

Agenda

Planning Committee

Date:	Wednesday, 2 February 2022 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Gavin Harrison, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 19 January 2022 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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02 February 2022

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Background Papers

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

- Fylde Local Plan to 2032 (incorporating Partial Review)
- 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 2021
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available online at www.fylde.gov.uk/resident/planning

Planning Committee Schedule

02 February 2022

Item Number: 1

Committee Date: 2 February 2022

Application Reference:	21/0480	Type of Application:	Full Planning Permission
Applicant:	Mr Saunders	Agent :	Graham Anthony Associates
Location:	RIVERSIDE CHALET PARK, OCCUPATION LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7RA		
Proposal:	PHASED REDEVELOPMENT OF SITE TO A HOLIDAY CARAVAN PARK INCLUDING: 1) REMOVAL OF EXISTING LODGES/CHALETS/BUILDINGS; 2) CONSTRUCTION OF 35 BASES EACH TO CONTAIN A STATIC CARAVAN; 3) RECONFIGURATION OF INTERNAL ACCESS ROAD; AND 4) PROVISION OF PARKING SPACES FOR EACH CARAVAN		
Ward:	SINGLETON AND GREENHALGH	Parish:	Singleton
Weeks on Hand:	37	Case Officer:	Ruth Thow
Reason for Delay:	Application deferred to allow further consideration		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Introduction

This item was presented to Planning Committee on 1 September 2021 with an officer recommendation that planning permission be refused based on the proposed layout of the development which officers felt was overly regimented and provided inadequate areas around the site for landscaping, with the result that the scheme was not considered to deliver good design. However, following some positive discussions between officers and the applicant's agent in the period between the publication of the agenda and the date of the Committee officers suggested that there was merit in deferring the item to allow the opportunity for revisions to be made to the scheme that could address those concerns. This was put to Committee with the resolution that was agreed being:

"The decision on the application was deferred to enable officers to engage in further discussions with the applicant's agent on matters that may be the subject of planning conditions should the scheme proceed to approval, including (i) a revision of the site layout to provide a more sympathetic layout of the site with more clarity over the extent and nature of the landscaping proposals, and (ii). greater clarity over the potential implications of the development on existing occupiers of the site.

On receipt of a revised proposal there is to be a re-consultation exercise with the Parish Council, local residents and other consultees as necessary in advance of the application being returned to Committee for a decision at the earliest opportunity."

Since that time a revised site layout plan with indicative landscaping has been received, although the information provided on the implications for the current site occupiers is limited. Nevertheless, the revised site layout has been the subject of consultation with the Parish Council, neighbouring residents and occupiers as set out in the Committee resolution.

This report includes those comments and the officer assessment on the scheme as it is now proposed, and so is a revision to that which was presented to Committee in September.

Summary of Officer Recommendation

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

The current application is the second on the site, with the first refused by Committee in February 2021 for reasons relating to highway safety and the loss of the 'community' of residents on the site. The application proposes the reconfiguration of the site including the removal of all the existing chalets and alterations to the roadway to facilitate its use for 35 static caravan pitches which are to be used for holiday purposes. The application has been amended since the submission that was refused by the Planning Committee in February 2021, and that which was presented to Committee in September 2021. The amended scheme indicates a revised layout of the plots with additional landscaping in and around the site, particularly to the northern, riverside boundary.

With regards its designation in the Fylde Local Plan to 2032 (incorporating Partial Review), the site is in the Countryside where Policy GD4 applies. This is generally restrictive but does allow for some forms of development that reflect the rural character of the area, with this specifically including small-scale tourist accommodation and holiday caravan sites.

The proposed development of the site will not involve any extension of the area that is used by chalets or caravans, or lead to an increase in the number of units on site above the existing arrangements. As such it is considered that the proposal is in accordance with this aspect of Policy GD4. The use for holiday accommodation would also not involve any conflict with Policy EC7 which relates to tourist accommodation and is focused on ensuring that caravans sites are retained for holiday purposes.

The officer report on the original application in February 2021 recommended that planning permission be granted subject to the adoption of a Habitat Regulation Assessment and a list of conditions. Whilst this recommendation was not accepted by the Committee, officers remain of the view that, in principle the scheme complies with policies GD4 and EC7.

The previous recommendation for the current scheme in September 2021 recommended that the application be refused due to concerns over the proposed intensive nature of the layout. Those concerns are adequately addressed with the revised layout and draft

landscaping proposals and so the application is recommended for approval subject to conditions to include the phasing of the development to ensure that the existing residents can remain on site, the effective landscaping of the site, the revisions of the proposed internal road layout and parking arrangements to satisfy highway authority requests, and the provision of appropriate visual and acoustic protection for the wildlife that utilises the nearby estuary and its surrounding are also imposed as part of this recommendation.

Reason for Reporting to Committee

The application is a resubmission of an application that was refused by the Planning Committee contrary to officer recommendation, and so the Head of Planning has determined that this application should also be presented to the Planning Committee for a decision.

Site Description and Location

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

At the time that the existing site plan was drawn up the site contained 36 'chalets' which are individual in their design and layout, some of which have been extended at various times since they were first brought onto the site. Since that time, a number of the chalets have been removed with static caravans introduced to the pitches that they previously occupied. The 'chalets' have been constructed in a mix of materials which include render, timber and upvc cladding. The majority of the units are stationed either side of the central access road, from which a small spur road links through to the neighbouring 'Wyre Chalet Park'. A small number benefit from specific planning permissions for extensions or reconstruction.

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

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

There are a range of surrounding land uses, with other caravan sites in the area including the 'Pool Brow Caravan Park' to the immediate east and the 'River Wyre Caravan Park' to the west albeit across an intervening agricultural field. There are residential dwellings fronting Mains Lane to the north and agricultural land across the River Wyre within that neighbouring borough to the north.

Details of Proposal

Initial Submission

This application sought planning permission for a redevelopment of the site. This involves the removal of all the existing chalets, and the formation of 35 concrete bases in a reconfigured layout

to the present arrangement. These bases are to be used to station static caravans for holiday use together with the reconfiguration of the internal access road and provision of parking spaces for each caravan.

The application is essentially a resubmission of application 20/0542 which was refused at Planning Committee in February 2021 albeit with a revised layout (received on 30th November 2021). The scope of the scheme, the plans and much of the supporting information are identical to that presented with that application. The Planning Statement includes a letter as a preface which refers to the previous refusal and the highway and community reasons that it was based upon.

With regards the highway reason the letter highlights that there were no objections to the development from the statutory consultees on the application. With regards to the community aspect the supporting letter refers to the scheme now being presented as providing a phased development of the site, with the supporting information providing reference to that in a letter that is said to have been sent to all occupiers on the site. This letter is quoted as saying:

'...All existing residents would be allowed to continue residing undisturbed, with the opportunity to pass on their chalet to family if they so wished or alternatively sell back to the park owners. Licensed sites have controlled standards which protect residents and owners alike.

Our intention is to resubmit the application after the implications of the permission have been clearly explained to residents, in an attempt to appease any concerns individuals may have and dismiss any lingering fears that people would lose their homes. As you will have already witnessed, the owners have invested across the site for the benefit of all and the intention is to continue onsite investment looking forward.

We would just like to make it abundantly clear that if the resubmitted application is successful, no resident will be forced to move or redevelop their chalet'.

Revised Submission

Following the deferral of the application at Committee in September a revised layout has been provided which replaces the previous scheme which had a largely straight internal access road with one that introduces a series of bends and so clusters the units around those bends. It also provides additional open space to the north of the site adjacent to the River Wyre.

There is no change in the overall number of units provided. The revised site plan still indicates a reasonably regular layout of 35 caravan pitches arranged either side of the access road with an area of hard standing at the entrance to the site retained for additional car parking. It is intended that each caravan unit is 12.1 metres by 6 metres with a parking space to the front of each unit. The layout provides a turning head on the access road towards the northern boundary to allow refuse vehicles to turn.

The agent was also asked to provide some clarity over how the stated phased implementation of the scheme would operate, the mechanism that could be used to deliver a phased development, what that phasing will be, and how the existing residents will be protected. No real clarity on this has been provided other than reference made back to the above letter, although it is expected that further information will become available in time to present at Committee.

Relevant Planning History

Application No.	Development	Decision	Date
20/0542	REDEVELOPMENT OF SITE TO A HOLIDAY CARAVAN PARK INCLUDING: 1) REMOVAL OF EXISTING LODGES /CHALETS /BUILDINGS, 2) CONSTRUCTION OF 35 BASES EACH TO CONTAIN A STATIC CARAVAN; 3) RECONFIGURATION OF INTERNAL ACCESS ROAD; AND 4) PROVISION OF PARKING SPACES FOR EACH CARAVAN (RESUBMISSION OF APPLICATION 19/0875)	Refused	03/02/2021
19/0875	REDEVELOPMENT OF HOLIDAY CARAVAN PARK INCLUDING: 1) REMOVAL OF EXISTING CARAVANS; 2) SITING OF 34 NEW STATIC CARAVAN BASES; 3) RECONFIGURATION OF INTERNAL ACCESS ROAD; AND 4) PROVISION OF PARKING SPACES FOR EACH CARAVAN	Withdrawn by Applicant	18/12/2019

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is within the area of Singleton Parish Council who were notified of the original and revised schemes.

Comments on Original Scheme made 3 June 2021

Singleton Parish Council considered the amended version of plans for Riverside Chalet Park, no. 21/0480 and objects to the proposal on the following grounds.

- 1. The only difference to the original application is that this one will be a phased redevelopment. The problems surrounding this application remain the same.*
- 2. Traffic problems to and from the site concern the Parish Council, particularly as this will eventually become a holiday caravan park.*
- 3. The Parish Council is concerned about the loss of 35 permanent residences in the parish.*

Comments on Revised Scheme made 22 December 2021

The Parish Council objects to this proposal as none of the Parish Council's previously stated concerns have been addressed. The increase in traffic is a concern with the coming and going of tourist caravans at an already congested junction, the loss of permanent residences in the parish and the fact that there are no facilities planned whatsoever on the park. The area's infrastructure is already considerably stretched, particularly GP practices, bus services etc. The Parish Council feels that the

area is already at saturation point with holiday caravan/chalet parks.

Statutory Consultees and Observations of Other Interested Parties

Greater Manchester Ecology Unit

They have reviewed the application and make the following points:

- *While the previous application (20/0542) was refused, ecology did not figure in the reasons for refusal.*
- *There has not been a substantive change in the nature of the development since GMEU's response on that proposal (email 18 December 2020). The conclusions on the shadow HRA and impacts of the scheme remain the same in terms of biodiversity and GMEU's conclusions can be carried forward to the determination of the current proposal. The Council's adoption of the conclusions of the sHRA – as advised by GMEU – should still be reported in any officer's delegated/Committee report.*
- *The Local Planning Authority should consider how the acoustic and visual fencing condition can be secured on this proposal given that the development is now to be phased. The drafting of the phased condition is a more technical planning matter, although GMEU are willing to comment on draft wording should the LPA think it would be useful.*
- *As the development is now to be phased the risks to gcn (great crested newt) are reduced at each point when there is replacement of a mobile home/homes. Therefore, I consider that the proposed statement is adequate in this instance. I would request a minor adjustment to the RAMs statement; in the unlikely event that gcn are discovered and work has to cease the Local Authority and GMEU (as your representative) should also be informed. Subject to this minor adjustment the RAMs should be secured via a condition on any permission if granted.*
- *All other conditions as outlined in response to 20/0542 are still relevant to the current proposal*

Commercial & Licensing (Caravans)

Specifically confirm that they do not wish to make any representations on the application, but ask that the following points are highlighted to the application as an informative to any planning permission:

1. The site will need to operate under a site licence relating to the Caravan Sites and Control of Development Act 1960. Information on how to make an application can be found via the council's website.
2. The site will need to reflect the Model Standards 1989 of Holiday Caravan Sites.
3. The site owner may also wish to consider carrying out a fire risk assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005, and a copy made available to the Local Authority

Lancashire County Council - Highway Authority

Comments on Original Layout

They comment that in principle LCC Highways does not have any objections regarding the proposed phased redevelopment of site to a holiday caravan park.

They then make a series of specific points which are summarised as follows:

- As the access road to the site from Mains Lane forms part of PROW FP6 they have forwarded details of the application to the Public Rights of Way Section in case they have comments. (Note: No comments have been received)
- It is requested that the shared surface carriageway varies in width between 4.1 and 6m where a minor percentage of the road should be 4.1m wide. This is to allow passing places for larger vehicles (refuse vehicles, fire appliances, home deliveries etc.) and additional occasional on-road visitor parking.
- It is requested that the parking provision for each of the caravans is increased to a minimum of 2 car parking spaces per caravan. The proposed caravan units are proposed as 40' by 20' and accommodate two or three bedrooms.
- A turning head is required to allow refuse and emergency vehicles to turn within the site because the maximum distance a refuse vehicle should reverse is 12m, Fire and rescue vehicles should not have to reverse more than 20m from the end of an access road.
- The site is a holiday park with temporary residents and it is requested details of how the bins are stored (communal or individual bins) and where they are to be serviced is requested to ensure that they are within the maximum distances from the access point by the refuse vehicle which is 25m for a two wheeled refuse container and 10m for a four wheeled refuse container, with a resident not required to carry the waste more than 30m to the refuse storage point.

