Coastal Change Management Area under the landscaping policy ENV1.

The application proposes the establishment of a tourism facility at the site featuring 495 holiday lodges, a 9-hole executive golf course and supporting pro-shop, a leisure facility building including gym, 25m pool and other indoor sports facilities, and a 102-bedroom hotel. The scheme also includes extensive landscaping proposals, a biodiversity enhancement area, and alterations to the access and Windy Harbour Road to facilitate the development.

The key assessment to make with the application relates to compliance with Policy GD4 regarding development in the Countryside. This is generally restrictive of new development but does permit a number of exceptions to that restriction with exception a) allowing for large scale tourism developments in very exceptional circumstances. The officer assessment of this is that the scale of the proposal satisfies the requirement for the proposal to be 'large-scale', and the planning history and locational / accessibility benefits of the site allow it to meet the 'very exceptional' requirements. It is therefore accepted that the proposal is in accordance with exception a) of Policy GD4 and so accords with the applicable development plan policy associated with the designation of the land.

The scheme and site raise a significant number of issues that have taken time to reach a position where officers feel able to bring the application forward to Committee, hence this report is now presented. However, there remain a number of matters which require further consideration and so it is requested in the recommendation below that Members delegate the authority for officers to progress these with the applicant's representatives to achieve a satisfactory position in advance of issuing any planning permission for the development. These works have not been finalised though as it was considered that the current position is one where Member guidance on the principle of the development is appropriate.

As a conclusion to the officer consideration of this application it is accepted that the development is an acceptable one in principle that accords with the requirements of Policy GD4a of the Fylde Local Plan to 2032. There are some harmful implications caused in terms of the landscape impact of the development and the increased activity that will be evident to some of the small number of residents around the site. However, there will be economic benefits from the development as it will enhance the tourism offer available to the borough at a time when homegrown tourism is likely to play an increasingly key part of the local economy. The scheme also appears to present a more considered approach to the development of the site and will allow the works that was commenced many years ago on its development to be completed in a manner that suits the modern golfing and wider tourism market. Accordingly, officers recommend to Committee that the application should be supported.

### **Recommendation**

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the following matters:

1. The submission and consideration of an impact assessment relating to the proposed siting of the leisure facility and hotel within the development and their potential impact on neighbouring town centres, and consideration of whether a referral to the Secretary of State to consider this aspect further is required.
2. The consideration of visual impacts of the development with particular regard to:
  - a. The desirability of a more organic layout to elements of the holiday lodge layout (which may necessitate a reduction in the total number of lodges proposed)
  - b. The proximity and landscaping arrangements for holiday lodges that are located adjacent to Pool Foot Lane
  - c. The design, scale and layout of the hotel and leisure building and their car parks and associated landscaping areas
3. The submission and consideration of a phasing scheme for the development to ensure that the environmental improvements, landscaping and supporting developments are brought forward in a properly phased development alongside the leisure developments and holiday lodges.
4. The further consideration of the ecological implications of the development including the adoption of a Habitats Regulation Assessment by Fylde Council and the drafting of any conditions or other measures necessary to ensure there are no ecological harms resultant from the development
5. The submission of additional information regarding the supply of water to facilitate the maintenance of the golf course and wider landscaping areas of the site, consultation on this information with relevant consultees, and consideration of the position.
6. The submission of further information regarding the potential for the development of the site to impact on contaminated material that may be on site, and so that it could contaminate controlled water, the consideration of any information that is provided

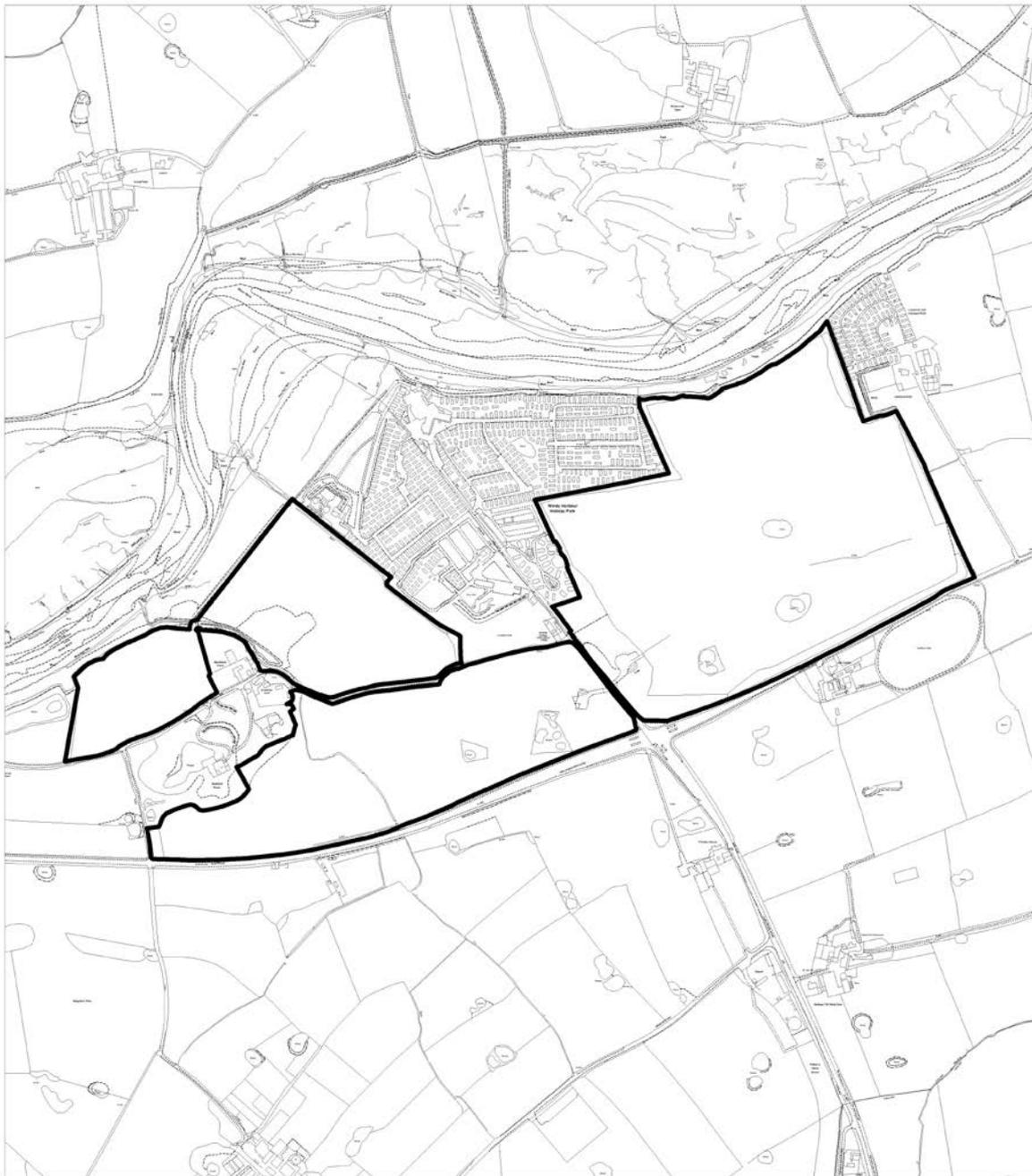
including liaison with the Environment Agency and other consultees as necessary, and the agreement of any remediation strategy to minimise the risks of any contamination causing a risk to human health or the water environment