Comments on revised layout:

LCC have no objection and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Natural England

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

Summary

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

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

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

Detailed Comments

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

Natural England has reviewed the Habitats Regulations Appropriate Assessment by

Simply Ecology Limited (April 2020) and notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

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

They then refer to construction and demolition works taking place either outside of winter months, or if they are to take place during those months an acoustic hoarding and visual screen is required. The details of these should be agreed with the local planning authority prior to works commencing.

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

Wyre Borough Council

No comments have been received

Environment Agency

Refer to the similarity of the scheme to the most recent application and advise that those comments remain relevant to the current proposals. The comments made at that time were:

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

Flood risk

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

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

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

Site layout

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

Foul drainage

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

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

Strategic Housing

The application is for Holiday Site use where there would be no requirement for affordable housing. Therefore, we have no comments to make.

Highways England

Offer no objection

Fire and Rescue Service

They make comment on the application with regards to the need to ensure it provides a suitable arrangements in the event of a fire or other emergency. These refer to the need to provide a turning head and carriageway that is sufficient to allow access by a fire engine, and that the site has adequate water supply for fire fighting.

Their comments do not clarify if the details on site are adequate, rather they set out the expectations of what should be available.

United Utilities

Raise no objection to the proposal but request that conditions are imposed to ensure that the surface and foul drainage follows the drainage hierarchy set out in the PPG, and that arrangements are put in place to manage these arrangements. They also make standard comments about making appropriate arrangements for a water supply to the site.

Also refer to a water main crossing the site and impose a requirement that this be protracted during the development of the site with a condition to establish that undertaken prior to the development taking place.

Neighbour Observations

Neighbours notified:	25 May 2021
Site Notice Date:	02 June 2021
Number of Responses	19 to initial and revised layout. The comments in respect of the revised layout notification cover matters raised previously so are

Summary of Comments

merged here to avoid unnecessary repetition.

The comments are from local residents and all raise objection to the development on the following grounds:

Accommodation Matters

- Question whether there is a need for more holiday park accommodation in Fylde
- The properties on the site at present provides valuable accommodation for older people to down-size to, and this should be retained as there are limited other opportunities in the area for this.
- The existing site (and the Wyre Chalet Park next door) is for over-55s only and the change propose here will damage that community
- There are now a number of caravans on the site which are in poor condition without any proper base or ties and indicates that the future development will be done to a similarly poor quality.
- Residents on the site are concerned that the development would result in them being made homeless
- The scheme will lead to the loss of a number of residential properties that provide important affordable accommodation for the elderly
- The move to a holiday site will reduce the council tax receipts from the site

Access Matters

- The site entrance to Occupation Lane is very narrow and with the additional use that a holiday site brings it will not be a safe junction.
- There is no protection available to pedestrians on Occupation Lane and so they will be at risk with the increased traffic use of this road from this scheme
- Mains Lane is also a dangerous road with frequent accidents and so it is wrong to add more traffic to the road, especially drivers who are unfamiliar with it
- The traffic information provided was measured during a lockdown period when movements were restricted so is unrepresentative of the level of use that the road has

Other Matters

- The owner has removed trees and so harmed the appearance of the site, with this scheme adding to that harmful impact
- Allegations regarding the selling and management practices of the owner of the site towards those who own chalets on the site.
- That many of the residents on the stie wish to leave but the situation is preventing market sales and the owner is offering to purchase at very low prices
- The development will be harmful to the ecological designations in the area.

- Argue that the site is not a small site (refers to comments from LCC Highways)
- Owner has transformed site into a tip

Comments received following notification of revised layout (11)

- new caravans established are unauthorised
- application should not be allowed to develop more pitches until he has permission
- would set precedent for landowners to build without consent
- proposed density is too high 15/20 should be limit
- landscaping minimal remainder of site put to woodland/nature reserve
- comments on the character of the applicant
- chalets are retirement homes for over 55's
- removal of our dwellings is unacceptable
- no significant changes since last application
- concern over risk of lost homes
- market value not being paid -elderly residents may not have chance to secure alternative accommodation
- loss of community for pensioners
- increase in ground rent and water charge
- will council find alternative accommodation for residents
- revisions to hoodwink residents
- accidents have happened since the last application
- narrowness of occupation creates potential for shunt type accidents
- larger vehicles driven fast unpleasant for elderly
- main drive made narrower
- dangerous for children
- trees chopped down and shrubbery removed
- what compensation

Relevant Planning Policy

Fylde Local Plan to 2032 (incorporating Partial Review):

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

Other Relevant Policy:

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

Environmental Impact Assessment

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

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

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

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

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

Comment and Analysis

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

Background information to the site

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

Sitting alongside planning legislation, the council generally has control over the operation of caravan

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

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

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

Background information to the decision

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. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR 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

As the site is located within the Countryside the provisions of Policy GD4 are applicable in this case. Policy GD4 limits the type of development that can take place in the countryside to 7 elements, with a) and d) being the ones potentially applicable in this case. As the scheme is for tourism

development then Policy EC7 is also directly relevant. As with all development the various elements of Policy GD7 will be examined as it refers to general principles of good design including the amenity and highway considerations of a proposal. Finally, the landscape, ecology and drainage elements of the proposal will be assessed against policies ENV1, ENV2 and CL1 respectively.

The planning history of the site is a key material consideration. In this case there is a recent history with the determination of application 20/0542 which was for a similar development. That application was presented to members at the Planning Committee meeting on 3 February 2021 with a recommendation to grant planning permission following the adoption of a Habitat Regulations Assessment and be subject to a series of conditions.

That officer recommendation was not accepted and Committee refused the application for two reasons, which are listed below for reference. There has been no appeal against that decision, and the 6-month period for lodging one has now expired.

Reason 1 – relating to highway matters

The site is accessed via Occupation Lane which has a restricted width that is insufficient to allow two-way vehicle movements at any point and has pavements that are of limited width and unsuited for those with mobility needs. Moreover, Occupation Lane has a junction with Mains Lane that is in close proximity to the busy and complex junction of Mains Lane with Garstang Road East, Garstang New Road, Lodge Lane, Pool Foot Lane and a petrol filling station. This junction features a high volume of vehicular traffic which is frequently queued back in all directions.

Given the lack of facilities available for holiday makers on site and the limited facilities available in the surrounding area it is expected that the level of movements generated by a holiday use will represent a significant increase over that which currently exists from its use as a residential site. The proposed holiday use of the site will lead to an increase in vehicle movements associated with that use, with many of these movements undertaken by those who are unfamiliar with the location and geometry of the junction and so are less likely to be able to appropriately prepare for the turning movement into Occupation Lane on approaching the junction, particularly when travelling from the east along Mains Lane where a movement across the eastbound traffic on that road is required.

The likely additional vehicle movements and associated use of the junction will unacceptably increase the risk to highway and pedestrian safety in the area to a degree that is contrary to the requirements of criterion q) of Policy GD7 of the Fylde Local Plan to 2032 and guidance in para 109 of the NPPF.

Reason 2 - relating to community matters

The existing accommodation provides the sole residential accommodation available to a significant number of the existing property owners where there is a vibrant and supportive community spirit amongst residents. The proposed redevelopment of the site for a holiday use will lead to the loss of the residential accommodation that will incrementally degrade the community value of the retained accommodation should the site be developed for holiday use.

The undermining of the existing community cohesion on the site would conflict with criteria a), c) and l) of Policy GD7 of the Fylde Local Plan to 2032 and the supporting paragraphs of the NPPF.

Principle of Tourism Caravan Use

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

Given the number of holiday caravans being proposed and the size of the site being just over 1 hectare in this application the scheme is not 'small scale'. However, the scheme does propose a holiday caravan site and is on a previously developed site that is currently in a similar use given the presence of the chalets. The parameters of GD4a are not specifically defined in the Local Plan, but the justification to the policy explains that *"It is important that the countryside is protected from unacceptable development that would harm its rural character."* It then advises that *"...certain forms of development are necessary to support rural life and maintain or enhance the rural economy"*. This indicates that the overarching intention of Policy GD4 is to protect the character and appearance of the countryside whilst supporting appropriate economic growth in line with guidance in para 84 of NPPF21 on this matter which is supportive of sustainable rural tourism.

The existing land use of the site for chalets is therefore a key consideration and establishes that the application site is previously developed with permanent structures with wide variation in their design. This proposal, as now revised since September, would result in a slight reduction in the number of units and provides a more uniform layout across the site. This redevelopment provides the opportunity to reduce the impact of the development on the visual amenity of the wider area as a result by replacing the existing ad hoc layout and style of building with something that is more uniform and incorporates elements of landscaping. Therefore, whilst the number of caravans being proposed is significant in number, the impact of the proposal is mitigated by the presence of the existing chalets.

The report presented in September concludes that the layout that was proposed at that time was overly regimented and would have benefited from the introduction of some deviations to the access road, some clustering of the units, and some areas of landscaping to allow the caravans to be more organically laid out and given a more rural setting. Since the deferral of the decision at that time a revised layout has been submitted which introduces a less rigid layout of caravans and features additional landscaping which will improve the visual appearance of the site in the landscape and to its occupiers, and also brings opportunities for wildlife habitat to the site. This revised layout is not significantly different from the September proposal, but it does present an improvement and on balance officers are satisfied that it is now an appropriate way to redevelop a site with this planning context. Accordingly, the previous reason for refusal on this basis is considered to have been adequately addressed by this revised submission.

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

Highway safety

When the previous application was under consideration in February 2021 the discussion at Committee focussed on the highway safety implications of the development, and this resulted in the first reason for refusal of the application. There were several contributing factors to this:

- The access to the site along Occupation Lane is limited in its width and so there is the potential for conflict between passing traffic and between traffic and pedestrians.

- That the junction of Occupation Lane to Mains Lane is located in close proximity to a significant and complex junction of that road at Singleton Crossroads and so would be difficult to locate for visitors unfamiliar with the site, which is more likely to be the case in a tourism use rather than the existing largely residential use.
- That there are no existing or proposed facilities on site that provide any social, leisure, shopping, etc. opportunities for visitors meaning that all such activities will be undertaken off-site and so is likely to lead to a higher level of vehicle and pedestrian movements than with a residential use

The current application remains identical in the scope of the proposal to the scheme that Committee concluded was unacceptable for the reasons set out in reason for refusal 1, and it may be considered logical that this application be refused for the same reason to ensure consistency. However, members are advised to refer to the views of the respective highway authorities in reaching their view on the application.

Highways England are responsible for providing advice on developments that could impact on the use of the strategic highway network, which includes Mains Lane. They undertook a detailed consideration of traffic information that was provided for the previous application regarding that aspect and concluded that they did not object to the application. They have retained that position in their comments to this application as that information has been re-presented.

Lancashire County Council are responsible for providing advice on the aspects of a development that impacts on the local highway network, which in this case is the use of Occupation Lane and the site itself. They have not raised objection to the application, and are of the view that *'the development will not have a significant impact on highway, capacity or amenity in the immediate vicinity of the site'*.

The legislative requirement for assessing highway matters is the guidance in paragraph 111 of NPPF21 which requires that *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* This is supported by Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) which requires that all development is acceptable in terms of the access, parking and servicing arrangements.

Notwithstanding the previous reason for refusal on this ground with the lack of objection from either Highways England or Lancashire County Council the officer recommendation is that the highway safety implications of the development is not an aspect that can support a reason for refusal of the application.

Impact of loss of residential units

The council's second reason for the refusal of the previous application related to the loss of the residential accommodation on the site and of the community value it brought to the occupiers. This related to several criteria in Policy GD7 of the Fylde Local Plan to 2032 which focus on promoting community cohesion and the benefits to neighbour amenity that being part of a community brings.

Irrespective of the lawful planning status of the occupation of the chalets that are on site, it was clear from Council Tax records and the submitted comments of the residents at the time of the previous application that the majority of the chalets were being occupied residentially. Whilst it is understood that a number have become vacant since, the loss of these units to a holiday use through the grant of this application could ultimately lead to all of these units being lost from

residential use. There are two aspects to consider in this: the housing supply impacts, and the community impacts.

With regards the housing supply issue the scheme will lead to a reduction in the borough's overall housing stock, and so needs to be counted as a negative figure in the calculation of the housing supply delivery. This is a material consideration of some weight given the importance that maintaining the growth in the housing stock of the borough has in the council's Corporate Plan and Local Plan. Whilst the local plan seeks to ensure that sufficient housing land is delivered to maintain a 5-year housing land supply, there is no development plan policy that guards against the loss of housing units. Each year there are units lost to the supply as a result of demolition, changes of use and amalgamation of homes into single dwellings. This natural change is accounted for in the Plan which makes allowances for such losses as well as net gains through windfall sites.

There is also a qualitative assessment to be addressed in the determination of this particular application, with the properties being, in many cases, of a poor quality in terms of their size and structural condition. Discussions with the council's Housing and Environmental Protection teams have highlighted that they have concerns over the standard of accommodation that is available to residents in some instances. Whilst the loss of the number of housing units is a negative factor, with some exceptions, the housing that the site provides is not of a good quality. The council should be striving to increase the number and quality of accommodation available for the residents of the borough and so retaining poor quality housing stock should be of lesser importance.

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

The community impacts that lead directly to the second reason for refusal are an area where the agent has provided some additional information in this application. This is in the form of a proposal to 'phase' the implementation of the scheme, and the reference to a letter that has been sent by the applicant to the occupiers on the site that commits to them being able to retain in their properties for as long as they wish.

As with the landscaping and internal highway layout matters, the details of how the development could be phased was an area that was proposed to be required by a condition in the officer recommendation to the previous application. It is specifically an area where further clarity was sought following the September deferral. Unfortunately, no further information that brings any clarity to this has been provided by the agent. The importance of this information in giving clarity to Committee has been emphasised and it is expected that further information will be available to present to Members at the meeting itself.

Officers understand that a number of the owners/occupiers of units on the site have sold and left since the previous refusal in February 2021, and so the 'community' may not be as it was at that time, but it remains an issue for consideration in the decision on the application. A 'pre-commencement' condition is suggested to ensure that this information is presented to enable a properly phased development is brought forward should permission be granted. This is likely to require that the landscaping, highway connections and other infrastructure are implemented initially, with the holiday units then established around the existing ownerships on site in a coherent order.

Impact on neighbours

The nearest residential neighbours to the application site lie to the south side of the site on Mains Lane. There are also understood to be residential occupiers on the Wyre Chalet Park to the east. The Mains Lane properties are alongside the access and the arrivals / visitor car park that is located in that area, rather than any of the proposed caravans. The Wyre Chalet Park properties are in close proximity to both existing and proposed units. Accordingly, there are no privacy or other implications from the proposed siting of the caravans that could impact on these neighbours by virtue of the proposed layout of the site.

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

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

Ecological Implications

The report on the previous application considered this matter in some detail. It is an important consideration because the northern boundary of the proposed development site is adjacent to the boundaries of Morecambe Bay & Duddon Estuary Special Protection Area (SPA), Morecambe Bay Ramsar Site and the Wyre Estuary Site of Special Scientific Interest (SSSI). These are internationally important habitats, with the River Wyre being of national importance for wintering and passage of black-tailed godwit, and for wintering of turnstone and teal.

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

This status requires that any application for development in the vicinity of these habitats is assessed carefully for the potential impacts it could have on them. It is accepted in the submitted documents that the proposed development of the site could have negative effects on the designated sites as a consequence of the scale, location, timing and nature of the development in relation to the sensitivity, exposure and vulnerability of the nature conservation features present within the designated sites. This is confirmed in the consultee comments that have been received from GMEU and Natural England.

The assessment of the previous application, through the presentation of a shadow Habitats Regulation Assessment and an Appropriate Assessment, concluded that only 'Construction Disturbance' triggers a 'likely significant effect' in the development. This is assessed as being a low risk due to the existing developed nature of the site, the existing screening around its boundaries, and the likelihood that slow moving machinery will be used, but concluded that further mitigation is needed. This is in the form of an acoustic and visual hoarding (or similar) is to be used during

should there be any demolition or construction activity on the site during the autumn/winter months (October – March inclusive) so that the risk of disturbance from the construction activity is reduced.

Given that the previous application was considered recently and that the scope and location of the development proposed in this application is identical to that scheme then the same conclusion is reached in the assessment of this application.

The previous report proposed that a planning condition be imposed to secure this. Officers have sought to secure details of the design and location of this screen to assist in the determination of this application. However, it has not been provided and so a condition will again need to be imposed to request this detail in the event that any works are proposed in the autumn/winter months when the birds are most likely to be utilising the surrounding land.

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

The previous application also considered the ecological implications within the site. These are limited due to the previously developed and residential nature of the site, and with the lack of any likely impact on bats or other protected species no adverse impacts were raised. Any application should provide opportunities to improve biodiversity and wildlife habitat and it was intended that the landscaping of the site would provide for those opportunities. As no information of this has been provided with this application a condition will need to be imposed to secure those details and so achieve compliance with the requirements of Policy ENV2 of the Fylde Local Plan to 2032.

Drainage

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

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

The application provides no clear details over the surface water drainage of the site, and so this is a further matter that can be the subject of a condition to require that these details are provided prior to the commencement of development works, as was the case with the previous recommendation.

The application also confirms that foul drainage of the site is proposed to connect to the existing sewers. With the existing developed nature of the site it is assumed that there are foul connections in place for this that will simply need to be amended to serve the new development layout, and accordingly a condition to require these details to be provided is sufficient to address this and secure compliance with Policies CL1 and CL2 of the Fylde Local Plan to 2032.

One aspect that was not raised previously, but is now, is that United Utilities have referred to the presence of a water main crossing the site access. The application does not seem to include any works in this area but UU request that a condition is imposed to require that a scheme is presented to ensure that the water main is protected during the development. Given the presumed importance of this water main to the wider area it seems appropriate to include this precautionary condition and so it will be added to the list of conditions.

Conclusions

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

The current application is the second on the site, with the first refused by Committee in February 2021 for reasons relating to highway safety and the loss of the 'community' of residents on the site. The application proposes the reconfiguration of the site including the removal of all the existing chalets and alterations to the roadway to facilitate its use for 35 static caravan pitches which are to be used for holiday purposes. The application has been amended since the submission that was refused by the Planning Committee in February 2021, and that which was presented to Committee in September 2021. The amended scheme indicates a revised layout of the plots with additional landscaping in and around the site, particularly to the northern, riverside boundary.

With regards its designation in the Fylde Local Plan to 2032 (incorporating Partial Review), the site is in the Countryside where Policy GD4 applies. This is generally restrictive but does allow for some forms of development that reflect the rural character of the area, with this specifically including small-scale tourist accommodation and holiday caravan sites.

The proposed development of the site will not involve any extension of the area that is used by chalets or caravans, or lead to an increase in the number of units on site above the existing arrangements. As such it is considered that the proposal is in accordance with this aspect of Policy GD4. The use for holiday accommodation would also not involve any conflict with Policy EC7 which relates to tourist accommodation and is focused on ensuring that caravans sites are retained for holiday purposes.

The officer report on the original application in February 2021 recommended that it be granted planning permission subject to the adoption of a Habitat Regulation Assessment and a list of conditions. Whilst this recommendation was not accepted by members, officers remain of the view that, in principle the scheme complies with policies GD4 and EC7.

The previous recommendation for the current scheme in September 2021 recommended that the application be refused due to concerns over the proposed intensive nature of the layout. Those concerns are adequately addressed with the revised layout and draft landscaping proposals and so it is recommended for approval subject to conditions to include the phasing of the development to ensure that the existing residents can remain on site, the effective landscaping of the site, the revisions of the proposed internal road layout and parking arrangements to satisfy highway

authority requests, and the provision of appropriate visual and acoustic protection for the wildlife that utilises the nearby estuary and its surrounding are also imposed as part of this recommendation.

Recommendation

The Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. GA3252-LP-01
- Proposed Site Plan - Drawing no. GA3252-PSP-OP2B

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

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

3. The caravan site hereby approved shall have no more than 35 caravans on site and shall be laid out in full accordance with that indicated on drawing no. GA3252-PSP-OP2B as listed in condition no. 2 of this decision.

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

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

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

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

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

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

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

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

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

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

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

Reason: In order to ensure that each pitch is provided with an appropriate and safe access as required by Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

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

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

The fence shall then be removed and the area reinstated immediately on completion of the

approved construction works associated with this planning permission.

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

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

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

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

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

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

12. Notwithstanding any details shown on the approved plans listed in condition 2, prior to the commencement of any development hereby approved a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of:
- (i) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
 - (ii) compensatory planting to replace any trees or hedgerows to be removed as part of the development and to replace / enhance the tree belt that runs along the southern bank of the River Wyre including the northern boundary of this site;
 - (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and

- (iv) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.
- (v) biodiversity enhancement measures.
- (vi) A phasing scheme whereby planting can be divided into sections of the site to facilitate the phased implantation of the approved development.

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

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

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

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

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

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

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

Reasons: To ensure that the development brings forward an enhancement of the biodiversity opportunities on the site in accordance with the requirements of Policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

15. Prior to the first use of the caravan site hereby approved details for the management of surface water and the disposal of foul sewage shall be submitted to and approved in writing by the Local

Planning Authority with these confirming that foul and surface water is to be drained on separate systems. The drainage information shall include:

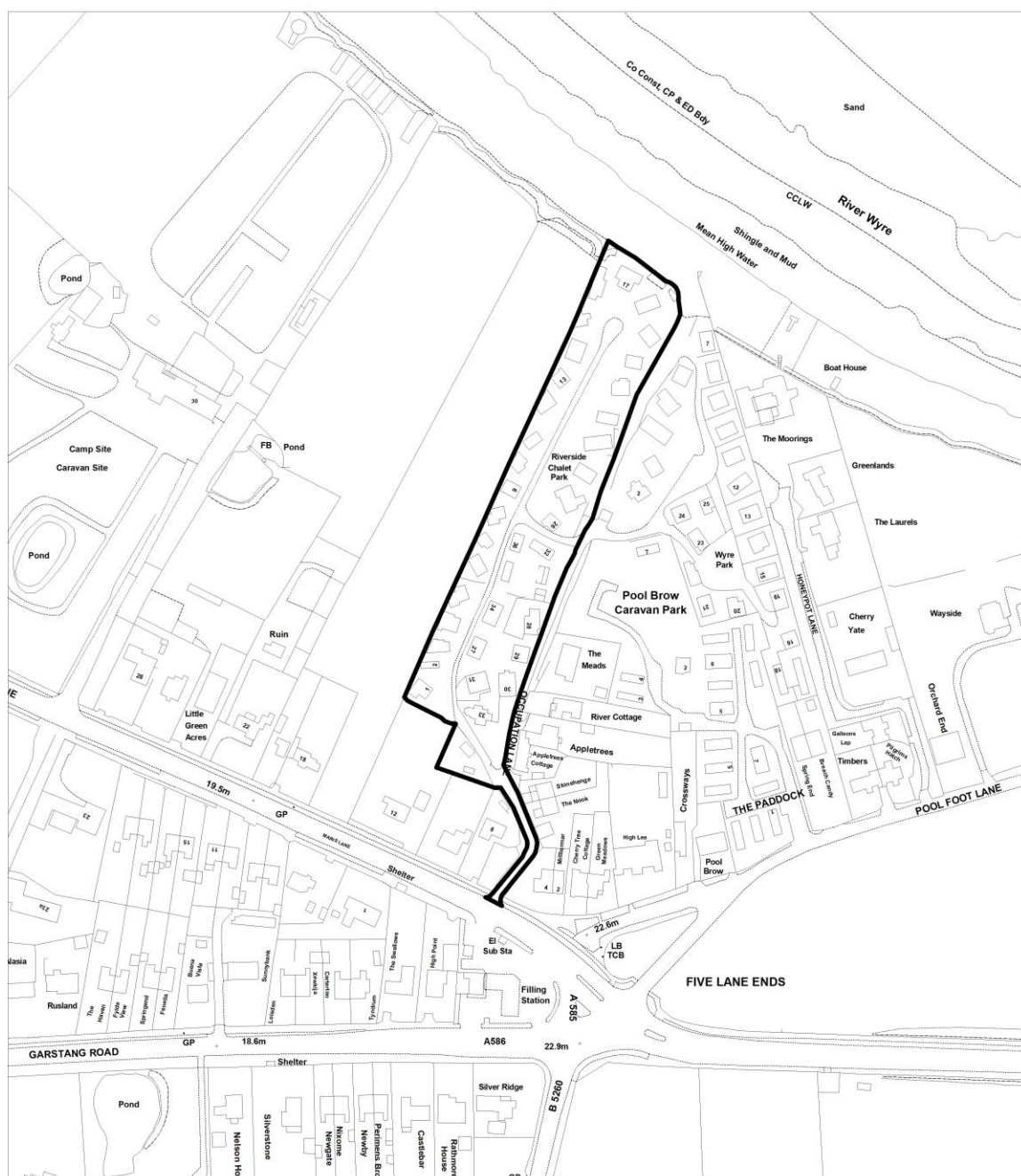
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of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

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of pollution to the nearby Morecambe Bay & Duddon Estuary Special Protection Area (SPA), Morecambe Bay Ramsar Site and the Wyre Estuary Site of Special Scientific Interest (SSSI) and in accordance with Policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

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

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

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Item Number: 2

Committee Date: 2 February 2022

Application Reference:	21/0744	Type of Application:	Full Planning Permission
Applicant:	Mr Travis	Agent :	Four Architects
Location:	LAND TO EAST OF RAMBLINGS, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
Proposal:	ERECTION OF ONE DETACHED TWO STOREY DWELLING		
Ward:		Parish:	Treales, Roseacre and Wharles
Weeks on Hand:	25	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Delegate decision to officers

Summary of Officer Recommendation

The application site is a greenfield area of land to the east of a recently built dwelling known as 'The Ramblings' and a building that is associated with Foundry Yard. The 'Ramblings' is one of three dwellings that were first approved under an outline planning permission that was granted in 2016, with this application site being the final plot of that scheme to be developed.

Following the grant of the outline planning permission a later permission was subsequently granted for a single dwelling on this site under application 18/0521 although this has not been implemented and the permission lapsed in December 2021. The current application seeks permission for approval of the same development approved under 18/0521 which is for the erection of a single two-storey dwelling with an integral garage.