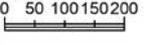
7. Consideration of the safety implications of the use of holes 1 and 2 of the golf course given the suggestion by Highways England that fencing may be required in this location and the visual impact of any fencing should it be considered necessary
8. Further discussion with the local highway authority regarding their suggestion that the development provide funding to enhance the public right of way that connects Pool Foot Lane with Singleton village
9. The completion of a Section 106 agreement as set out below
10. The imposition of a suite of planning conditions and reasons that are appropriate and necessary to make the development acceptable.

The S106 Agreement is to secure:

- The payment of a Travel plan contribution of £6,000 to Lancashire County Council and the phasing of the payment of that contribution,
- The payment of a contribution to enhance the usability of the public right of way contribution between Pool Foot Lane and Singleton to increase the attractiveness of this route for accessing that settlement and for wider recreational benefits,
- Any other matters that the Head of Planning and Housing considers are necessary to be incorporated within such an agreement to achieve the necessary control over the development or to ensure its impacts are properly mitigated, and
- a financial contribution towards the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010.

If it is not possible for officers to satisfactorily agree the details set out in the recommendation above, the application will be placed before the Planning Committee for further consideration of the revised details.



		(c) Crown Copyright and database right (2021). Ordnance Survey (100006084).	
Application No. 5/19/0318	Address Land north of Garstang Rd at junction with Windy Harbour Rd, Pool Foot Lane, Singleton	Grid Ref. E.3391 : N.4398	Scale 0 50 100 150 200 m 

Item Number: 2    Committee Date: 03 March 2021

<b>Application Reference:</b> 21/0110	<b>Type of Application:</b> Full Planning Permission
<b>Applicant:</b> Fylde Borough Council	<b>Agent :</b>
<b>Location:</b>	BOAT REPAIR SHED, FAIRHAVEN LAKE AND GARDENS, INNER PROMENADE, LYTHAM ST ANNES, FY8 1BD
<b>Proposal:</b>	EXTERNAL ALTERATIONS TO EXISTING BOATHOUSE TO FACILITATE SUBDIVISION OF INTERNAL WORKSPACE INTO 4 SEPARATE BOAT STORAGE AND REPAIR UNITS INCLUDING: 1) SINGLE STOREY EXTENSIONS TO FRONT OF BUILDING TO CREATE SEPARATE OPENINGS FOR EACH UNIT ENCLOSED BY ROLLER SHUTTER DOORS; 2) INSTALLATION OF FIRE EXIT DOOR ON WEST FACING ELEVATION; 3) REPLACEMENT OF ALL EXISTING WINDOWS AND 4) REPLACEMENT OF ASBESTOS CEMENT PANEL ROOF WITH NEW COMPOSITE TILE SYSTEM
<b>Ward:</b> FAIRHAVEN	<b>Parish:</b> Not Applicable
<b>Weeks on Hand:</b> 3	<b>Case Officer:</b> Matthew Taylor
<b>Reason for Delay:</b> Not Applicable	
<a href="#">Click Here</a> for application site on Google Maps	<a href="#">Click here</a> for application on FBC website

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

**Summary of Officer Recommendation**

The application relates to the operational boathouse at Fairhaven Lake and Gardens – A single storey, dual-pitch roofed, *circa* 1950s building located within a cluster of five buildings to the northern periphery of the lake. The building is presently used as a workspace for storing and repairing boats used on the lake, along with a small ‘front of house’ office space and ancillary facilities. A large roller shutter door used for boat access is located to the southeast corner of the building, with a second roller shutter to a window serving the office.

The application seeks permission for various external alterations to the existing building in order to facilitate the subdivision of its internal floorspace into four separate, self-contained units to be used for the storage and repair of boats and associated equipment by different organisations. The proposed alterations include the formation of four gable-faced protrusions to the front of the building to create separate openings for each unit enclosed by roller shutter doors (including the replacement of the two existing roller shutters to the current opening and window), along with associated changes to the building’s windows and doors, and the replacement of its existing asbestos cement roof with a new composite tile system.

The building occupies a lakeside location between the watersports centre (to the northeast) and café (to the southwest). While it is prominent within the public realm of the park itself, views from outside the park on Inner Promenade are limited by the change in levels (with buildings at the lake occupying lower-lying ground in relation to the road) and the building’s oblique orientation to the highway and neighbouring dwellings. Accordingly, the

development's visual impact is considered to be largely 'contained' within the park itself, with only limited effects on the wider street scene and surrounding properties.

Although the proposed roller shutters are, by their nature, inherently utilitarian features they would not be at odds within the boathouse's current 'functional' appearance and their visual impact would be minimised by dressing each roller shutter door within a separate gable-faced surround, recessing the roller shutters within each opening, concealing their shutter boxes with timber cladding and through the external colour treatment of the shutters themselves (including improving the galvanised finish of the two existing roller shutters). The host building lacks any special architectural or historic interest that would be harmed through the installation of the roller shutters and their configuration within the boxed-out facing gables would ensure a compatible design response that reads collectively with similar features on the lakeside elevations of the adjacent watersports and café buildings which are in the process of being refurbished in connection with the ongoing Heritage Lottery Fund restoration scheme.

The siting of the proposed development, combined with its position between other existing buildings and in relation to Inner Promenade (including neighbouring dwellings on that road), would ensure that its visual impact outside the park is limited and the scheme would have no undue effects on the amenity of neighbouring occupiers through loss of outlook, overshadowing or overlooking. There are no other technical issues concerning access, ecology or flood risk associated with the proposed development which would give rise to any significant and demonstrable harm that would outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the provisions of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

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

The application is submitted by Fylde Borough Council and so must be referred to the Planning Committee for determination in accordance with the Council's Scheme of Delegation.