This application has attracted objections from the Parish Council relating to planning policy, the sustainability of the location of the site, and the visual impact of a dwelling on this plot.

Whilst the original planning permission was granted under a different policy context and has expired, there remains policy support for a dwelling in this location. That is set out in the justification to policy H1 of the Fylde Local Plan to 2032 (incorporating Partial Review) which advises that the council will consider 'windfall' homes, and in Policy GD4 f) which allows minor infill development and so also provides support for this proposal.

The development is accepted as being in a reasonably accessible location as a consequence of appeal reference no. APP/M2325/W/17/3186458 planning reference no. 16/0433 where the Inspector opined that the length of vehicular trips would be short due to the relatively short distance to Kirkham. The site is capable of development without causing undue harm to the character of the area or landscape factors, and the proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the

amenity of neighbours or patterns of development and visual amenity in the village. The site has a safe access to Kirkham Road and will not adversely impact the capacity of the road network.

The proposal is therefore considered to represent sustainable development in all regards and is in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Local Plan to 2032 (incorporating Partial Review). The recommendation is that the authority to grant planning permission be delegated to officers as there are some further plans expected to confirm that an acceptable level and form of landscaping is to be secured.

Reason for Reporting to Committee

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

Site Description and Location

The application is described as 'Land adjacent to The Ramblings', Kirkham Road, Treales. This was previously referred to as land adjacent to 'Primrose Farm' under application no. 18/0521 with the Ramblings being a property that has since been constructed.

In particular, the plot is to the south side of Kirkham Road and east of the recently constructed new dwelling at 'The Ramblings' and to the west of a timber building associated with the remaining development at Foundry Yard. The plot is a roughly rectangular shaped field of circa 50m in depth x 20m wide at the roadside frontage and widening at the rear to measure 25 m. To the south side of the plot are open fields and to the north side the frontage is partially opposite open fields and the dwelling at 'Orchard Cottage'. The plot has a hedge to the roadside boundary with a mature tree and field access at the north east corner.

The site is on land designated as Countryside on the Fylde Local Plan to 2032 (incorporating Partial Review).

Details of Proposal

This application is identical to that under planning permission 18/0521 which has recently expired. The application seeks permission for the erection of a detached two storey dwelling with integral garage.

The new dwelling measures 12.5 metres in width by 12.5 metres in overall depth at ground floor level with the eaves at 5 metres and with the dual pitched and hipped roof at 7.5 metres from ground level.

At ground floor level the dwelling provides a combined kitchen/dining/family room with a separate lounge, hall, WC and utility rooms and the integral garage. At first floor there are four bedrooms two provided with ensembles and with a further bathroom.

The dwelling is designed with a two storey gable feature to the front elevation with a smaller gable feature over the garage at part of bed no. 2 at first floor level. To the rear of the dwelling is a single storey hipped roof projecting element as part of the kitchen.

The dwelling 'sits' on a brick plinth with stone detailing around the windows and bays. The dwelling is proposed to be constructed in brick with dark grey aluminium window frames.

Access to the property is from Kirkham Road and from a newly formed opening in the existing hedgerow.

The application is accompanied with an 'Arboricultural Impact Assessment', a 'Tree Report', 'Agricultural Land Classification' report and an 'Ecological Appraisal'.

Relevant Planning History

Application No.	Development	Decision	Date
18/0521	ERECTION OF ONE DETACHED TWO STOREY DWELLINGHOUSE	Granted	20/12/2018
16/0812	RESERVED MATTERS APPLICATION PURSUANT TO PLANNING APPROVAL 10/15/0367 FOR THE ERECTION OF 1 DETACHED DWELLING AND DOUBLE GARAGE ON PLOT 2.	Granted	10/02/2017
15/0367	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF UP TO THREE DWELLINGS	Granted	04/09/2015
76/0373	BEDROOM AND STORE, ENTRANCE PORCH, BEDROOM TO BATHROOM.	Granted	02/06/1976
76/0562	EXTENSIONS.	Granted	04/08/1976

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 10 August 2021 and provide initial comments dated 20 September 2021 as follows:

"In relation to development in the countryside the Fylde Local Plan to 2032 states at paragraph 7.16 that

"It is important that the countryside is protected from unacceptable development which would harm its rural character. The intrinsic value and rural character of the countryside of Fylde needs to be protected."

Treales, Roseacre & Wharles is a very rural parish. It is characterised by hedge-rowed road side fields and woodland, interspersed with former Lord Derby farmsteads. The entire Parish is deemed to be so rural and disconnected from sustainable access to public services that the entire Parish is designated as Countryside.

This includes the area of the three hamlets Treales, Roseacre and Wharles. By way of example of its remoteness, the entire Parish has no access to mains gas or sewerage, no bus services, no pub and no shops.

The application site is an open-aspect country-setting at a distance between the hamlet of Treales and Kirkham town. The site is part of a substantial open aspect of hedge-rowed fields with distant views stretching across the Spen Brook valley to the south and Lake District hills to the north.

The site is immediately next to a long-established agricultural enterprise which is entitled to conduct activities commensurate with the noise and emissions of a rural business at times normal to that supply chain i.e. day and night, any day of the week.

To the west, there is now an adversely impactful, urbanising new line of cumulative housing developments being created around an otherwise, standalone 17th century, former farmstead. It is now evident that the Conditions applied to protect the rural character of the area from those developments have been inadequate. This is because an urbanised building line of town-like housing designs is emerging, adversely impacting the character and intrinsic value of the rural setting. This is contrary to paragraph 7.13 of the Fylde Local Plan to 2032 (FLP2032).

In addition to its open aspect, the application site now forms a necessary break between the recent urbanising form and the agricultural buildings, thereby preserving the character of the area.

The proposed development adds to this urbanisation and destruction of the countryside with a dwelling which is not of an appropriate design and of a size and scale which is not in keeping with the local rural housing and as a result is unacceptable. The proposal prejudices the character of the countryside and has an adverse material impact upon the area contrary to paragraph 7.15 of the FLP2032

Due to the lack of any public transport services, the distance needed to travel to access bus rail and other amenities will result in the residents being reliant upon the car and therefore the proposed development is not sustainable.

Fylde Borough Council has a five year housing supply and therefore this inappropriate development is not needed.

If approved this dwelling could be in conflict with any farming supply chain activities taking place in the existing agricultural buildings immediately to the east of the proposed dwelling in conflict with NPPF Para 187.

For the above reasons we have assessed that the application should be refused."

Following receipt of a revised plan that provided some clarification over the available visibility and streetscene appearance of the development the Parish Council were invited to comment further, and did so with the following comments dated 20 December 2021:

"At their meeting on the 7 September the Parish Councillors resolved to object to the application. Upon reviewing the amended plan and following further consultation with the members, I can confirm that the amended plan has no material impact upon this application and therefore, the Parish Councils objection to this Planning Application remains as set out set out in my letter of the 20 September 2021."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed erection of one

detached dwelling with detached double garage and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site."

They then request a series of conditions be imposed relating to the provision of a safe and suitable access with adequate visibility and on-site turning.

United Utilities

Raise no objection and recommend that the applicant implements the scheme in accordance with the surface water drainage hierarchy.

Greater Manchester Ecology Unit

Summary

I previously accepted that the site was of low ecological value. Ecological information was reviewed in 2020 and found to be unchanged.

Ecological Report

The ecological report is effectively unchanged, though it was reviewed in 2020. No updates were however apparently made given the phase 1 habitat survey has not been amended to show that half the site is now gone. However the application site is still low value grassland with remnant hedgerow and trees around the boundary.

Bats

All trees were assessed as having negligible bat roosting potential. The proposed site layout also does not require the removal of any of the mature trees. I note however that the arboricultural report has recommended that one mature tree T1 should be removed on tree health ground owing to a basal cavity and hollow lower stem. This indicates that the tree would not be regarded as having negligible bat roosting potential. Prior to determination please seek clarification on whether a) the tree is to be removed and b) If yes that the tree is of negligible bat roosting potential.

Nesting Birds

A section of hedgerow will be removed to facilitate access and potentially one mature tree potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees, shrubs or hedgerows shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of some low ecological value grassland, a section of hedgerow and potentially a mature sycamore. Without mitigation this would be contrary to the NPPF. I am satisfied that the soft landscaping of the garden can mitigate for the loss of the improved grassland. Mitigation should also be provided for the loss of hedgerow,

potentially a tree and bird nesting habitat. There is scope for this to occur along the southern and western boundary of the site and for nest boxes to be attached to the retained trees I recommend a condition along the following lines be applied to any permission.

A landscape plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include elements to mitigate for loss of hedgerow and bird nesting habitat. The approved plan will be implemented in accordance with the approved details.

Tree Officer comments

No objection.

However, if consent is to be granted for this application I would like to see;

- 1. Tree replacement for T1 which should be located, set back away from the highways path and more in the retained grassed area where there could be sufficient space for at least two trees. One ornamental and one large specie selection in keeping with the area.*
- 2. One or two trees planted at the rear of the property*
- 3. Planting of hedge line along boundary*

Neighbour Observations

Neighbours notified:	10 August 2021
Amended plans notified:	14 December 2021
Site Notice Date:	18 August 2021
Number of Responses	None received

Relevant Planning Policy

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR 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 (incorporating Partial Review):

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H6	Isolated New Homes in the Countryside
ENV1	Landscape
ENV2	Biodiversity
CL2	Surface Water Run-Off and Sustainable Drainage
T5	Parking Standards

Other Relevant Policy:

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

Site Constraints

Within countryside area
Tree Preservation Order

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for the erection of a two storey dwelling with integral garage on a plot situated between 'The Ramblings' and the Foundry Yard units on Kirkham Road, Treales. The plot is one of three plots which were originally granted outline approval under application no. 15/0367. A subsequent full application (18/0521) granted approval for a dwelling on this plot. The plot is the last remaining plot of the original three to be developed.

Policy Background

On 22 October 2018 the council adopted the Fylde Council Local Plan to 2032 as the development plan this has recently undergone a partial review which confirmed that the plan is sound. Consequently the council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) on 6th December 2021.

Therefore the policies of this plan are those relevant to this application, with the National Planning Policy Framework (2021) being a material consideration in the decision making process.

Paragraph 10 of the NPPF advises '*So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.*'

Paragraph 11 advises for decision taking 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 this 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.*

Since the Partial Review has found the local plan sound, the council can demonstrate an up-to-date local plan and so under the guidance in para 75 must mean that a 5 years supply of deliverable housing land exists. However, an up-to-date of supply of housing does not place a moratorium on housing development. Guidance on this is offered in para 69 which refers to small and medium sized sites and advises:

- c) *support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and*

The Fylde Local Plan to 2032 deals with these matters in Policy GD4 which refers to 'Development in the Countryside'. This policy advises that *'It is important that the countryside is protected from unacceptable development which would harm its rural character. The intrinsic value and rural character of the countryside of Fylde needs to be protected. However, certain forms of development are necessary to support rural life and maintain or enhance the rural economy. Policy GD4 defines the types of development which are acceptable in the countryside in appropriate circumstances.'*

A series of criteria are then listed with the relevant one for this application being:

"Development in the Countryside, shown on the Policies Map including Inset Plans, will be limited to:

- f) minor infill development"*

It is a key consideration therefore as to whether this scheme complies with this exemption from the general restriction on development in Countryside areas.

Principle of development

This application seeks permission for a single dwelling located on a green field site in the Countryside.

Policy GD4 f) supports minor infill development. In considering whether the proposal complies with the policy, criterion f), adopts a two pronged approach where a development must be both 'minor' and 'infill' in order to meet this circumstance.

The proposal in this application is for a single dwelling and so the amount of development is considered to be 'minor' in this context, and so in compliance with the first test in criterion f).

The second test also requires developments to be 'infill'. While the term 'infill' is not defined in the local plan, the term should be given its ordinary objective meaning as a requirement to 'fill a gap' between sites that are already developed - for example, where small gaps occur between groups of buildings within villages washed over by countryside.

As this proposal is for a single dwelling situated immediately alongside 'The Ramblings and the outbuildings associated with the adjacent Foundry Yard and Smithy Cottage the scheme is considered to represent an infill plot and therefore complies with the requirements of Policy GD4 f) in that it is both minor and infills a gap between a built up frontage.

It is therefore necessary to examine if there are any overriding material considerations to indicate that the development should be resisted for other reasons.

Treales, Roseacre and Wharles Parish Council have commented that '*Due to the lack of any public transport services, the distance needed to travel to access bus rail and other amenities will result in the residents being reliant upon the car and therefore the proposed development is not sustainable.*'

The site is located in an area of countryside to the western end of the village. Treales is a small village which provides limited facilities beyond a church and a primary school (the Derby Arms public house is not presently trading). The remaining facilities are located some distance outside of the village. As a consequence, it lacks a number of public amenities normally required for day to day living within reasonable walking distance. It is, however, located approximately 1.9 km from Kirkham town centre and, accordingly, it follows that future occupiers are likely to be dependent upon the private car to access the necessary facilities in Kirkham which is likely to be the case for existing residents. Therefore, whilst there would be some reliance on car-borne journeys with respect to access to local facilities in Kirkham, it is not considered that the distance between the two settlements is so significant as to conclude that the development would deliver isolated homes in the Countryside for the purposes of paragraph 80 of the NPPF which avoids 'isolated' rural development or Policy H6 of the FLPPR 2032.

The issue of 'sustainability' of Treales village has previously been examined at appeal in respect of another site close to this application site at 'Land east of Orchard Dene and north of Kirkham Road' with the appeal reference no. APP/M2325/W/17/3186458 planning reference no. 16/0433. In that appeal the Inspector's decision letter states - '*the length of vehicular trips would be a relatively short to Kirkham and the number of journeys generated from 3 dwellings would also be relatively small. The Framework also recognises the contribution which new development can make to sustaining local services and towards adding to the vitality of rural settlements. This contribution can go beyond purely economic factors. I accept that the contribution 3 additional dwellings would make in this regard would be very limited. Nevertheless, taking into account compliance with policy S1 [now incorporated into Policy GD4], I conclude that taken in the round, the overall harm identified in relation to local services would not be significant. It follows that the proposal would not conflict with policy HL2 of the Local Plan, and I also find no material conflict with policies GD7 and INF1 of the Emerging Local Plan or, on balance, conflict with guidance in the Framework which aims to locate significant new development in accessible locations.*'

The Inspector concluded that the appeal be allowed. In addition planning approval for a single dwelling of the same scale, design and position on the plot as this application has previously been approved under application 18/0521, although not implemented. This previous application was approved having regard to the policies in the Fylde Local Plan to 2032, and whilst a partial review of that Plan has since been undertaken, this has not significantly altered the relevant policies of the plan to be considered. It would therefore, be unreasonable to take a differing view to that in application 18/0521 and that of the Inspector referred to above on this aspect of the assessment of the application, or to propose a recommendation contrary to that of the previous planning permission.

With regards the principle of development it is the case that the proposal accords with Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review), and there are no circumstances which should require a different conclusion to be reached on the principle of the development.

Pattern of development and impact on visual amenity

The site is located between the newly constructed property 'The Ramblings' to the west side and the buildings associated with Foundry Yard and 'Smithy Cottage' to the east of the site, with the northern frontage partially facing open fields and 'Orchard Cottage' with the south of site abutting open fields.

Whilst the site is outside of the small 'core' of properties at the cross roads by the 'Derby Arms' it is not an isolated plot in open countryside, as it forms part of the intermittent ribbon development along Kirkham Road.

The proposed dwelling sits roughly centrally on the plot allowing views through the site to the fieldscape beyond. The layout is compatible with the pattern of built development along Kirkham Road.

The village is comprised of a mix of property styles of a variety of ages from the listed buildings of the 'Derby Arms' and formerly listed 'Smithy Cottage' to the recently constructed new dwellings at Foundry Yard and the 'Ramblings' that adjacent to this site. Whilst there is no overriding character or type of dwelling in Treales they are in the main two storeys and of a 'traditional' design and in a palette of facing brick, render finish, or a mix of the two.

The design of the proposed development is that of a traditional styled dwelling which is to be constructed using facing bricks of an appropriate colour for a rural setting under a grey tiled roof. The overall height of the dwelling has been reduced from that originally submitted so that it is in keeping with the scale, character and appearance of neighbouring properties.

Accordingly the proposal is considered to be in compliance with Policy GD7 of FLPPR 2032.

Neighbours

Policy GD7 (b) requires that development proposals ensure that amenity will not be adversely affected by neighbouring uses, both existing and proposed.

The site lies to the west side of the buildings associated with 'Smithy Cottage' and east of the 'Ramblings'. The proposed dwelling would be located 46.5 metres from the nearest dwelling located to the east side and 11.5 metres from the new dwelling on the west side.

Whilst the application does not indicate any proposed boundary treatment these will form a condition of this recommendation to ensure that privacy is maintained for the occupiers of neighbouring properties.

It is considered that the development is sufficiently removed from the boundaries with neighbouring properties as to avoid any impacts in terms of overbearing or overshadowing to neighbouring properties and privacy can be ensured through imposition of conditions. As a result it is considered that the development is acceptable in terms of neighbour amenity and compliant with the requirements of Policy GD7 in this respect.

Landscaping

The application site is not subject to any specific landscape designations (e.g. those identified in paragraph 175 of the NPPF) and, accordingly, its value can be considered to be no more than local. It does however contain landscape features in the hedgerows and trees situated around the boundaries of the site.

The proposed development would necessitate the formation of a vehicle access from Kirkham Road, cutting through the hedgerow for 6.5 metres and requiring the removal of some of the hedgerow with this reduced in height to provide the visibility splays for the new access, together with the removal of a mature tree to the north east corner of the plot.

The Council's Tree Officer has advised that the existing tree is not worthy of protection through TPO nor retention for its amenity value. There are no objections to the loss of hedgerow required to form the vehicular access. To mitigate the loss of hedgerow for the access visibility replacement hedgerow planting will be required across the frontage and within the site to enhance the visual amenity and biodiversity.

It is considered that the development can provide appropriate compensatory planting on the site of off-set losses. Accordingly, the proposal is considered to be in compliance with the requirements of FLPPR 2032 policies GD7, ENV1 and the aims of the NPPF.

Highways

The NPPF paragraph 111 states that *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

FLPPR policy GD7 (q.) states *'The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.'*

Kirkham Road is a lightly trafficked route, visibility has been indicated on plan in accordance with the guidance from LCC Highways who have not objected to the scheme on the basis that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

The level of traffic and number of vehicle movements generated by this and the plot to the west of Primrose Farm will not have any significant impact on highway safety and the indicative layout demonstrates that the scheme is capable of delivering sufficient in-curtilage parking to meet the requirements of Policy T5 of the Local plan to 2032.

Ecology:

Paragraph 179 requires that plans should protect and enhance biodiversity and geodiversity. Paragraph 180 states: *'When determining planning applications, local planning authorities should apply the following principles:*

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort,

compensated for, then planning permission should be refused';...

This application has been submitted with an ecological appraisal which concludes as follows:

- Habitats on the site are of low ecological value and do not provide environments suitable to support specially protected species.
- The greatest ecological potential is for foraging bats and nesting birds associated with existing trees and hedgerows. The council's ecologists have queried the potential of the existing trees to provide habitat for bats. Following further information from the applicant's ecologists concerns over the loss of the trees for bat habitat have been satisfied as none of the trees on the site have fissures suitable for roosting bats.
- There are no ponds on the site and there are no records of any protected species occurring on or in close proximity to the site. The character of intervening farmland to the south of the site provides a suboptimal commuting habitat for amphibians.
- Appropriate mitigation can be put in place through: (i) the retention of existing vegetation; (ii) the timing of any vegetation clearance to avoid the bird breeding season; and (iii) the introduction of additional planting as part of the scheme.

The existing vegetation on the site has some value with respect to foraging bats and nesting birds however, it is recognised that this habitat is limited to the site boundaries and, in contrast, that the majority of is characterised by short sward grassland which has limited ecological value and does not provide any notable habitat capable of supporting protected species.

The proposed development would not result in the loss of any high-value ecological features and, given the absence of any suitable habitats on the site to support any specially protected species, would not affect their favourable conservation status. Appropriate mitigation and biodiversity enhancements can be secured through conditions relating to the retention/strengthening of landscaping and the timing of works involving the clearance of vegetation. The proposal is therefore in accordance with the objectives of FLPPR Policy ENV2 and the aims of the NPPF.

Flooding and drainage:

Paragraph 153 of the NPPF requires that *plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.....*

FLPPR policy CL2 refers to surface water run-off and sustainable drainage.

The site is within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. As the site area is under 1 hectare there is no need for a site-specific Flood Risk Assessment (FRA) to accompany the application. No drainage information for this site has been submitted with the application however, this can be satisfactorily covered by condition to ensure that the development poses no unacceptable risk in terms of flooding. Subject to conditions the development complies with the requirements of FLP policies CL2 the aims of the NPPF.

Agricultural land classification

A report on Agricultural Land Classification and Soil Resources has been submitted with the application which has been undertaken by a suitably qualified person and utilises appropriate desk,

field and laboratory based evaluation techniques in accordance with best practice guidance to assess the characteristics of the land and factors which affect its agricultural productivity. This report was also submitted as part of the previous applications.

Following site-specific investigation, the report concluded that the land fell within sub category 3b (moderate quality). Accordingly, it was considered that the site makes a minimal contribution to the viability of agricultural operations and so supported the recommendation for approval of the outline application.

The status of the land remains as that at outline stage and therefore loss of agricultural land of this quality is not a reason which would support a refusal of the application contrary to the decision of the outline application.

Conclusions

The application site is a greenfield area of land immediately to the east of the 'Ramblings' and the buildings associated with 'Smithy Cottage' to the west. The scheme proposes a detached two storey dwelling with integral garage. Planning approval for a similar development has previously been granted under application 18/0521 although this was not implemented and expired in December 2021.

The scheme has been the subject of objections from the Parish Council both in regards to this application and the previous proposals for this plot. Notwithstanding this outline permission has been granted for three dwellings for which this site forms one plot, Reserved Matters granted for the corresponding plots and full permission granted for a dwelling on this site.

These permissions were accepted as the site is in a reasonably accessible location and capable of development without causing undue harm to the character of the area or landscape factors. Whilst the council is able to demonstrate its required housing needs due to the adoption of the Fylde Local Plan to 2032 Partial Review. Policy GD4 criterion f) of that plan is the key policy and introduces restraint to residential development in rural areas, but critically allows for 'minor infill development'. This scheme is considered to constitute such development and so accords with the Plan.

In other regards the proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the amenity of neighbours or patterns of development and visual amenity in the village. Mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in all regards, in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Local Plan to 2032.

Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning, with that decision made when he is satisfied that the applicant has provided an appropriate level of detail regarding the site landscaping. The decisions would then be subject to a series of planning conditions with the following being suggestions for their wording:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Location Plan - drawing no. ' location 01'
- Proposed street scene plan - drawing no. P04 REV. B
- Proposed site plan - drawing no. P01 REV.C
- Proposed floor and elevation plans - drawing no. P02 REV. B

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 (incorporating Partial Review) and National Planning Policy Framework.

3. Prior to the commencement of development samples of all materials for use in the construction of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: In the interests of securing a satisfactory overall standard of development in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating partial review) and the aims of the National Planning Policy Framework.

4. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented before the dwelling hereby approved is first occupied.

Reason: To ensure that adequate measures are put in place for the disposal of foul and surface water in Policies GD7 and CL1 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework

5. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:

- a) hours and days of work for site preparation, delivery of materials and construction;
- b) areas designated for the loading, unloading and storage of plant and materials;
- a) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
- b) arrangements for the parking of vehicles for site operatives and visitors;
- c) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- d) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- e) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- f) measures to control the emission of dust and dirt during the construction period;
- g) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- h) the siting, luminance and design of any external lighting to be used during the construction period;
- i) the erection and maintenance of security hoarding;

- j) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

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

6. Prior to first occupation of the dwelling hereby approved the external driveway and parking area to the front of the dwelling shall be laid out in accordance with the approved plan drawing no. P01 REV. C to enable vehicular turning to be available within the site. This facility shall be retained at all times thereafter to the extent shown on that plan.

Reason: To provide an appropriate area of on-site parking and turning space whilst retaining a landscaped frontage to the site in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

7. Prior to first occupation of the dwelling hereby approved that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in a solid surface material.

Reasons: To prevent loose surface material from being carried on to the public highway and so causing a potential source of danger to other road users, in the interests of highway safety and in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

8. Prior to the commencement of any above ground development on the dwelling, the hedge on the site frontage shall be laid or otherwise reduced in height, and any other works that are necessary are undertaken, to ensure that visibility splays of 2.4 m by 43 m in both directions as shown on the approved site plan listed in condition 2 of this permission are provided. These visibility splays shall be retained free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures above 1m in height above ground level thereafter.

Reasons: To ensure adequate visibility at the access is provided in the interest of highway safety and that this is undertaken in a manner that reflects the rural character of the area. These works are to accord with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

9. Prior to the commencement of development a scheme and programme for landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate ecological habitat retention, creation, enhancement and management.. The approved landscaping scheme and management plan shall thereafter, be implemented in full. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials (as applicable) soft landscape works shall include plans and written specifications noting species, plant size, number and densities and shall demonstrate the maintenance of wildlife habitat (quantity and quality), including hedgerows and woodland/ woodland edges, and shall demonstrate that the development will be permeable to the passage of wildlife.