### **Site Description and Location**

The application relates to the site of Fairhaven Lake and Gardens to the south of Inner Promenade, Lytham St Annes. A programme of public realm enhancement and building refurbishment works have been permitted at Fairhaven Lake as part of a Heritage Lottery Fund (HLF) grant. These works were granted planning permission pursuant to application reference 18/0500 and are ongoing at the site.

This application relates specifically to the operational boathouse – A single storey, dual-pitch roofed, *circa* 1950s building located within a cluster of five buildings to the northern periphery of the lake (which also include a café to the southwest and a watersports centre, cottage and pagoda to the northeast). The building is presently used as a workspace for storing and repairing boats used on the lake, along with a small 'front of house' office space and ancillary facilities. The boathouse occupies a broadly rectangular footprint with a chamfered, flat-roofed element to the southwest facing rear/side elevation. Eternally, the building is finished in white render above a shallow red brick plinth, UPVC windows and a corrugated asbestos cement roof covering. A large roller shutter door used for boat access is located to the southeast corner of the building's front (lakeside facing) elevation, with a second roller shutter to a window serving the office alongside. Both shutters are presently galvanized steel.

The operational boathouse is located between a two-storey watersports centre to the northeast and a café to the southwest. The building borders a bowling green to the west and faces over the lakeside to the east adjacent to a slipway. As with neighbouring buildings to the northern periphery of the lake, the site occupies a lower level in relation to the flanking highway of Inner Promenade to the north (which is elevated by *circa* 3m). The closest dwellings on Inner Promenade occupy a similarly elevated position approximately 75m to the north of the building.

### **Details of Proposal**

The application seeks permission for various external works to the existing operational boathouse in order to facilitate the subdivision of its internal floorspace into four separate, self-contained units to be used for the storage and repair of boats and associated equipment. The easternmost unit would be retained for the storage and servicing of the vehicles used to launch and tow boats from the lake, with the three remaining boat storage units to be let out to separate organisations. The existing repair workshop to the rear of the building would be retained, along with communal office, toilet and mess areas.

Externally, the following alterations are proposed to the building:

- The formation of four gable-faced protrusions to the front of the building to create separate openings for each unit. The two eastern openings would measure 3m in width, with slenderer (2.5m wide) openings to the west side serving the narrower units. The openings would be dressed with roof-level pediments reaching between 4.8m (for the narrower units) and 5.1m (for the wider units) in height supported by steel posts to form an open-fronted protrusion enclosed by a roller shutter door within a 0.35m recess behind.
- The installation of five roller shutters across the façade. Four of these roller shutters would sit within a 0.35m deep recess of each gable-faced opening, with the fifth to replace the existing flush external roller shutter to the office window on the southeast corner. All external elements of the shutters would be powder coated 'Jet Black' (RAL 9005), and the shutter boxes of the four contained within the gable-faced openings would be overclad in white timber boarding extending up to ridge level to conceal these features.
- The installation of a fire exit door on the west facing (side) elevation of the building. The door would sit centrally within the chamfered wall of the flat-roofed element to the southwest corner with a smaller window alongside and would replace an existing window opening.
- All existing windows across the building would be replaced with UPVC double glazing. One of the five-pane windows on the building's front elevation would be narrowed by 0.45m and replaced with a four-pane window.
- The replacement of the building's existing asbestos cement panel roof with a new steel sheet covering with a pressed and coated tile-effect finish coloured black.

### **Relevant Planning History**

None relevant to this building.

### **Relevant Planning Appeals History**

None relevant to this building.

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

N/A. Non-parish Area.

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

N/A. No statutory consultations necessary given the nature of the development applied for.

### **Neighbour Observations**

<b>Neighbours notified:</b>	9 February 2021
<b>Site notice posted:</b>	10 February 2021
<b>Press notice:</b>	N/A
<b>Amended plans notified:</b>	N/A
<b>No. Of Responses Received:</b>	None at the time of writing. Any representations received prior to the committee meeting will be summarised within the late observations report.
<b>Nature of comments made:</b>	N/A

The appropriate neighbouring properties were notified of the application by letter. Additional publicity has been undertaken through the display of a notice near the site. The statutory public consultation period expires on 3 March 2021 (at the end of that day). Any representations received between the preparation of this report and the committee meeting will be summarised in the late observations report for consideration by members.

The recommendation to members is to delegate authority to the Head of Planning and Housing to grant planning permission following the expiration of the public consultation period (from 4 March 2021). Any representations which may be received between the committee meeting on 3 March and the expiration of the public consultation period at the end of that day will be addressed separately by officers in a supplementary report to the Head of Planning and Housing prior to the decision being issued.

### **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:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV2	Biodiversity
ENV3	Protecting Existing Open Space
ENV5	Historic Environment

### **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, but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Accordingly, it is not Schedule 2 development and 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. The statutory development plan for Fylde comprises the FLP.

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

- c) approving development proposals that accord with 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, its location and the planning history of the site, the main issues in this case are:

- The principle of development.
- The development’s effects on the character and appearance of the area.
- The scheme’s impact on the amenity of surrounding occupiers.
- Other material considerations relating to effects on highway safety, ecology and flood risk.

#### Principle of development:

The site falls within the settlement boundary of Lytham St Annes as defined on the FLP Policies Map. Policy GD1 of the FLP is permissive of development within settlement boundaries providing that it complies with other relevant policies of the local plan.

The wider site of Fairhaven Lake and Gardens is also allocated as a 'Park and Garden' under policy ENV3 which seeks to preserve the Borough's areas of Existing Open Space. Specifically, policy ENV3 indicates that "Existing Open Space will be protected from inappropriate development, having particular regard to the multi-functional benefits of open spaces" in accordance with six criteria (a-f)).

As the proposed development involves external alterations to an existing building that would not affect the provision (in either quantitative or qualitative terms) or involve the loss of existing open space at Fairhaven Lake and Gardens, the provisions of policy ENV3 are of limited direct relevance in this case and the scheme would not result in any conflict with the overarching objective of policy ENV3 which aims to preserve the Borough's allocated Existing Open Spaces as an integral part of Fylde's green infrastructure network.

Given the above, the principle of development is considered acceptable and the remainder of the assessment is concerned with the scheme's detailed design and any associated technical considerations which are material to the decision.

#### Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (criteria a) – o)). Criteria d), f), h) and i) of the policy are of greatest relevance in this case as follows:

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

FLP policy ENV5 indicates that "proposals for development should conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde's designated and undesignated heritage assets." The subheading "locally important heritage assets" identifies Fairhaven Lake as one of "a number of assets of historic interest, which whilst not statutorily protected, make an important contribution to the distinctive character of the area." The policy indicates that "development which would remove, harm or undermine the significance of a locally important heritage asset, or its contribution to the character of the area, will only be permitted where robust evidence can demonstrate that the public benefits of the development would outweigh the harm based on a balanced judgement."