The scheme and programme shall thereafter be carried out in accordance with the approved programme and varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved

scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality in accordance with Policies GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

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

Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality in accordance with Policies GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

11. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

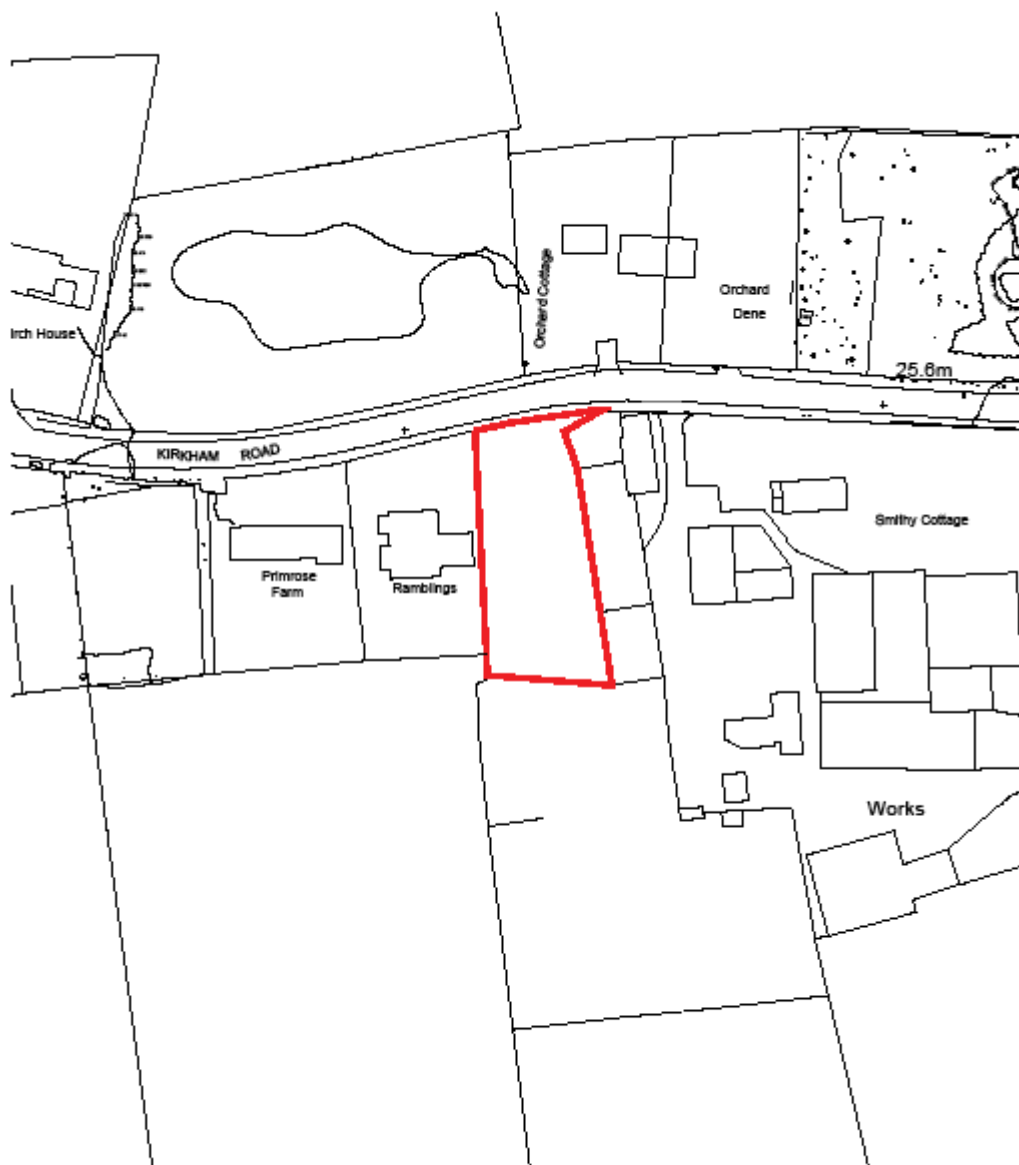
Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) Policy ENV2, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

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

Reason: To ensure a satisfactory relationship between the development and surrounding buildings and/or land uses before ground works to establish site levels are completed in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

13. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, the dwelling hereby approved shall not be occupied until details of the siting, height, design, materials and finish of all boundary treatments within the development have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in full accordance with the duly approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To ensure that the design of boundary treatments, gates and other means of enclosure is sympathetic to the character and appearance of the area in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.



Application Reference:	21/0935	Type of Application:	Full Planning Permission
Applicant:	Cuffe & Taylor	Agent :	Cassidy + Ashton Group Ltd.
Location:	LYTHAM GREEN (BETWEEN BANNISTER STREET AND STATION ROAD), EAST BEACH, LYTHAM		
Proposal:	ENGINEERING WORKS TO LEVEL AND RE-SEED PART OF LYTHAM GREEN ASSOCIATED WITH HOSTING OF LYTHAM FESTIVAL		
Ward:	CLIFTON	Parish:	
Weeks on Hand:	14	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to a rectangular area of Lytham Green that lies to the west of the Windmill and is bounded by East Beach to the landward side, the Promenade to the estuary side and the footpaths that link the two as 'extensions' of Bannister Street and Station Road. The Green in this area is within the Lytham Town Centre conservation area and is the area used for the hosting of the Lytham Festival in recent years.

The development is proposed in this application is the re-grading and levelling of this area of Lytham Green to enable it to provide an improved facility for the Festival use. The current surface is undulating which provides several areas of unusable space where the land banks between changes in levels. The intention is to regrade these to provide a more consistent slope across the site and so allow the whole area to be more effectively used during Festival activities,

The land is owned by the council however, the application is put forward by Cuffe and Taylor who have an agreement to use the land until 2028 to host the Lytham Festival events. The cost of the works is to be borne by the applicants. The area would be fenced off during the works and for around 12 weeks after completion to allow the sward to grow.

It is considered that the development will have no detrimental impacts in terms of visual amenity, open space, heritage, ecology or flood risk. The improved facilities for the Festival will enhance its operation as a key economic driver for the town and wider area, and will also enhance the recreational useability of the area outside of Festival periods. It is therefore considered that the development complies with the relevant national and local planning policies, and for that reason planning permission should be granted by Members.

Reason for Reporting to Committee

The application is on the agenda as Fylde Borough Council are the owners of the land and under the council's scheme of delegation such applications are to be determined by the Planning Committee.

Site Description and Location

The application relates to an area of Lytham Green, in particular an area of the green to the west of Lytham Windmill of approximately 1.4 Ha situated between Bannister Street and Station Road. The site is roughly a square of land which forms part of the larger area of The Green in use as public amenity grassland.

The surrounding area is characterised by a combination of large seafront residential properties to the north, further amenity grassland to the east and west. Immediately to the south of the site are the promenade and coastal saltmarsh of the lower Ribble Estuary. Approximately 60m to the east of the site are the Lytham Windmill and Old Lifeboat House, both of which are Grade II listed.

The site is within the Lytham Conservation Area and an area designated as Amenity Greenspace in the Fylde Local Plan to 2032 (incorporating Partial Review) (FLPPR32).

Details of Proposal

This application seeks permission for engineering works to level, regrade and re-seed a part of Lytham Green between Bannister Street and Station Road to remove the existing undulations. The application is put forward by 'Cuffe & Taylor' who use the site to hold the events associated with the Lytham Festival held on this site each year.

It is proposed that the development will include the following programme of works:

- The erection of a barrier fence and screen
- Lower telephone and fibre optic cables,
- Strip topsoil,
- Re grade subsoil,
- Import in fill material and grade,
- Re-lay topsoil,
- Cultivate soil,
- Stone rake surface to remove debris,
- Re-seed,
- Fertilise,
- Mow when required; and
- Remove fencing when sward is strong enough (after approximately 12 weeks).

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

No parish council relevant for Lytham

Statutory Consultees and Observations of Other Interested Parties

Lancashire CC Flood Risk Management Team

The Lead Local Flood Authority has no objection to the proposed development.

Greater Manchester Ecology Unit

They have reviewed the submission and offer the following comments:

Consideration of Legally Protected Sites

The site itself does not have any nature conservation designations, legal or otherwise. It is however within close proximity to and in the Impact Risk Zone of the following designated sites:

- *Ribble and Alt Estuary (SPA/RAMSAR 500m IRZ)*
- *Ribble Estuary (SSSI, 500m IRZ)*
- *Morecambe Bay Compensation (5km IRZ)*
- *Marton Mere (designation, 10km IRZ)*
- *Newton Marsh (SSSI, 10km IRZ)*
- *Sefton Coast (SSSI, 10km IRZ)*
- *Goose and Swan Functionally Linked Land (Bespoke Category)*
- *Recreational Disturbance (Bespoke Category)*

The information submitted with the application has analysed the potential impacts of the proposals on the National Site Network (Ribble and Alt Estuary SPA and Ramsar) as required under The Habitats Directive. The screening process has demonstrated that there will be no Likely Significant Effects of the proposals on the qualifying features of the designated sites, that the land is not functionally linked to the designated sites and there is no predicted increases in recreation pressure to the designated site.

Given the above, no direct or indirect impacts are anticipated on SSSI status of the Ribble Estuary, nor any of the other SSSIs located further away from the proposed development site.

Recommendation on Legally Protected Sites

I have considered the information submitted to support a stage 1 HRA entitled 'Information in Support of Stage 1 – Habitats Regulations Assessment, Report Number 002, January 2020'. As the ecological advisor for the planning department I conclude that the LPA, as the competent authority can adopt these findings on the following basis: -

- *The Stage 1 Screening of Likely Significant Effects (LSE) has identified the European Sites concerned and their conservation objectives and qualifying features.*
- *The Stage 1 Screening of LSE identified the relevant pathways which could potentially result in an effect on the qualifying features of the European Site, and has demonstrated there is no Likely Significant Effect of the proposal, either alone or in combination with other plants and projects.*

The LPA can therefore conclude that there will be no adverse effect on the integrity of the

European Sites in accordance with Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

It is strongly recommended that the above findings are recorded within the decision making process for this application and are included within the delegated officers report or any committee report. We would also advise that Natural England's views on this matter are sought as the statutory consultee in relation to NSN and SSSI sites.

Consideration of Non-Statutory Sites

Lytham Foreshore Dunes and Salt Marsh Biological Heritage Sites (BHS) is located directly adjacent to the south of the site. No direct impacts are anticipated, but indirect impacts could potentially occur, and a Construction and Environment Management Plan is recommended.

Recommendation on Non-Statutory Sites

A condition should be used to secure a Construction and Environment Management Plan (CEMP):Biodiversity detailing the protection measures which will be implemented to protect the Lytham Foreshore Dunes and Salt Marsh Biological Heritage Sites (BHS). The CEMP must be agreed in writing with the local authority, and once agreed should be implemented in full.

Habitats

No Protected or Priority habitats were identified on the site, which contained only amenity grassland.

Protected Species

No adverse impacts on protected species are considered likely as a result of the proposed development, as the habitat present is highly unlikely to support such species.

An informative should be used so that the developer is aware of the legal protection that certain species receive. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately and an ecologist/LPA should be contacted.

Parks Manager

I have no objections regards the proposed works this has been spoken about for quite a while now.

Fylde Council Drainage Engineer

In order to mitigate the runoff risk, and improve water quality, it is essential to get the specification of the imported materials and installation of them right so that the natural drainage process functions effectively and the works do not have an adverse effect on the "existing Green Infrastructure in Fylde" (PS, para 5.9).

Overall no objection in principal if:-

- 1. The specification and installation of the imported fill material allows free drainage into the subsoil and,*
- 2. The topsoil, seeding etc. is approved by FBC staff*

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on the Ribble & Alt Estuaries Special Protection Area (SPA), Ribble & Alt Estuaries Ramsar and Ribble Estuary Site of Special Scientific Interest (SSSI) and has no objection.

Lancashire County Council - Highway Authority

LCC Highways does not have any objections in principle to the proposed engineering works to level and re-seed part of Lytham Green associated with hosting of Lytham Festival, providing the applicant can address the issues regarding vehicle movements and routing, as detailed in this report.

Further information as to the proposed storing of materials and expected number of vehicles for the imported material is requested and is to be submitted through the submission of a Traffic Management Plan to outline the routing and numbers of expected HGVs to the site and site compound for the storage of top soil (of it is to be kept on site) and the associated vehicles and skips etc for the other engineering works listed in section 3.4 of the Planning Statement.

Conditions are suggested which are attached to this recommendation.

United Utilities

We can confirm the proposals are acceptable in principle to United Utilities. However, we do not have sufficient information on the detail of the drainage design. With this in mind, we request the following drainage conditions are attached to any subsequent Decision Notice:

They then suggest the wording for a condition to secure a surface water drainage scheme

A critical public sewer and a critical rising main cross this site and we may not permit building over them. We will require an access strip width of 8 metres, 4 metres either side of the centre line of each sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout may be necessary at the applicant's expense.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

Environment Agency

The EA have no objection but comment that the FRA states that the whole site is in Flood Zone 1 (low probability of flooding) the Environment Agency Flood Map for Planning (Rivers and Sea). However, based on the site location plan, the site is within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding). However, given the nature and scale of the development, we are satisfied that it would not be at an unacceptable risk of flooding or exacerbate flooding elsewhere.

The applicant is advised to contact the EA for advice on using waste or other material for engineering works and that this might require a permit from the EA.

Lytham St Annes Civic Society

We have read with interest the Heritage Statement for this application, and it gives us cause for concern. It relies on assumptions that there will be no impact on the Green and that what is good for Lytham Festival is automatically good for the town.

There is a great deal of information about built heritage assets within the town and we agree that they will not be impacted; it is Lytham Green we are more worried about. It is not a development site.

Lytham Green was built as a sea defence after the serious floods of 1720. You will see that it slopes downwards towards the road. After this, several of the promenade houses included parts of the Green in the leases of their houses with covenants that the areas should not be built upon. It is not the case that the Clifton family resisted development in Lytham, they wished to control and maintain high standards in both planning and design throughout the C19th.

As to the uneven ground to the west of the windmill, this was an area of tennis courts from the early years of the C20th, seen on the 1932 map (see Heritage statement 2.38). It is generally considered that this was an inappropriate area for such recreational activity and it was removed.

We do not think that the holding of a commercial festival is in any way an acceptable reason for interfering with the surface of the Green, or indeed to make it any more suitable for parking cars.

The Heritage statement 2.43 states Lytham Green lies within Lytham Town Centre Conservation Area, forming an important public open space. This is exactly the point here, the encouragement of this redevelopment of Lytham Green would lead to less public open space being available for us all.

It is stated "Lytham Green is publicly accessible all year, but it also holds Lytham Festival, an annual music festival". It is not publicly accessible all year.

Permission to hold the Festival, which has increased steadily from one event initially to over a week, would appear to have been given but it could only be justified on the basis that the use was temporary. The current application is now proposing permanent ground works to facilitate the Festival and other events which take place on the Green. This can only encourage further events and parking.

There have been many attempts to commercialise Lytham Green over the years, including extra hard surfaced carparks, a dual carriageway, a casino, a Yates's wine Lodge etc. Earlier residents were so sensitive to it that it they considered the demolition of the windmill as it was a commercial building.

Fylde Borough Council are the guardians of this important public open space, itself a charitable gift to the people of Lytham from the Clifton family. and should not allow any permanent development on the Green. The impact of the proposals on the Conservation Area and Listed Buildings is totally irrelevant.

No doubt commercial interests will be against us but we wish our objections to this

application to be recorded.

Cllr Bamforth

I think it should include down towards the east as far as St. Johns Street. That's where the fairground covered, and that most certainly needs attention.

Neighbour Observations

Neighbours notified:	28 October 2021
Site Notice Date:	02 November 2021
Press Notice Date:	04 November 2021
Number of Responses	None received.
Summary of Comments	

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. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR 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 (incorporating Partial Review):

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity
ENV3	Protecting existing Open Space
ENV5	Historic Environment
EC6	Leisure, Culture and Tourism Development
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

Other Relevant Policy:

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

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for engineering works to re-grade, level and re-seed with grass part of Lytham Green between Bannister Street and Station Road to facilitate the use of this part of The Green for the annual Lytham Festival events.

Policies

Policy GD1 refers to 'Settlement Boundaries' and the site is within the defined settlement boundary of Lytham St Annes where development is encouraged by the Plan subject to compliance with all relevant local plan policies.

Policy GD7 - 'Achieving Good Design in Development' - Policy GD7 sets out an expectation that all development will achieve a high standard of design, taking account of the character and appearance of the local area, and provides a detailed list of considerations with following being relevant to this application:

- *c) ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”;*
- *f) conserving and enhancing the built and historic environment”;*
- *h) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area”;*
- *t) the development should not prejudice or prevent the operation of existing land uses*

Policy ENV1 refers to landscape ' *Development will have regard to its visual impact within its landscape context and the landscape type in which it is situated*'.

Policy ENV2 refers to biodiversity, nature conservation and ecological networks.

Policy ENV3 refers to protecting existing open space. *The areas of Existing Open Space provide a critically important part of the Green Infrastructure network within Fylde. Existing Open Space will be protected from inappropriate development, having particular regard to the multi-functional benefits of open spaces*

Policy ENV5 refers to the historic environment and states '*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*'.

Policy EC6 refers to 'Leisure, Culture and Tourism'. In particular:

Criterion b) Promoting the principles of sustainable tourism through realising the potential of the Borough's heritage assets, in particular the Promenade Gardens and Ashton Gardens, St Annes Pier, Lytham Hall and its historic parkland, Lytham Windmill and Lowther Pavilion and Gardens.

f) Protecting tourism, cultural, heritage and leisure assets, such as golf courses and the seaside resort facilities, with a view to helping them to adapt to new challenges by the use of development briefs

h) Promoting beach leisure activities, coastal tourism and recreational events.

Policies CL1 and CL2 flood alleviation, water quality and water efficiency and surface water drainage.

Principle of the development

The application site is located within the defined settlement and so is compliant with Policy GD1 of the FLPPR32 and acceptable in principle subject to compliance with other policies of the plan.

Impact on visual amenity

The site forms part of the wider Lytham Green, an area of amenity grassland formed out of uneven dunes and marshland at the point where the River Ribble meets the Irish Sea and situated opposite the residential properties of East Beach.

This area of The Green between Bannister Street and Station Road previously contained tennis courts which were at a lower level than the surrounding land and over time this has resulted in the undulations which are evident in this area today. Whilst the wider site is for the benefit of the public, this particular area of the Green is used by the applicants to hold the annual Lytham Festival in this area under an agreement with the council who own the land. The application seeks permission to carry engineering and landscaping works to level the land to aid the flow of people around the site during the times of the festival, and to improve its operation.

These works will be significant in the area of the application site as the undulations are clearly identifiable at close quarters. However, the overall quality of Lytham Green is that it provides a large area of grassland that separates the town from the estuary, and in that context the alteration to the levels in the relatively small area will be insignificant visually. The area will continue to be grass surfaced and will maintain the overall gentle rise up from the town level to the promenade that is evident along the remainder of the length of the Green. As a consequence of the flat topography there are extensive views across Lytham Green to the east, west and south. Following the regrading and re-seeding of the land the resultant appearance will be largely unchanged from that of the rest of Lytham Green and views will not be impeded.

Other than during the period when the engineering works are taking place and the subsequent recovery of the grass surface, the area will be open to public access for the various recreation purposes that it is put to now. The proposal does not include any fencing of the area, any indication that it will be used for parking, or any other changes to its appearance or use beyond the levelling of the undulations.

Consequently, the proposal is considered acceptable with regards to the visual impact of the development on the character of the area and the character and appearance of conservation area and complies with the requirements of Policies GD7 and ENV5 of the FLPPR32 and the aims of the NPPF.

Use of amenity space

Lytham Green is one of the amenity greenspaces in the borough which is protected by Policy ENV3 which seeks to prevent inappropriate development in such areas. Existing open spaces *'will be protected unless it can be demonstrated that any proposal will not have adverse effects contrary to the landscape, biodiversity and water management requirements of the local plan'.....*

Paragraph 98 of the NPPF advises that *"access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change."*.....

Paragraph 99 advises that *'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:'.....*

The scheme is primarily required by the organisers of the events of Lytham Festival which is held during the summer months. It is thought that whilst this part of the Green is not the flattest, the area is used as it is the widest part of the Green. Whilst during the festival period free access to the Green by the public is limited this is for a short period of time only and for the remainder of year the area is easily accessible.

The development does not result in any built development on the land and will not result in the long term loss of the area as a green amenity space. The proposal will directly and indirectly improve the recreational benefits for the local and wider communities. Accordingly, the proposal complies with the criteria of Policies ENV3 and the aims of the NPPF in this regard.

Visitor economy

Policy EC6 of the FLPPR32 refers to leisure, culture and tourism uses and seeks to reinforce the visitor economy through increased visitor numbers and facilitate new appropriate uses to enable the tourist areas to thrive.

Paragraph 92 of the NPPF aims to achieve healthy, inclusive and safe places. Paragraph 93 provides five criteria which aim to provide social, recreational and cultural facilities and services the community needs.

The Lytham Festival has become an annual event in Fylde which is held on Lytham Green during the summer months. The festival draws in a significant number of visitors to the area and in 2019 (the last time the event was held on Lytham Green) the visitor numbers were in the region of 10,000 on some nights and for more popular acts up to 20,000 visitors attended. As such, the continual running of this festival is significant for the local economy.

Outside of festival season the area is available for wider public use, attracting visitors throughout the year who make use of the open space.

The development will facilitate the continued use of the site for the festival attraction which has a positive impact on the economy of the area which is supported through Policy EC6 of the FLPPR32 and the aims of the NPPF.

Heritage implications

The site is designated within the Lytham Town Conservation Area and is in close proximity to a number of Grade II listed buildings including; Lytham Windmill, the Old Lifeboat House and a row of former marine villas, now subdivided into residential properties, along East Beach.

The NPPF sets out the current heritage policies to guide the determination of developments affecting the historic environment. Paragraph 199 requires great weight to be given to an asset's conservation when considering the impact of a proposed development upon its significance. Policy ENV5 of the Fylde Local Plan to 2032 sets out the Council's strategy to protecting, conserving and enhancing Fylde's historic environment.

To support the application a Heritage Statement has been submitted which provides extensive historical background both in terms of the physical nature of the land and the social history of Lytham. The report comments that '*with the rise in visitors and an increased demand for facilities, John Clifton was encouraged to develop a public promenade. By 1824, it is thought that the greater part of the beach had been levelled and an esplanade was formed, now known as Lytham Green.*'

Surveys of the area were carried out at that time however, no earthworks or features indicative of buried archaeology were observed within the site. The report with this application concludes that if any features remain they are likely to be of negligible or low archaeological importance.

The levelling of Lytham Green will result in no change to elements and attributes of the adjacent listed buildings and Conservation Area settings which contribute towards an understanding and appreciation of their associated heritage interests. In respects to archaeological remains, there is no evidence to indicate the presence of archaeological remains within the boundary of the site.

As such no harm to the overall significance of the assets have been identified to result from the proposals and their significance would be sustained. The proposal therefore complies with national and local policy on heritage grounds.

Ecology

Special designations - The application site is not within an area of any nature conservation designations. It is however, within close proximity to several Sites of Special Scientific Interest, Special Protection Areas, RAMSAR sites (Wetland of international importance designated after the RAMSAR convention) and Impact Risk Zones.

A Preliminary Ecological Appraisal Report has been submitted to support the application together with a Habitat Regulation Assessment.

The ecological report aims to identify the likely presence of ecological receptors within or near the application site that could be subject to adverse effects arising from the proposed development and identify any requirement for further specialist surveys.

The HRA objective was to identify any aspects of the project that would cause 'likely significant effects' on the interest features of Natura 2000 sites, specifically the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar to assess the likely significant effects of works upon this internationally designated site, both in isolation and in combination with other plans and projects.

Policies ENV1 and ENV2 refer to nature conservation assets with paragraph 174 of the NPPF advising

'planning policies and decisions should contribute to and enhance the natural and local environment'.....

The NPPF requires the Planning Authority to have a responsibility to protect and enhance biodiversity and geodiversity, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity (paragraph 179).

The ecological appraisal identifies that there are two potential significant ecological constraints to the development. The council's ecologist have assessed the report and carried out a HRA screening of the proposal which has demonstrated no Likely Significant Effects of the proposals on the qualifying features of the designated sites and that the land is not functionally linked to the designated sites. Consequently, there is no direct or indirect impacts are anticipated on SSSI status of the Ribble Estuary, nor any of the other SSSIs located further away from the proposed development site. There are no other ecological impacts either as reported in the consultee comments section of this report.

As a consequence of the above it is considered that the proposal complies with the requirements of Policies ENV1 and ENV2 of the FLPPR32 and the aims of the NPPF in this regard. The recommendation to Committee is that the shadow HRA which has been produced to support the application should be adopted by the council.

Drainage

Policies CL1 and CL2 of FLPPR32 refer to flood risk and drainage. The application is accompanied by a Flood Risk Assessment Drainage Strategy. This report identifies that there are several services running through or close to the site including a public combined sewer is shown close to the northern boundary of along with a pumped sewer rising main, gas main and various cable routes.

Parts of the site are Flood Zone 1 and the remainder is either Flood Zone 2 or Flood Zone 3 (high risk of flooding). The Flood Risk Assessment considered the risk of fluvial flooding to be Low as a consequence of the river estuary having an extremely wide channel and a substantial wall along the site boundary with the promenade.

The report advises there are no recorded flooding events at the site, tides are the main groundwater control on the River Ribble in Lytham, and this will limit the possibility of groundwater flooding. However, there is the small possibility that multi peak events could sustain a high river level for up to twelve hours. Lytham and the surrounding areas have an extensive drainage ditch system linked to the tidal estuary and this is controlled by pumping when groundwater levels rise. Overall, the risk of alluvial groundwater flooding is low for a river of this size.

The majority of the site is shown to be at a very Low risk of surface water flooding. There is a possibility of some minor highway flooding due to 1.5 m lower level from the promenade. The risk of sewer flooding is reported as low as no reported incidents.

The proposal to re-grade and level the site will result in approximately 2500 tonnes (100 cubic metres) of imported fill. No hardstanding areas are being proposed and there's no requirement to connect to foul drainage.

An indicative SW drainage strategy has been produced in accordance with the Flood Risk Assessment to demonstrate how drainage can be incorporated into future ground level changes. United

Utilities have commented that they have no objection to the scheme subject to detailed surface water drainage details being submitted. The requirement to submit this information is proposed to be subject to condition.

The Environment Agency have also advised that they have no objection but the applicant will require a permit for the importation of material onto the site.

Subject to conditions the proposal is acceptable with regards to drainage of the site and complies with the requirements of Policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the NPPF in this regard.

Other matters

Cllr Bamforth has suggested that the re-grading works continue to the area used by the fairground. However, this development is proposed by the applicants for the area that they have use of and is being paid for by them. Whilst there may be other areas of the Green that would benefit from such work it is not considered that there is sufficient planning linkages to require the current scheme to provide for the improvement of those areas.