Paragraph 127 of the NPPF sets out six general principles of good design (a) – f)). Of particular relevance in this case are criteria a) – d) which require that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

In addition, paragraph 197 of the NPPF indicates that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The application building is a *circa* mid-1950s addition to the parkland which post-dates the early 20<sup>th</sup> century pagoda, café and watersports buildings. The wider grounds of Fairhaven Lake and Gardens contain non-designated heritage assets of local importance which are identified on the Council’s local list. These include the watersports centre and pagoda buildings to the northeast of the site, and the Japanese Garden to the southwest corner of the lake (whose significance derives from its archaeological interest). The development’s impact on these non-designated heritage assets is an indirect one which is limited to its effects on their setting, having particular regard to the two adjacent buildings to the northeast.

In contrast to other neighbouring buildings on the northern periphery of the lake, the operational boathouse is a relatively plain building which lacks any particular architectural interest or detailing. Its elevations are flat and featureless, and it presents a functional appearance to the lakeside. The most significant external changes to the building proposed as part of the scheme are to its front (southeast facing) elevation overlooking the lake. These include the addition of four gable-faced protrusions to create individual openings to separate units to be used for the storage and repair of boats by different organisations. Roller shutter doors are proposed within these facing gables to enclose each entrance securely.

While roller shutters are inherently utilitarian features by their nature, the scheme incorporates several features to minimise their visual impact as follows:

- The roller shutters would be concealed within 0.35m deep recesses to appear as a backdrop to the facing gables which would create protruding dressings to their surrounds. Accordingly, and as with the existing roller shutter to the eastern opening (which is to be replaced as part of the scheme), they would appear as recessive features within the façade rather than sitting flush with the front wall.
- The external shutter boxes would be concealed beneath the soffit of the facing gables by white painted timber cladding dressing the face of the pediment. Accordingly, the protruding shutter boxes would not be visible across the façade.
- All roller shutters and casings (including the flush shutter with protruding external box above the office window) would be powder coated ‘Jet Black’ (RAL 9005) to follow the colour scheme of the other lakeside buildings.

When these factors are taken in combination with the added architectural interest which would be introduced by the protruding facing gables, it is considered that all aspects of the additional openings to the lakeside elevation would be compatible with the functional appearance of the operational boathouse and would not detract from the character, appearance and significance of

neighbouring buildings (including those identified as non-designated heritage assets) or the parkland's wider setting. In addition, the replacement of two existing, galvanised roller shutters with new colour-treated shutters (one of which would be concealed within a facing gable) would also improve the current appearance of these existing utilitarian features.

The other external alterations to the building include the replacement of several existing UPVC windows in three elevations with new double-glazed equivalents, the addition of a fire escape doorway to the chamfered wall of the flat-roofed portion to the southwest corner (rear/side) of the building and the replacement of its present asbestos cement fibre roof with a tile-effect composite steel sheet covering finished black. These alterations would not result in any significant change to the building's current external appearance and so would have a neutral visual impact.

While the application building occupies a prominent lakeside position within the parkland itself, views from outside Fairhaven Lake on Inner Promenade are restricted by the change in levels (with buildings at the lake occupying lower-lying ground to the road) and the building's oblique orientation to the highway and neighbouring dwellings. Accordingly, the development's visual impact is considered to be largely 'contained' within the park itself, with only limited effects on the wider street scene and surrounding properties which would not harm the character and appearance of the area. Therefore, the proposed development is considered to accord with the objectives of FLP policies GD7 and ENV5, and the NPPF.

#### Impact on amenity:

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."

Within the parkland, the closest neighbouring buildings are located to the northeast (the watersports centre) and southwest (the café). The watersports centre is a two-storey building which follows the same building line as the operational boathouse. Given that the only extensions to the boathouse comprise the addition of open-fronted facing gables to its front elevation, there would no adverse effects on the amenity of users of the watersports centre. Similarly, the development's minimum *circa* 30m spacing with the café which occupies a staggered position to the southwest would avoid any harmful effects on users of this building.

The closest neighbouring properties outside Fairhaven Lake are on Inner Promenade to the north, a minimum of some 75m away. Given the presence of intervening buildings between the boathouse and these dwellings, when combined with its spacing and lower-lying position in relation to these properties, the proposed external alterations would have no undue effects on the amenity of neighbouring residents through loss of outlook, overshadowing or overlooking. Accordingly, the amenity requirements of FLP policy GD7 and the NPPF would be satisfied.

#### Other matters:

**Highways:**

The facing gables to the front of the building would create boxed-out openings extending onto the lakeside forecourt. However, their modest (0.4m) depth would avoid any unacceptable obstruction of the forecourt between the front of the building and the lakeside slipway, which would be maintained at a width of approximately 7.8m. Accordingly, the proposed development would not result in a narrowing of the forecourt that would create an obstruction for pedestrians.

The area to the front of the boathouse is presently fenced off due to ongoing construction works associated with the HLF building refurbishment programme consented by application 18/0500. The same arrangements for construction and contractor access (including their vehicles) would be put in place in connection with the works to the operational boathouse and so there is no requirement for a separate condition relating to the submission of a construction method statement to be imposed as those logistics are already in place as part of the present build programme.

**Ecology:**

The application land does not form part of any designated nature conservation site, but is close to the Ribble and Alt Estuary Ramsar and Site of Special Scientific Interest (SSSI). The nature of the scheme is such that the proposed external alterations to the existing building would not give rise to any likely significant effects on the SSSI and so any such impacts can be screened out without the need to proceed to the Appropriate Assessment stage of the Conservation of Habitats and Species Regulations (2017).

**Flood Risk:**

While part of Fairhaven Lake and Gardens falls within flood zones 2 and 3, the application site itself is in flood zone 1 as identified on the Flood Map for Planning. Accordingly, it is at the lowest risk from fluvial and tidal flooding and represents an appropriate use of land within flood zone 1. The proposed development involves modest external alterations to the existing building which would not result in an increased risk of flooding either to the development itself or elsewhere.

**Conclusions**

The application relates to the operational boathouse at Fairhaven Lake and Gardens – A single storey, dual-pitch roofed, *circa* 1950s building located within a cluster of five buildings to the northern periphery of the lake. The building is presently used as a workspace for storing and repairing boats used on the lake, along with a small ‘front of house’ office space and ancillary facilities. A large roller shutter door used for boat access is located to the southeast corner of the building, with a second roller shutter to a window serving the office.

The application seeks permission for various external alterations to the existing building in order to facilitate the subdivision of its internal floorspace into four separate, self-contained units to be used for the storage and repair of boats and associated equipment by different organisations. The proposed alterations include the formation of four gable-faced protrusions to the front of the building to create separate openings for each unit enclosed by roller shutter doors (including the replacement of the two existing roller shutters to the current opening and window), along with associated changes to the building’s windows and doors, and the replacement of its existing asbestos cement roof with a new composite tile system.

The building occupies a lakeside location between the watersports centre (to the northeast) and

café (to the southwest). While it is prominent within the public realm of the park itself, views from outside the park on Inner Promenade are limited by the change in levels (with buildings at the lake occupying lower-lying ground in relation to the road) and the building's oblique orientation to the highway and neighbouring dwellings. Accordingly, the development's visual impact is considered to be largely 'contained' within the park itself, with only limited effects on the wider street scene and surrounding properties.

Although the proposed roller shutters are, by their nature, inherently utilitarian features they would not be at odds within the boathouse's current 'functional' appearance and their visual impact would be minimised by dressing each roller shutter door within a separate gable-faced surround, recessing the roller shutters within each opening, concealing their shutter boxes with timber cladding and through the external colour treatment of the shutters themselves (including improving the galvanised finish of the two existing roller shutters). The host building lacks any special architectural or historic interest that would be harmed through the installation of the roller shutters and their configuration within the boxed-out facing gables would ensure a compatible design response that reads collectively with similar features on the lakeside elevations of the adjacent watersports and café buildings which are in the process of being refurbished in connection with the ongoing Heritage Lottery Fund restoration scheme.

The siting of the proposed development, combined with its position between other existing buildings and in relation to Inner Promenade (including neighbouring dwellings on that road), would ensure that its visual impact outside the park is limited and the scheme would have no undue effects on the amenity of neighbouring occupiers through loss of outlook, overshadowing or overlooking. There are no other technical issues concerning access, ecology or flood risk associated with the proposed development which would give rise to any significant and demonstratable harm that would outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the provisions of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

### **Recommendation**

That authority be delegated to the Head of Planning and Housing to GRANT planning permission following the expiration of the statutory consultation period on 4 March 2021 and the consideration of any comments that are received, with that decision 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. 4000 Rev 0 – Proposed location plan & block plan.

Drawing no. 2000 Rev 0 – Proposed floor plan.

Drawing no. 2200 Rev A – Proposed elevations.

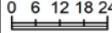
Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in full accordance with the materials (including colour treatments and finishes) detailed on the approved plans listed in condition 2 of this permission.

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



		(c) Crown Copyright and database right (2021). Ordnance Survey (100006084).	
Application No. 5/21/0110	Address Boat Repair Shed, Fairhaven Lake and Gardens, Inner Promenade, Lytham St Annes	Grid Ref. E.3341 : N.4273	Scale 0 6 12 18 24 m 

## DECISION ITEM

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

**FYLDE COUNCIL TREE PRESERVATION ORDER 2020/0006:  
LUND, VICARAGE LANE, NEWTON WITH SCALES, PRESTON, PR4 3RX**

**PUBLIC ITEM**

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

**SUMMARY**

Planning Committee are asked to confirm this Tree Preservation Order (TPO) following consideration of the comments received during the consultation on the Order. The council's constitution requires that when an objection is received the decision whether to confirm the Order is to be made by the Planning Committee.

Trees form an integral part of the landscape and the deployment of a tree preservation order is intended as a response to protecting our dwindling tree canopy cover. Every effort needs to be made in securing our mature tree stock now and for the future. It should be noted that a tree preservation order does not prevent works being carried out to a protected tree, but allows the local planning authority to control the nature of such works and to require replacement planting in the event that, following due consideration, a protected tree is allowed to be felled.

The Tree Officer was made aware of the area of land that sits within a rural landscape near Newton, Salwick & Clifton Village Hall and surrounded by farmland and located next to the roadside of Vicarage Lane. Within the curtilage of the property a small pocket of mature trees sits with potential amenity value, and the trees could be under threat from inappropriate pruning or felling.

Following an assessment of the health and amenity value of the trees, a Woodland TPO was issued. Without confirmation, the TPO will lapse on 22<sup>nd</sup> April 2021 and the trees would be unprotected. Having considered the representations that have been made, your officers believe that the Order should be confirmed so that it will become permanent.

Members are therefore asked to confirm the Order without modification which will provide protection to the trees.

**RECOMMENDATION**

That the committee confirms the Tree Preservation Order so that it becomes permanently effective.

**SUMMARY OF PREVIOUS DECISIONS**

None

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	√

## REPORT

### 1. Legislative background to tree protection.

#### 1.1 Tree Preservation Orders.

Section 198 (1) of the TCPA 1990 empowers local planning authorities to make Tree Preservation Orders, (TPOs):

*“If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.”*

#### 1.2 Changes to TPO procedures from 6<sup>th</sup> April 2012.

In 2012 the government introduced what it described as *“a consolidated and streamlined tree preservation order system.”* One of the notable changes was the removal of sections 199 and 201 of the Town and Country Planning Act. This meant that ALL tree preservation orders take immediate effect from the day the Order is made, and no consultation is allowed for.

### 2. Background to making the Tree Preservation Order.

2.1 The Tree Officer was made aware of a small pocket of mature trees that sit in an area of land within a rural landscape near Newton, Salwick & Clifton Village Hall and surrounded by farmland and located next to the roadside of Vicarage Lane. The land forms part of the curtilage of a residential property and the trees could be under threat from inappropriate pruning or felling. In addition, if the area was clear felled, the value of the trees would be irreplaceable and any trees planted to compensate for their loss would take a significant time to grow and become established so as to adequately replace those lost. The amenity value of the trees was assessed and as a result of that assessment, a Woodland TPO was issued see Appendix One.

2.2 Classification of woodland TPOs are used when an area of trees has amenity value and the effect is to prevent any work to the tree until more is known about the reality of a threat. It is also there to protect the trees for their entire life along with future generations and to allow potential tree replacement if needed for the longevity of the woodland.

2.3 A statutory twenty-eight-day consultation period applies to new TPOs, with all persons notified of the TPO being required to make any representations or objections before 19<sup>th</sup> November 2020.

### 3.0 Objection.

3.1 A letter in the form of a statement from the Landowner to the Tree Officer was received on 9<sup>th</sup> November 2020. A redacted copy is attached as Appendix Two.

The objection centers on 5 key points:

1. The property is on the market for sale. A blanket Woodland Tree Preservation Order would severely handicap any future owner’s ability to landscape the gardens.
2. Limiting the Woodland Order to the area of woodland as shown on the location map dated 1976 (appendix 3)
3. The amenity value of all the trees within private residence is questionable

4. Due to the property having stables should any future owner wish to restore these to keep horses they would need the land within TPO W2 for grazing
5. The removal of many of the trees would not have any significant negative impact on the local environment and its enjoyment by the public

#### **4. Response to the objection.**

- 4.1 Without the order the grounds could be landscaped in such a way that trees could be removed therefore reducing the amenity and biodiversity value of the woodland. If trees are to be retained for a long period of time, then a TPO is often used by the Local Planning Authority (LPA) and it is this Council's objective to be more proactive regarding protecting trees rather than being reactive. In some cases, it can be too late to place the order on trees, as without any form of protection they can be felled without prior knowledge. Under section 206(1) of the Town and Country Planning Act 1990 as amended (the 1990 Act), the placing of preservation orders on trees gives the LPA powers to ask for tree replacements if any trees are removed. A landowner has a duty to replace a tree which is removed in contravention of a tree protection order (TPO). Where the duty is not complied with, local authorities have powers, under section 207 of the Act, to issue tree replacement notices (TRNs). These powers are also exercised where a tree is removed in a conservation area in contravention of section 211 of the 1990 Act (i.e. without giving the council six weeks' notice) and in circumstances when a condition to plant a replacement tree, on a consent to fell a tree under a TPO, is not complied with.
- 4.2 If there is no protection for these trees, it would be impossible to place a tree replacement notice on them. If the land was to be developed and the mature trees removed, even with a landscaping plan that includes planting trees, it would take a significant amount of time before they are of any size to offset the removal of the original trees.
- 4.3 A Woodland Classification would not normally be appropriate to gardens however, as the grounds have been untended and left to grow, the council's Tree Officer considers that a Woodland Order is warranted at this time. The Woodland Order does not hinder beneficial woodland management should the current, or any future property owner, decide to manage the gardens or landscape the area.
- 4.4 The trees have significant importance and several benefits in the Urban and Rural environment, including open public spaces and private residence. As these trees have established in this location together, they play a vital role in providing;
  - Amenity value to the area
  - Flood attenuation
  - Protection of the local biodiversity (some of which will only exist on specific species of tree)
  - Filtering of pollutants
  - Reduction of the heat island effect
  - Positive impact on people's mental health
  - Reducing asthma
  - Economic benefits
  - Softening of the hard-urban landscape

Given the benefits of trees, and even though in this instance they are on private land, they are significant not only to their immediate setting, but to the surrounding area's skyline. The TPO will help the council to protect and secure these benefits for the wider area.

- 4.5 Tree Preservation orders of any type would not hinder the restoration of the stables and it is possible to have protected trees and grazing areas together. The Government and other organisations such as the Woodland Trust are encouraging the use of Agroforestry. This is due to the reduction in trees on farmland where grazing livestock have cleared land resulting in a significant loss of trees and inhibits any potential new trees establishing. Agroforestry is a land management approach that combines trees and

shrubs with crop and livestock farming system. Even though this is geared more towards the farming industry it can, and should, be used on any land where grazing and vegetation can coexist together. By implementing this at no real cost to the owner, this practice delivers a multitude of benefits for the land and livestock from;

- Increased wildlife
- Improved soil health
- Boosting livestock welfare
- Managing water flow
- Contributing to climate change mitigation

4.6 These trees are an asset to the area as they are clearly visible to the public from many locations. They form a notable part of the vista to many local routes including Newton Lake Fishery, Vicarage Lane, Church Lane, Moor Hall Lane and A583 Blackpool Rd and can be enjoyed by people visiting the Fishery or Village Hall, going out and about on their daily business, dog walking, running, cycling (a signed cycle route passes this location), horse riding, etc, throughout the year. This significantly increases their amenity value.

4.7 As most of the trees will have grown and established together as one, individual removal of trees could have a significant negative impact on the trees that remain, as they become exposed to the environmental forces of wind loading, to which they are not accustomed. This increased biomechanical loading on parts of the tree could potentially increase their risk of failure and put pressure on their removal which would then have a domino effect on the remaining trees. In turn, this would have significant negative impact on the local environment and its enjoyment by the public, along with the reduced positive impact on the environment.

## **5. Conclusion.**

5.1 Trees form an integral part of the landscape and the deployment of a tree preservation order is intended as a response to protecting our dwindling tree canopy cover. Every effort needs to be made in securing our mature tree stock now and for the future.

5.2 A Woodland preservation order makes this possible as it protects the trees now, and any in the future from natural regeneration and including any trees planted after the order was made. If some trees do die or need to be removed because they pose a potential safety concern from either pest, diseases or any significant damage and, if there is no protection, there is a strong possibility that the tree canopy cover for this area will be lost. Tree canopy cover especially mixed diverse tree species is very hard to replace, along with the biodiversity that uses these trees as their natural habitat. Protecting and increasing tree canopy cover wherever possible should be a standard across the Fylde Borough, so that trees can be secured now and for the future.

5.3 A tree preservation order is designed to protect and doesn't prevent tree works to trees but does allow the work to be assessed by the LPA prior to any consent being issued. Working with the landowner will help to promote, rather than hinder, good management practices.

5.4 The Tree Officer agrees that in certain respects some tree work should be permitted but does not support wholesale pruning or removal of trees in this location. It is appropriate to control tree work at Lund Vicarage Lane, Newton le Scales through the confirmation of the tree preservation order.

5.5 It is considered that it was correct to protect the trees and that the Order should be confirmed so that it can become permanent. Without confirmation, the Order will lapse on 22<sup>nd</sup> April 2021 and the trees will be unprotected.

5.6 Members are therefore asked to confirm the Order without modification which will provide protection to the trees pending modification of the order as set out above.

IMPLICATIONS	
Finance	There are no financial implications arising from this report
Legal	The legal implications are contained within the body of the report
Community Safety	There are no direct community safety implications arising from this report.
Human Rights and Equalities	The making of the tree preservation order that is the subject of this report has been prepared and considered in accordance with relevant legislation. There are no direct human rights and equalities implications arising from this report.
Sustainability and Environmental Impact	The provision and retention of trees is a key component in ensuring a healthy and sustainable environment and is in line with the draft Tree & Woodland Strategy for Fylde Borough.
Health & Safety and Risk Management	Potential damage from the trees that are the subject to this order is addressed in the body of the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Andrew Rayner	<a href="mailto:andrew.rayner@fylde.gov.uk">andrew.rayner@fylde.gov.uk</a> & Tel 01253 658446	

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
TPO 2020 No 0006		<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

#### Attached Documents

Appendix 1 - TPO 2020/0006 Lund, Vicarage Lane, Newton with Scales

Appendix 2 – Objection letter from Landowner

Appendix 3 – 1976 location map of Lund

Appendix 4 – Google maps views of the location



**Town and Country Planning Act 1990 & The Town and Country Planning  
(Tree Preservation) (England) Regulations 2012**

**The Fylde Borough Council Tree Preservation Order 2020/0006 Lund,  
Vicarage Lane, Newton with Clifton, Preston PR4 3RX**

The Fylde Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order

**Citation**

**1**

This Order may be cited as The Fylde Borough Council Tree Preservation Order 2020/0006 Lund, Vicarage Lane, Newton with Clifton, Preston PR4 3RX

**Interpretation**

**2**

- (1) In this Order “the authority” means the Fylde Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

**3**

- (1) Subject to Article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall

- (a) cut down, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

**4**

In relation to any tree identified in the first column of the Schedule by letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 22 day of October 2020



Paul Walker  
Director of Development  
Authorised by the Council to sign in that behalf

**SCHEDULE  
SPECIFICATION OF TREES**

**Article 3**

**Trees specified individually**

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation - approximate easting/northings</i>

**Trees specified by reference to an area**

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

**Groups of trees**

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation – approximate eastings/northings to centre of group</i>

**Woodlands**

(within a continuous black line on the map)

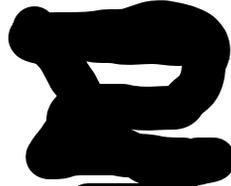
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Deciduous & Coniferous trees, Ash, Beech, Blackthorn, Cheery, Chinese fir ( <i>Cunninghamia lanceolate</i> ), Elm, Hawthorn, Holly, Horse Chestnut, Larch, Leylandii, Magnolia, Oak, Picea Breweriana, Sycamore, Tulip, Willow, Yew	Eastings 345264 / Northings 431278
W2	Mainly Deciduous trees being Oak, Elm, Sycamore, Beech, Hawthorne and Holy	Easting 345405 / Northings 431283

Lund, Vicarage Lane, Newton With Clifton, Preston Lancashire PR4 3RX



**Sharpes Farm**

**Lower Street**



**Mobil**

**Ema**

Andrew Rayner  
The Tree & Landscape Officer  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
Lancashire  
FY8 1LW

9th November 2020

Dear Mr Rayner

**Fylde Council Tree Preservation Order 20/0006**  
**Lund, Vicarage Lane, Newton with Clifton, Preston, Lancashire PR4 3RX**

Further to the Tree Preservation Order dated the 22nd October 2020 served on me as an interested party on 4th November 2020 I write to object to the said order on the following grounds:

1. A Woodland Order has been placed on 2 parcels of land identified as W1 and W2 in the Order. W1 is a private house, the former Vicarage for Lund Church and sits within a plot of 3.14 acres of garden with a separate Coach House and Stables. My parents lived in the house for over 50 years. My mother died last year and her husband who had been in poor health for some years died in 2003. Sadly they didn't manage to maintain the gardens to the high standard they had and the garden and adjacent paddock became overgrown with trees and shrubs. I attach a plan dated 1976 which shows the areas of original woodland. The land numbered 2527 (now overgrown) was a field used for grazing. Lund is currently on the market for sale. Any future owner will want to restore the garden as well as the house. A blanket Woodland Tree Preservation Order would severely

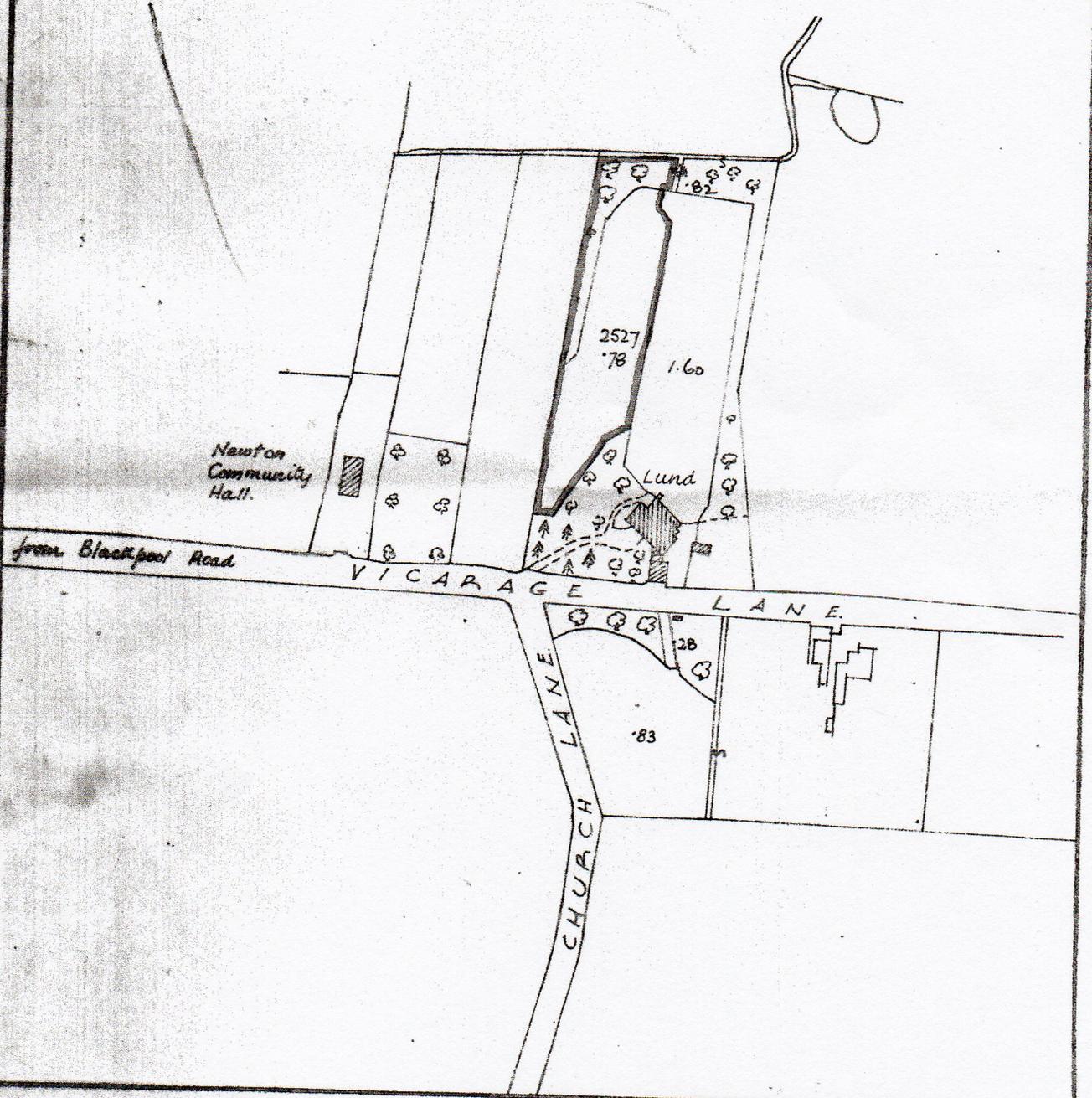
handicap any future owner of the ability to landscape the gardens. I would be delighted to meet on site with you to discuss identifying smaller areas of woodland on the boundary of the property in line with the areas shown on the annexed plan and/or specific trees within the curtilage of the house.

2. With reference to the parcel of land marked W2 on the order. You will again note from the annexed plan that this originally had woodland fronting onto Vicarage Lane and the rest of the parcel was grazing pasture. I welcome a discussion with you again on limiting the Woodland Order to the area of woodland as shown in the annexed plan.
3. I fully appreciate and support the great work done by yourself to protect trees of great merit and amenity and the bio-diversity values that underpin your efforts. However in this instance I question the amenity value of protecting ALL the trees within a private residence when most of the trees are behind the house surrounded by fields and therefore have very limited amenity for the public. Furthermore Lund has stables and should a future owner wish to restore these to keep horses they would also need land on which to graze said horses and accordingly would look to have plot W2 and the plot 2527 as pastures. I also cannot see that the removal of many trees currently falling within the blanket preservation order would have a significant negative impact on the local environment and its enjoyment by the public

I trust you will accept my objections to a blanket woodland order being placed on both Lund (plot W1) and plot W2 and that we might be able to work towards a more specific order that balances your objectives and my reasonable needs for the enjoyment and use of the property.

Kindest regards





**PLAN REFERRED TO**

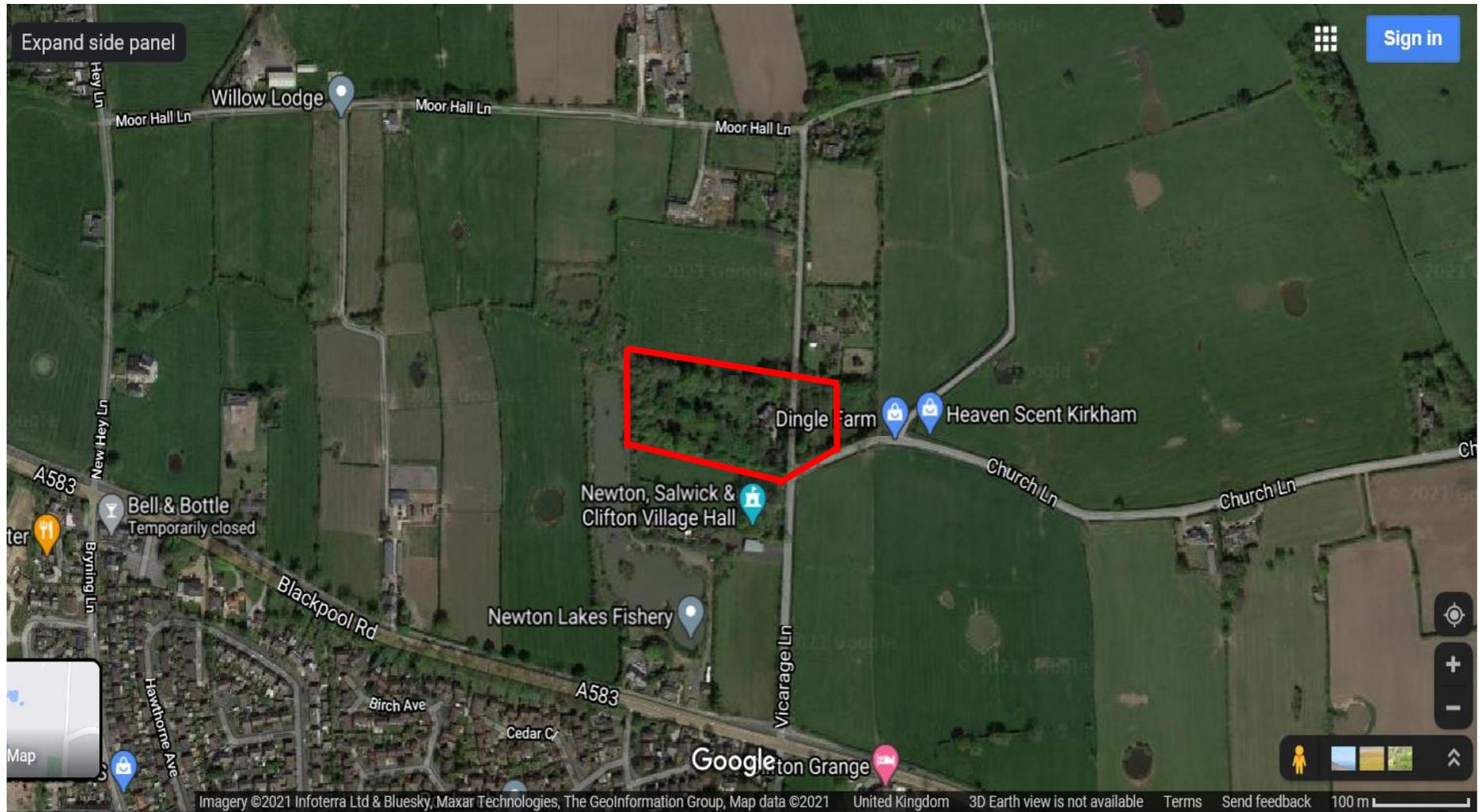
Page 72 of 79

Date: 1. 6. 76 No. R.W.C. 381.

Scale: 1 : 2500

**SUTCLIFFE & COMPANY,**  
Chartered Surveyors, Land Agents

Oriel Chambers, Covent Garden,  
Liverpool 2. 051-227-4400



Google maps aerial view of area of trees highlighted with red outline



Google maps street view from Vicarage Lane trees highlighted within red outlined box



Google maps street view from Church Lane highlighted with red box



Google maps street view from Moor Lane , red arrow pointing to location.



Google maps street view from Blackpool Road A583 location highlighted with red arrow

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	3 MARCH 2021	6

### LIST OF APPEALS DECIDED

#### PUBLIC ITEM

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

#### SUMMARY OF INFORMATION

The Council received no appeal decisions between 22/01/2021 and 19/02/2021.

#### SOURCE OF INFORMATION

Development Services

#### INFORMATION

N/a - no appeal decisions received

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

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

#### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## **LIST OF APPEALS DECIDED**

There were no appeal decisions received between 22/01/2021 and 19/02/2021.