Conclusions

The development is proposed in this application is the re-grading and levelling of an area of Lytham Green which is used on an annual basis by Cuffe and Taylor to host the Lytham Festival events. The land owned by the council and provides the public with open, green amenity space. The development would allow the applicants to make better use of this area of the Green which has several areas of unusable space where the land banks are sited due to changes in levels. The cost of the works is to be borne by the applicants.

It is intended that material is imported to level the land and that this will be re-seeded to match the remainder of the Green and as a consequence the area would be fenced off and unavailable for public use for potentially 12 weeks to allow for the sward to grow.

Following the development the resultant appearance of The Green will not be so significantly different to the remainder of this area of Lytham front. Furthermore, the proposed development will have no detrimental impacts in terms of open space, heritage, ecology or flood risk, as evidenced by the accompanying surveys and assessment works and reported upon in the above commentary.

It is therefore considered that the development complies with the relevant national and local planning policies, and for that reason planning permission should be granted.

Recommendation

That:

- 1) the shadow Habitat Regulations Assessment be formally adopted by Fylde Council, and
- 2) that Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. CT-CAA-DR-A-1000
- Proposed Site Plan - Drawing no. CT-CAA-DR-A-1003
- Proposed site section plan - Drawing no. CT-CAA-DR-A-1004

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 (incorporating Partial Review) and National Planning Policy Framework.

3. Prior to the commencement of any development details of the extent and nature of the material to be imported to the site, the arrangements for the installation of this materials, and the arrangements for its drainage shall be submitted to the Local Planning Authority and agreed in writing. The development shall be undertaken in accordance with these agreed details, unless an alternative scheme is subsequently submitted and agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and order to mitigate surface water risk, and improve water quality, in accordance with Policies GD7, ENV5, CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

4. Prior to commencement of development a Construction and Environment Management Plan (CEMP) shall be submitted to the Local Planning Authority and agreed in writing. The CEMP shall detail the biodiversity protection measures which will be implemented to protect the Lytham Foreshore Dunes and Salt Marsh Biological Heritage Sites (BHS). Thereafter the agreed CEMP shall be implemented in full unless amended details have first been submitted to the Local Planning Authority and agreed in writing.

Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the nature conservation interest of the adjacent habitat during the construction period before any development takes place in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

5. Prior to the commencement of any development hereby approved Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall include and specify the provisions to be made for the following:-

- The location of any site compound to be utilised to support the construction works, and the measures to be implemented to reinstate the area of this compound on completion of construction including a timescale for these works
- The location of an area for the parking of vehicles of construction vehicles, site operatives and visitors, including measures to ensure that these allow for on-site turning of all vehicles likely to access this area.

- The location to be utilised for the loading, unloading and storage of plant and materials used in the development;
- The methods to be used to ensure that all vehicles leaving the site have their wheels cleaned to avoid mud or debris being taken off site to the highway

The construction works involved in the development hereby approved shall be implemented in accordance with this approved Construction Management Plan at all times.

Reason: To maintain the safe operation of the highway and to minimise the disruption to road users and neighbouring residents as a consequence of the works in accordance with policies GD7 and T5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

6. Prior to commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

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

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

7. Prior to the commencement of any development a Construction Risk Assessment Method Statement (RAMS) for the development shall be submitted to and approved in writing by the Local Planning Authority. The statement shall outline the potential risk from all construction activities on the United Utilities infrastructure (public sewer and rising main) that cross the site, and shall identify mitigation measures to protect these and prevent any damage to this infrastructure. The development shall only be undertaken in full accordance with the approved RAMS.

Reason: To ensure that the development can be undertaken without causing risk to the drainage and water supply infrastructure that crosses the site as required by Policy INF1b of the Fylde Local Plan to 2032 (incorporating Partial Review).



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	2 FEBRUARY 2022	5
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 17/12/21 and 19/01/2022.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Appeal Decisions

The council received the decision on the following appeals between 17 December 2021 and 19 January 2022. A copy of the Inspector decisions is appended to this agenda for information.

Rec No: 1

01 September 2021	21/0009	GREENACRES, DIVISION LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 5EA FIRST FLOOR SIDE EXTENSION WITH FRONT AND REAR DORMERS	Householder Appeal Case Officer: JS
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Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 11 January 2022

Rec No: 2

26 October 2021	21/0393	6 HODGSON AVENUE, FRECKLETON, PRESTON, PR4 1SQ ERECTION OF FENCE AND GATE TO SIDE BOUNDARY TO OVERALL HEIGHT OF 1.85M WITH ELEMENT ABOVE 1M TO BE 'HIT AND MISS' STYLE (PART RETROSPECTIVE)	Householder Appeal Case Officer: RT
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Fylde Dec. Level	DEL
Appeal Decision:	Allowed: 19 January 2022



Appeal Decision

Site visit made on 4 January 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2022

Appeal Ref: APP/M2325/D/21/3276242

Greenacres, Division Lane, Lytham St Annes, FY4 5EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Ratcliff against the decision of Fylde Borough Council.
 - The application Ref 21/0009, dated 5 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is a first floor side extension with front and rear dormers.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A partial review of the *Fylde Local Plan (adopted October 2018)* (FLP) was adopted in December 2021. However, this did not have any impact on Policy GD2 of the FLP which is the only policy referred to in the reason for refusal.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
 - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. The appeal property lies within the Green Belt as defined by the FLP where Policy GD2 indicates that proposals will be assessed against national policy for developments within the Green Belt. Paragraphs 149 and 150 of the Framework set out the forms of development that are not inappropriate in the Green Belt. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building [paragraph 149 c)].

5. It has been argued by the appellant that paragraph 149 of the Framework relates to new buildings and this is an extension to an existing building not a new building. However, given that part c) of this paragraph specifically addresses when extensions and alterations to buildings may potentially not be inappropriate development, I consider that it can be taken that alterations and extensions to buildings do fall within the remit of this paragraph.
6. What constitutes a disproportionate addition is not defined in either the FLP or the Framework. Policy H7 of the FLP indicates that in the countryside extensions to dwellings should not result in an increase in the original footprint greater than 33%. Whilst this policy does not relate specifically to developments in the Green Belt, which within national policy are subject to different guidance than development within the countryside, it is a consideration to be borne in mind. However, in the absence of any specific guidance in national or local policy on what constitutes a disproportionate addition, it is a matter of judgement for the decision maker.
7. The dwelling was originally a bungalow and has previously been extended on a number of occasions, both by way of various single storey extensions and a first floor extension over the eastern half of the property. The Council have calculated that these have resulted in an increase in the footprint of the original dwelling of around 32.5%. The proposal would not alter this. However, their calculations also show that the volume of the original dwelling has already been increased by around 63%. When taken cumulatively with the previous extensions, the proposal would result in the volume of the original dwelling being increased by approximately 100%. The appellant has not provided any calculations to counter those of the Council.
8. Although the proposal would not increase the footprint of the building, I consider that a cumulative increase in the volume of this scale can only be considered to be disproportionate in size to the original dwelling.
9. In the light of the above, I conclude that the proposal would be inappropriate development, which according to paragraph 147 of the Framework is, by definition, harmful to the Green Belt.

Openness and purposes

10. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development. The proposal would not increase the footprint of the building, but the mass and bulk of the property would still be increased by additional built development, and so the openness of the Green Belt would be reduced. Although in isolation the loss would be minimal, nonetheless, there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.
11. There is no suggestion that the proposal would conflict with any of the purposes of including land within the Green Belt – a conclusion with which I agree. Nevertheless, a lack of harm in this respect is a neutral factor.

Other Considerations

12. The appellant has highlighted that Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the enlargement of a dwelling by the construction of an additional storey and that this right applies whether or not a property is in the

Green Belt. It is suggested that using these rights would potentially allow a higher, and less well designed, extension to be constructed on the host property. The existence of a fall-back position is a material consideration.

13. However, the appellant's evidence also indicates that informal advice from the Council suggested that as the property has already had a first floor extension, these provisions would not apply. I note that the appellant has not sought any formal determination from the Council to ascertain whether any such extension could be built. Nor is there any evidence to show that should the current appeal be unsuccessful, it would be the intention of the appellant to build an alternative scheme utilising these potential permitted development rights.
14. It is not within the scope of an appeal pursuant to section 78 of the Town and Country Planning Act 1990 for me to determine the extent of the permitted development rights asserted. In the absence of any formal determination with regard to whether any such extension would be permitted development I give this potential fall-back position little weight.
15. In 2017 permission was granted for a first floor extension in a similar position to the proposal. This had a different design to the appeal scheme but overall, the appellant has argued that the current proposal would be more in proportion to the host property and would have less of an impact on openness. He considers that the Council have been inconsistent in concluding that the former scheme was not a disproportionate addition but that the current scheme is. I do not know the full circumstances that led to the previous scheme being considered acceptable. Whilst I can appreciate the appellant's frustration that the two applications have been determined differently, the former permission is no longer extant and so does not represent a fall-back position. As a result, I give it little weight.
16. The appellant has set out detailed arguments as to how he considers the design of the proposal would ensure it was subservient to the main dwelling and so would not appear a dominant or disproportionate addition. It is also highlighted that the various different ground floor extensions individually are relatively small.
17. Be that as it may, the test in the Framework is whether a proposal represents a disproportionate addition over and above the size of the original dwelling. As such, whilst the design of the extension in relation to the existing property is an important consideration in terms of its impact on the character and appearance of the area, the test in paragraph 149 c) of the Framework requires an assessment of whether the proposal, in combination with any previous additions to the original building, results in a disproportionate addition in terms of its size not its design.

Conclusion

18. The proposed development would be inappropriate development in the Green Belt, which is harmful by definition. It would also cause harm to the openness of the Green Belt. In accordance with paragraph 148 of the Framework, I attach substantial weight to the harm to the Green Belt. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause.

19. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, the proposal would be contrary to Policy GD2 of the FLP and the Framework. Therefore, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR



Appeal Decision

Site visit made on 7 December 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2022

Appeal Ref: APP/M2325/D/21/3280505

6 Hodgson Avenue, Freckleton, PR4 1SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Powell against the decision of Fylde Borough Council.
 - The application Ref 21/0393, dated 26 April 2021, was refused by notice dated 21 June 2021.
 - The development proposed is described as "*retrospective 2nd application for changes to boundary fencing at 6 Hodgson Ave Freckleton*".
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Decision

1. The appeal is allowed and planning permission is granted for erection of fence and gate to side boundary to overall height of 1.85 metres with element above 1 metre to be 'hit and miss' style at 6 Hodgson Avenue, Freckleton, PR4 1SQ in accordance with the terms of the application, Ref 21/0393, dated 26 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2021-1573-03; 2021-1573-06b; 2021-1573-07b.
 - 3) The proposed gate and fencing shall be stained with a dark brown wood stain and shall thereafter be maintained as such.

Procedural Matters

2. The Council adopted the Partial Review of the Fylde Local Plan in December 2021, after its refusal of planning permission. This included a new version of Policy GD7, which superseded the previous version referred to in the Decision Notice. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision.
3. The description of development given on the planning application form states that the application is retrospective in nature. However, the existing fence and gate fronting onto Hodgson Avenue have a closeboard appearance, whereas those shown in the submitted plans have a 'hit and miss' style above 1 metre in height. In these circumstances, I am required to determine the appeal based on the submitted drawings.

4. The description of development given in my formal decision is taken from the Decision Notice rather than the planning application form, as this provides a more accurate description of the development.

Main Issue

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

Reasons

6. The appeal property is a semi-detached bungalow occupying a corner plot at the junction between Hodgson Avenue and Sedgley Avenue. It sits within a modern estate that has a relatively consistent character, with most front boundaries comprising low brick walls and mature planting.
7. The proposed gate and fencing would run along the back edge of the footway and would enclose the side and rear garden next to Hodgson Avenue. Whilst the height and style would differ from the boundary treatments to adjoining properties there are similar timber fences to the side and rear of several nearby corner plots. In this regard, comparable boundary fencing to corner plots are visible along Sedgley Avenue, Ribble Avenue, and elsewhere in the vicinity. The proposed gate and fence would therefore not appear out of place and would be consistent with the character of the surrounding area. Moreover, they would have a relatively sympathetic appearance in the street if treated in a dark stain, which could be secured by condition.
8. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Strategic Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review), which seeks to ensure that layout, design, and materials relate well to the surrounding context. It would also be consistent with the National Planning Policy Framework, which seeks to achieve well designed places.

Other Matter

9. A section of the proposed fencing extends along the boundary with No 4 Hodgson Avenue, and would remain closeboard in its appearance. Whilst this fencing somewhat restricts visibility from the adjacent access to No 4, I note that this property benefits from 2 vehicular access points. Moreover, any vehicle leaving the property from this access would be travelling at low speeds and the driveway is not directly onto the highway. I further note that the Highway Authority has confirmed that it has no objection to the development on highway safety grounds.

Conditions

10. The standard time limit condition is necessary given that the proposed fencing and gate differ from that which currently exist. I have also imposed a condition that requires the development to accord with the approved plans, which is necessary in the interest of certainty. A further condition relating to the treatment of the proposed fencing and gate is necessary in order to preserve the character and appearance of the area.
11. Separately, the Council suggested a condition that would have required the existing fencing and gate to be modified within 3 months of the date of this

decision. However, it is unclear how the proposal would be installed, and this could also be achieved by replacing the existing fencing and gate. In any case, the Council would be able to enforce against any non-compliance with the approved plans, and so this condition is unnecessary.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR