



# Agenda

## Planning Committee

Date:	Wednesday, 16 January 2019 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Heather Speak, Ray Thomas.</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	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">12 December 2018</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 23.	1
	DECISION ITEMS:	
4	Planning Matters	3-82
	INFORMATION ITEMS:	
5	List of Appeals Decided	83-100

Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at  
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

**© Fylde Council copyright 2019**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

The material must be acknowledged as Fylde Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).

## Planning Committee Index

### 16 January 2019

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	18/0633	SPENGARTH, CROPPER ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LB OUTLINE APPLICATION FOR UP TO 10 DWELLINGS WITH ACCESS OFF CROPPER ROAD (ALL OTHER MATTERS RESERVED)	Approve Subj 106	5
2	18/0682	34 DERBE ROAD, LYTHAM ST ANNES, FY8 1NJ CONVERSION OF EXISTING HOTEL (USE CLASS C1) TO 12 FLATS (11 X 1 BED AND 1 X 2 BED) PROVIDING SUPPORTED LIVING ACCOMMODATION (USE CLASS C3(B)) INCLUDING SINGLE STOREY PLANT ROOM EXTENSION TO REAR AND ASSOCIATED EXTERNAL ALTERATIONS TO BUILDING	Grant	19
3	18/0839	LAND WEST OF CHURCH ROAD, WEETON WITH PREESE ERECTION OF 39 DWELLINGS TOGETHER WITH THE PROVISION OF A PUBLIC CAR PARK AND PUBLIC OPEN SPACE / RECREATION AREA.	Approve Subj 106	45
4	18/0844	16 WYNDENE GROVE, FRECKLETON, PRESTON, PR4 1DE CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO CHILDREN'S RESIDENTIAL CARE HOME (CLASS C2) FOR UP TO 4 CHILDREN WITH UP TO 4 CARERS	Grant	58
5	18/0860	LAND ADJACENT STANLEY LODGE - FIELD 5562, SALWICK ROAD, TREALES ROSEACRE AND WHARLES ERECTION OF AGRICULTURAL STORAGE BUILDING - PART RETROSPECTIVE APPLICATION (RESUBMISSION OF APPLICATION 18/0373)	Grant	66
6	18/0875	THE COACH HOUSE, CHURCH ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SH SINGLE STOREY EXTENSION TO REAR AND SIDE OF EXISTING DETACHED GARAGE TO CREATE SWIMMING POOL	Grant	77

## Background Papers

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

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

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

# Planning Committee Schedule

## 16 January 2019

**Item Number:** 1

**Committee Date:** 16 January 2019

<b>Application Reference:</b>	18/0633	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Corbenyah	<b>Agent :</b>	Homeplan Designs
<b>Location:</b>	SPENGARTH, CROPPER ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LB		
<b>Proposal:</b>	OUTLINE APPLICATION FOR UP TO 10 DWELLINGS WITH ACCESS OFF CROPPER ROAD (ALL OTHER MATTERS RESERVED)		
<b>Ward:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	14	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7886976,-2.9968156,351m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Approve Subj 106

### Summary of Officer Recommendation

The proposal is an outline application for up to 10 dwellings on a 0.68 hectare site located on the north side of Cropper Road, west of Whitehills Industrial Estate. The site is allocated as a mixed use site for housing and employment in the Local Plan to 2032.

The residential development of the site is therefore entirely acceptable in principle and given the nature of the immediate surrounding environs, which include a residential development by Wainhomes, the proposed residential use is appropriate.

Having assessed the relevant considerations that are raised by this proposal it is officer's opinion that the development is of acceptable scale and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of the area. There are no objections from LCC Highways with regard to traffic generation or safety. As such it is considered that the proposal is acceptable and so it is recommended that the application be supported by Committee and granted planning permission subject to a s106 being concluded relating to affordable housing and provision of additional education capacity in the area.

### Reason for Reporting to Committee

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

### **Site Description and Location**

The application site is an existing large detached dwelling house known as Spengarth and its residential curtilage located to the rear of the dwelling constituting 0.68 hectares. The site is located at the northern end of Cropper Road to its east, with a caravan park and dwellings located to the north, approved residential development to the south and Whitehills Employment site to the east. To the west of the site is the open countryside.

The existing dwelling is a detached two storey red brick property which has been extended. There are a number of outbuildings to the rear of the property, and the rear garden is enclosed by hedgerows and has an existing pond within it. The existing site has a singular vehicular access from Cropper Road which serves the dwelling. Planning permission has been granted for housing previously on the site, and also on the land to the south of the site and there is a current application being considered by the LPA on the land to the east. To the west of the site is the opposite side of Cropper Road which consists of hedgerows and open land, a large amount of the developments along Cropper Road on this side are nurseries. The site is allocated as a mixed use site for both housing and employment, and also as a Strategic Location for Development in the Fylde Local Plan to 2032.

### **Details of Proposal**

The application site is the same as application 15/0807 which members resolved to grant planning permission for outline approval for up to 14 dwellings but was never determined as the s106 was not signed.

This an outline application for the same site but for the erection of up to 10 dwellings and means of access to the development applied for. Access to the site will from the modified existing access and a new junction created off Cropper Road for the existing dwelling itself. The application states that the existing access will be modified to create a new 43m x 2.4m visibility splay and that it also includes the creation of a new footpath/cycle path along the Cropper Road frontage to link up with the development to the south of the application site. The dwellings shown on the indicative site layout are a mix of detached and semi-detached dwellings and are proposed to be two-storeys. Hedgerows and trees to the periphery are shown to be retained however the existing pond on the site is shown to be infilled. This pond is a man-made feature.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0807	OUTLINE APPLICATION FOR UPTO 14 DWELLINGS WITH ACCESS OFF CROPPER ROAD (ALL OTHER MATTERS RESERVED)	Withdrawn by Applicant	
07/1259	ERECTION OF A WIND TURBINE	Granted	26/03/2008
06/0040	ROOF LIFT, SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION AND CONVERSION OF GARAGE.	Granted	10/04/2006
01/0149	ERECTION OF CONSERVATORY TO REAR OF DWELLING	Granted	27/04/2001
99/0647	ERECTION OF 4 STABLES, TACK AND STOREROOM	Granted	01/12/1999
99/0581	ALTERATIONS PLUS TWO STOREY SIDE EXTENSION TO DWELLING, ERECTION OF DOUBLE GARAGE, AND CHANGE OF USE OF	Granted	06/10/1999

99/0312	AGRICULTURAL LAND TO RESIDENTIAL CURTILAGE. AGRICULTURAL BUILDING FOR STORAGE	Withdrawn by Applicant	20/07/1999
---------	---	---------------------------	------------

### **Relevant Planning Appeals History**

None

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

**Westby with Plumpton Parish Council** notified on 12 October 2018 and comment:

*It was resolved to offer NO OBJECTIONS. However, it was noted that the Parish Council would encourage the developer to consider true bungalows and/or starter homes.*

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

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

*LCC Highways does not have any objections regarding the proposed outline application with access 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. This is an outline application with means of access a detailed matter.*

*The traffic generated by 10 dwellings here is unlikely to have a material impact on highway safety, access or capacity even after taking into account committed developments in that area. As such the principle of a residential development of this scale at this location is not opposed.*

*The means of access to the site is shown on plan HP/2561 PL / 18 / 05.1. The developer is showing access to 10 dwellings served of an access towards the northerly site boundary with Cropper Road and a new access to Spengarth towards the southerly boundary. The developer shows the provision of a 3m wide footway/cycleway from the northerly access to the southerly boundary of the site linking into the 3m wide footway/cycleway being provided by the developer on the adjacent land, this is considered necessary and acceptable. Whilst the internal layout of the site would be subject to a reserved matters application (should outline permission be granted) I would wish to see a footway provided into the site to a point beyond the end of the radius. This footway would need to be 2m minimum width. Thereinafter it may be acceptable to have a shared surface (depending upon whether or not the roads are to be adopted). In order to achieve this is may be necessary to reposition the proposed wall to Spengarth. The internal layout of the development would not be suitable (in the form presented) for adoption due to lack of service strips and turning heads.*

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

Their initial response dated 23/10/18 referred to taking into account previous ecology surveys undertaken both for this site and for the surrounding land, in addition to the updated bat survey report submitted with the application. But even when taking into account these previous surveys they advise that additional information regarding ecology is required before deciding the application. They advised that further information about bats and the pond were required. The applicants subsequently submitted an updated bat survey report and GMEU responded that having considered

this and previous information submitted for application 15/0807 state the following;

*In addition to the updated bat survey report I have now turned up additional relevant ecological information concerning the above site which was made available to inform the determination of a previous, similar application (ref. 15-0807). This new information (from 'envirotech' ecological consultants, submitted in February and May 2016) includes*

- *Details of an assessment of the pond on the site for its potential to support great crested newts*
- *Details of an assessment of the pond on the site for its potential to support water voles*
- *Further bat survey information*

*Although the envirotech assessments were carried out in 2015/2016 I would regard them as remaining relevant because the relative isolation and disturbance of the site (particularly in relation to the developments to the south) makes it unlikely that the site has shown significant ecological improvement since these surveys were carried out. Since the information from envirotech is relevant to the determination of the current application I would encourage the applicant to submit this information formally to inform the current application.*

*As a result of considering this new information I have the following amended comments on the application -*

#### Bats

*My comments regarding bats remain unchanged from my original response. The large garage / barn on the site which is due to be demolished as part of the development has been shown by survey to support a bat roost. As you are aware all UK bats and their roosting sites are specially protected. The indications are that the roost is a relatively small roost of a relatively common bat species (Pipistrelle) and that mitigation and compensation for bats will be possible on the site. I would conclude that the conservation status of bats is capable of being maintained if permission is granted to the scheme. But further information as regards the impact of the development on bats is required.*

*I would advise that as a Condition of any approval that may be granted to the application a Method Statement must be required to be prepared giving details of the measures to be taken to avoid harm to bats during the course of the development. Once approved the Method Statement must be implemented in full. To prepare the Method Statement further bat surveys will be required to more accurately design compensatory bat roost provision (the most recent bat surveys were conducted rather late in the year to give an accurate picture of the numbers of bats using the roost).*

*A (Low Impact) Licence will be required to be obtained from Natural England before undertaking any works that could cause harm to bats; this process is separate from and additional to any grant of planning permission.*

#### The Pond

*I would now accept that the pond has only low potential to support either water voles or great crested newts. Nevertheless I would recommend that as a Condition of any approval a precautionary pre-commencement survey of the pond for water vole. This condition should state that the survey should be undertaken prior to any vegetation*



clearance, earth moving or other enabling works and that the results of a recent post determination survey and any necessary mitigation should be submitted in writing to the LPA. The justification for this Condition is that -

- The condition of the habitat could change during the life time of an outline permission and become more suitable for the species
- Water vole have been recorded immediately adjacent to the site
- The adjacent area is, and will continue to be, subject to disturbance by the implementation of the adjacent developments. Therefore, any remnant/extant population of water vole may be displaced into other nearby habitats, even if they are sub-optimal.

#### **Strategic Housing**

*We have already accepted off site on application 15/0807 which was for 14 units, so I would accept off site again. Whilst when service increase in the area thing may change at the moment off-site is acceptable.*

#### **United Utilities - Water**

*In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We request the following drainage conditions are attached to any subsequent approval to reflect this approach.*

They then request conditions in relation to foul and surface water and surface water management.

#### **LCC Education**

There is a requirement for 4 primary school places and 2 secondary school places for which there is an existing shortfall. Therefore request contributions of £63,013.24 towards primary education and £47,474.56 towards secondary education. However these amounts assume all the properties are 4 bedrooms, and this will need to be calculated when the housing mix on the site is finalised at RM stage.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	12 October 2018
<b>Amended plans notified:</b>	
<b>Site Notice Date:</b>	18 October 2018
<b>Press Notice Date:</b>	
<b>Number of Responses</b>	None received.
<b>Summary of Comments</b>	

#### **Relevant Planning Policy**

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

DLF1	Development Locations for Fylde
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

GD7	Achieving Good Design in Development
CL2	Surface Water Run-Off and Sustainable Drainage
INF2	Developer Contributions
SL2	Fylde-Blackpool Periphery Strategic Location for Devt

**Other Relevant Policy:**

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

**Environmental Impact Assessment**

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

**Comment and Analysis**

**Principle of the development**

Planning application 15/0807 was approved by members for an outline application for 14 dwellings, however with the sale of the land that application was subsequently withdrawn before a legal agreement could be completed and planning permission issued.

Since that time the site has been allocated as part of the large MUS1 site within the Fylde-Blackpool Periphery Strategic Location for Development through SL2. MUS1 is anticipated to provide 529 dwellings and 5.7ha of employment and this site forms a small part of that. The site's location adjacent to existing and proposed housing lends itself to be developed for residential purposes as oppose to employment and therefore the principle of the development proposed here is acceptable.

With regard to housing mix policy H2 requires all developments of 10 or more dwellings to include at least 50% of dwellings to 3 beds or less. The indicative plan shows 5 of the dwellings to be 3 bedrooms and as such would comply with the policy. A condition will need to be placed on the decision to ensure that this is carried through at Reserved Matters.

**Impact on character of the area**

Whilst the principle of the development is acceptable another issue is the impact of the development visually on the character of the area. In this case the application site consists of an existing domestic property with an outbuilding and a large rear garden. The NPPF states that the intrinsic character and beauty of the countryside should be recognised however in this case the site is not an area designated for its landscape quality and furthermore the application site is located to the east of Cropper Road, and is now allocated as part of a strategic location for development with approved residential housing developments located to the south and east of the site, and a further housing allocation on the opposite side of Cropper Road to the west. To the north of the site are existing residential properties and a caravan park.

It has to be acknowledged that the development will have some impact on the character of the area however it is considered that the degree of harm will be very limited. The site is effectively contained visually by surrounding development and as such will not appear unduly intrusive in views from any direction. The indicative layout shows the retention of hedgerow and trees around the site's boundaries which will help to soften the developments appearance and also matches that of the development already approved. This application effectively fills a gap adjacent to developments

already permitted and existing development. It is not considered the development will have a significant visual impact, it will be well contained and surrounded by residential dwellings and existing natural landscape features.

#### Residential amenity

The application is an outline application with all matters reserved asides for access into the site. Appearance, layout and scale are matters reserved for future consideration however the indicative layout submitted shows the access road entering the application site from Cropper Road to the west, approximately 7m south of the side elevation of the dwelling known as Burnside and then traversing to the east, north of the dwelling known as Spengarth. The Council's Environmental Protection officer has previously commented that he has no objections to the proposal subject to the inclusion of conditions in relation to hours of construction and that in order to alleviate concerns of noise from road traffic that a 6" close board fence shall be erected along the boundary of the entrance road and the adjacent property to the north. This can again be subject to a condition. Whilst the application is made in outline it is considered that the dwellings on the indicative plan submitted are appropriately spaced and would not harm the residential amenity of existing dwellings or those currently being constructed around the site; there would be no unacceptable loss of light or overlooking created. The relationship on the indicative plans between the dwellings in the site and the adjacent one is acceptable and if a layout similar to the one submitted was developed the occupants would enjoy an acceptable level of amenity. There are therefore no issues with this proposal in terms of impact on residential amenity.

#### Highways

The application is an outline application with access a detailed matter for consideration. The application site as existing as a single dwelling house which is served by an access to the north of the site which leads to the rear of the dwelling and a garage. It is proposed that this dwelling on site be retained with a new access proposed off Cropper Road to serve that dwelling only and another new access north of the existing one to serve the proposed 10 new dwellings. LCC Highways have commented on these proposed new accesses stating that they have no objections, that the development will not have an impact on road safety, capacity or amenity. The submitted plans show the existing hedge to be moved back and a new 3m combined foot/cycle path across the frontage of the site to link into the footpath in front of the adjacent site. There are therefore no highways issues with the application subject to conditions to ensure these matters are carried forward in the development.

#### Flood risk and drainage

The site is identified as being within an area designated on the Environment Agency's Flood Map as Flood Risk Zone 1. This is land defined as having a less than 1 in 1000 annual probability of flooding. All uses of land including dwellings are regarded as appropriate within this zone. Because of the size of the site the application is not required to be submitted with a Flood Risk Assessment. United Utilities have no objections to the development and because of the size of the site the other drainage consultees have not made any comments. There are therefore no issues with flooding or drainage with this application.

#### Affordable housing

The Council has recently approved housing developments in the area with legal agreements attached that require 30% of the dwellings approved to be affordable houses in accordance with the

requirements carried through in Policy H4 of the Fylde Local Plan to 2032. However the developers have been unable to provide these as there have been no Registered Providers willing to take the houses on due to a variety of reasons including lack of funding in the sector, Fylde Council's restrictive lettings policy, and the site's location. As this application is for relatively few dwellings the Strategic Housing team have commented that it is appropriate to secure an off-site contribution towards affordable housing from the outset. Therefore the application being approved would be subject to a legal agreement to secure that contribution.

### Ecology

The application site does not contain any ecological or biodiversity designations and there are none within the vicinity of the site, however the site contains hedges, trees and buildings which have the potential to provide habitat for protected and priority species. The site is also surrounded by a ditch. The application was submitted with ecological surveys of the site including bats, hedgerows and water voles. These were assessed by the Council's ecological consultants GMEU who stated that the information was not sufficient in order to adequately assess the proposals impact on biodiversity and that the barn which is proposed to be demolished supports a bat roost and is therefore protected. They suggested that further survey work undertaken at the appropriate time of year (April – August weather dependant), was necessary to characterise the roost type and to assess if the provisional outlined mitigation plan is sufficient to mitigate for the loss of the roost. Further survey work was also required to establish the presence of water vole and amphibians and an impact assessment made regarding the loss of the pond.

Consequently a further updated ecological assessment was submitted which supplied further information about those protected species. With regard to great crested newts, eDNA analysis of the pond was collected and found none present which GMEU state is acceptable given the sites lack of connectivity to a pond landscape and the indication that the closest proximal pond (Daisyfield Nursery) has also been surveyed using eDNA analysis. GMEU advise that no further work is required on this matter.

With regard to water voles, information was submitted with result of previous surveys and the food plants available. GMEU state that it is reasonable to conclude that pre-commencement/Reserved Matters submission survey for water vole could be conditioned; as the presence of European Protected great crested newt can reasonably be ruled out, the quality of habitat appears poor for water vole over 2 years and the fact that the current application is in outline.

The information regarding Bat roosts was further supplemented with a Bat Survey report dated 9 May 2016 which confirmed the presence of a common pipistrelle bat roost in the garage and that a low impact class licence could be used to cover the demolition of the structure. GMEU agree with this. The report includes a suitable demolition strategy and mitigation proposal has been supplied which indicates that the work can be undertaken following registration with Natural England's Low Impact Class Licence Scheme. GMEU recommend conditions in relation to mitigation, landscaping and surveys and state that the application can be forwarded to determination.

The application site is not designated for its nature conservation value and it is not adjacent to any designated sites. The surveys undertaken have been conducted to appropriate standards and proportionate to the potential of the site to support protected species. It is not considered that further ecological surveys need to be conducted prior to determining of the application. It is not considered that the development will cause substantive harm to nature conservation interests. There will be some minor impacts on local nature and precautions to protect these interests including no vegetation clearance during bird nesting season, protection of trees and hedgerow

during construction and biodiversity enhancements to be incorporated into the scheme can be subject to planning conditions. Therefore with these conditions in place a scheme some degree of biodiversity enhancement will be possible in the development of the site. The report submitted shows there will not be any unacceptable effect on protected species or priority habitat subject to appropriate mitigation and compensation and conditions will be used to ensure this. It is considered that with mitigation the development of the site is acceptable.

#### Public open space

The Fylde Local Plan to 2032 requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy ENV4, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, and the illustrative layout does not indicate any facility being included, this will need to be addressed at Reserved Matters. As an alternative, the site is close to the proposed open space and play area on the adjacent site which would give reasonable access to play facilities and so it may be that actual on site provision is not required and an off-site contribution may be appropriate. Whichever delivery mechanism is taken up it is considered that the proposal could comply with Policy ENV4 and so no reason for refusal on this matter is justified. A condition will be required to ensure one of these options is carried through at Reserved Matters.

#### Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with INF2 of the Local Plan to 2032 providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case there is an anticipated short fall of two secondary school places and four primary school places in the area to accommodate the additional children that would result from the development and the Applicant would have to make a contribution in the order of £63,013.24 towards primary education and £47,474.56 towards secondary education. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application. This contribution would be secured through a section 106 agreement, if permission was granted.

#### Conclusions

The development as proposed is considered to form sustainable development and is acceptable in principle as it is for the development of an allocated site in the Local Plan to 2032. There are no highways issues with the proposal, and with appropriate conditions and contributions the development will have an acceptable impact.

#### Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing subject to the following:

- 1) The completion of a s106 planning obligation to secure the following (The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority):
  - A financial contribution of £150,000 to Fylde Council towards the provision of affordable dwellings within Fylde in accordance with the requirements of Policies H4 and INF2 of the

- Fylde Local Plan to 2032, along with the phasing of that payment
    - a financial contribution of £63,013.24 to Lancashire County Council towards primary education and £47,474.56 towards secondary education (and the phasing of the payment of this contribution) towards the improvement of education capacity in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the Fylde Local Plan to 2032.
- 2) A series of Planning Conditions and Reasons which the Head of Planning and Housing considers are appropriate to ensure that the development is undertaken in accordance with the standards required by policy. The following are the current suggestions for these:
1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
    - [a] The expiration of five years from the date of this permission;
    - or
    - [b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
  2. Before any development is commenced (a) reserved matters application(s) must be submitted to and approved by the Local Planning Authority in respect of the following reserved matters:
 

Nos. (1, 2, 3 and 5)

(Reserved matters are:-

1.	Layout
2.	Scale
3.	Appearance
4.	Access
5.	Landscaping

Reason: This permission is an outline planning permission and details of these matters still remain to be submitted.
  3. This permission / consent relates to the following details:
 

Approved plans:

    - Location Plan - 0. site plan
    - Proposed layout plan - HP/2561 PL/18/05.1

Supporting Reports:

    - Planning Statement
    - Drainage Strategy and assessment of flood risk
    - Follow-up Bat Survey Report (Oatlands Ecology)
    - Hedgerow Survey (Envirotech)

Reason: To provide clarity to the permission.

4. No part of the development hereby approved shall commence until a scheme for the construction of the improved existing site access, the new access to Spengarth and the off-site works of highway improvement namely the 3m wide shared footpath/cyclepath has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The approved scheme shall be implemented in full prior to first occupation of the dwellings.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and that the development provides an appropriate level of accessibility to the wider highway network.

5. Prior to the commencement of any development details of the design, location, access arrangements, phasing of provision, and on-going maintenance arrangements of the public open space for the development shall be submitted to and approved in writing by the local planning authority. This provision shall be at least in accordance with the requirements of Policy ENV4 of the Local Plan to 2032 and shall be implemented and maintained in accordance with the approved scheme.

Reason: To ensure the provision and retention of appropriate levels of public open space to serve the development as required by Policy ENV4 of the Fylde Local Plan to 2032.

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

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

7. Prior to commencement of the development hereby permitted, details of the incorporation of bat roosting (in addition to that required by NE licence) and bird nesting opportunities that shall be incorporated into the design of the development (i.e. into new buildings) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of the works and shall thereafter be implemented in accordance with that phasing.

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

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

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

9. All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the Local Planning Authority. No

removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the Local Planning Authority.

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

10. No external lighting shall be installed until details of a lighting scheme have been submitted and approved in writing by Fylde Borough Council. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

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

11. Prior to commencement of works a fully detailed method statement to demonstrate that impacts on amphibians will be avoided both during the site clearance and development works and during the operational phase shall be submitted for approval in writing by Fylde Borough Council. Any approved details shall be implemented in full. If the presence of Great Crested Newt is detected at any point then all works shall cease until advice has been sought from an appropriately qualified person including regarding the need for a Natural England licence.

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

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

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

13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- a. the identification of the site access for construction traffic
- b. the parking of vehicles of site operatives and visitors
- c. loading and unloading of plant and materials
- d. storage of plant and materials used in constructing the development
- e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f. wheel washing facilities
- g. measures to control the emission of dust and dirt during construction
- h. a scheme for recycling/disposing of waste resulting from demolition and construction works
- i. hours of operation to be limited to 08.00 -18.00 Monday to Friday; 08.00 - 13.00 Saturday and no noise/work activity on Sundays or Bank Holidays.

Reason: To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

14. No site clearance, site preparation or development work shall take place until a fully detailed landscaping/habitat creation and management plan has been submitted and approved in writing



by Fylde Borough Council. The scheme shall demonstrate (1) adequate planting of native species appropriate to the locality to compensate for direct and indirect impacts including a locally native species planting scheme to the buffer and margins of the watercourse and dyke (2) that habitat connectivity through the site and to the wider area will be retained as a minimum, including for amphibians (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The approved details shall be implemented in full.

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

15. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, details of the surface water drainage scheme and a management and maintenance plan for the lifetime of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions and must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The management and maintenance plan must include as a minimum;
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall be completed and maintained in accordance with the approved details.

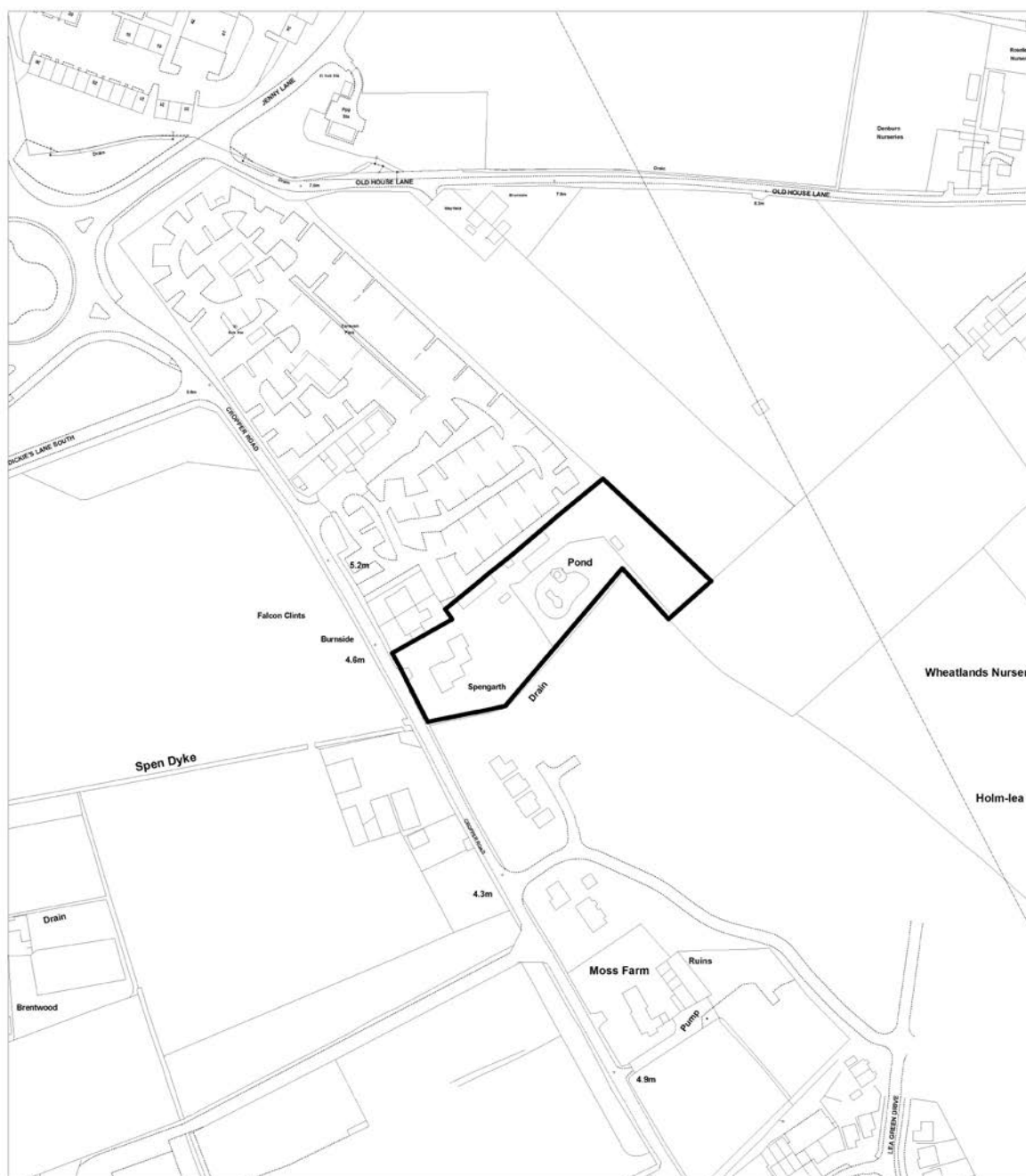
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

16. Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to condition 2 of this permission shall include details of the mix of type and size (including bedroom numbers) of the dwellings to be provided, which shall demonstrate compliance with the requirements of policy H2 of the Fylde Council Local Plan to 2032. The development shall thereafter be carried out in accordance with the duly approved details.

Reason: To ensure that the development delivers an appropriate mix of types and sizes of housing suitable for a broad range of age groups to reflect the demographics and housing requirements of the Borough as set out in the Fylde Coast Strategic Housing Market Assessment in accordance with the requirements of policy H2 of the Fylde Council Local Plan to 2032 and the National Planning Policy Framework.

17. Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to condition 2 of this permission shall provide for at least 20% of the properties that are designed specifically to accommodate the elderly including compliance with optional technical standard M4(3A) (wheelchair-accessible dwellings) unless a different percentage is required to comply with Policy H2 of the Fylde Local Plan to 2032.

Reason: To ensure that the identified need for the provision of properties for this sector is catered for in this development as required by Policy H2 of the Fylde Local Plan to 2032, and the National Planning Policy Framework.



(c) Crown Copyright and database right (2019).  
Ordnance Survey (100006084).

Application No.  
5/18/0633

Address  
Spengarth, Cropper Road, Westby

Grid Ref.  
E.3344 : N.4329

Scale  
0 10 20 30 40 m

**Item Number:** 2

**Committee Date:** 16 January 2019

<b>Application Reference:</b>	18/0682	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Allerton Group	<b>Agent :</b>	Architectural Design Consultants
<b>Location:</b>	34 DERBE ROAD, LYTHAM ST ANNES, FY8 1NJ		
<b>Proposal:</b>	CONVERSION OF EXISTING HOTEL (USE CLASS C1) TO 12 FLATS (11 X 1 BED AND 1 X 2 BED) PROVIDING SUPPORTED LIVING ACCOMMODATION (USE CLASS C3(B)) INCLUDING SINGLE STOREY PLANT ROOM EXTENSION TO REAR AND ASSOCIATED EXTERNAL ALTERATIONS TO BUILDING		
<b>Ward:</b>	FAIRHAVEN	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	18	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Awaiting Further Information		

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

<https://www.google.co.uk/maps/@53.7450222,-3.0232429,175m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to the former Elsinghurst Hotel at no. 34 Derbe Road, Lytham St Annes. The proposal seeks to convert the building from a 22 bedroom hotel (use class C1) into 12 flats which are intended to provide supported living accommodation for adults with learning difficulties and mental health issues (a use falling within class C3(b)). The application also includes the addition of a single storey extension to the rear of property and associated external alterations to window and door openings across the building's elevations.

The former (now vacant) hotel falls outside the Holiday Area in St Annes as defined on the FLP and SANDP Policies Maps and, accordingly, its conversion to residential use would not undermine or unacceptably diminish the offer of tourist accommodation in St Annes. The proposed use is one which is inherently residential in character – with each flat providing a self-contained unit of permanent residential accommodation – but incorporates an element of care to be provided for residents. The level of care will vary depending on each resident's needs, though the overarching intention of supported housing is to allow occupants to live independently with the ability to access help and assistance with everyday activities where required. Accordingly, the proposed C3(b) use is different to and distinct from a care home (a C2 use).

The application property is located to the southern end of Derbe Road which includes a combination of apartments, hotels/guest houses and other dwellings. The Alexandria Drive Local Centre extends around the crossroad junction of Derbe Road and Alexandria Drive a short distance to the north and comprises a series of commercial premises. Given the mix of surrounding uses in the locality, including the prevalence of other apartment developments, the proposal would not adversely alter or be incompatible with the varied character of the

area. Similarly, when considered in comparison with the building's previous use as a 22 bed hotel, the proposed 12 supported housing units – by virtue of their number, use and nature, including support staff and visitor comings and goings – would not unduly affect the amenity and living conditions of neighbouring occupiers by reason of noise disturbance, crime and disorder, loss of privacy or any other nuisance. The proposed external alterations to the building are modest in scale and would not give rise to any adverse effects with respect to loss of outlook, overlooking or overshadowing.

The site occupies a sustainable location within the settlement boundary which benefits from good access to public transport, shops and services by means of transport other than private car. Accordingly, it is a suitable location for housing and would make efficient use of previously developed land by bringing a vacant building back into use. When the site's accessibility credentials are assessed in combination with the fact that future residents are unlikely to have their own vehicle, that alternative public parking is readily available nearby and that greater traffic generation and parking demand is likely to have arisen in connection the building's previous use as a 22 bed hotel, it is not considered that the proposed development would have any severe effects on the capacity and/or safety of the surrounding highway network.

As the proposal involves the provision of specialist accommodation which would not be available to the open market, it is not considered that contributions towards the provision of affordable housing, public open space or education are required to make the development acceptable in planning terms. Appropriate conditions would be imposed to control the future use of the building for any other purpose (including another use falling within use class C3) in order to preserve this position.

No other adverse effects would arise that would significantly and demonstrably outweigh the scheme's benefits. Accordingly, the proposal is considered to represent sustainable development in accordance with relevant adopted policies contained within the SANDP, FLP and the provisions of the NPPF.

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

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

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

The application relates to the former Elsinghurst Hotel – a detached, three-storey building at no. 34 Derbe Road, Lytham St Annes. The former 22-bedroom hotel is located to the southern end of Derbe Road in close proximity to the junction with Inner Promenade and is presently vacant.

The building is set within an elongated plot and has three storey additions to the immediate rear with a lower ridge height than the main roof and a flat-roofed, single storey addition to the northwest corner which includes an external staircase running to the upper floors. A narrow, L-shaped outdoor amenity area flanks the extensions to the rear of the building, with a flat-roofed storage shelter located to the south side of the property. A hardstanding forecourt enclosed by a low brick wall is located to the front of the building with access off Derbe Road.

Adjacent buildings include split level three/four storey apartment blocks to the south (Vernon Lodge and Hillcliffe), a recently-constructed three storey block of apartments to the west (The Atrium) and

a three-storey building which has been converted into 9 flats to the north (no. 32 Derbe Road). Properties on the opposite side of Derbe Road to the east include a mix of guest houses (nos. 39 and 41) and an accountant's office (no. 43). The apartment buildings to the south and west have a mix of car parks and garages bordering the site. The Alexandria Drive Local Centre extends around the crossroad junction of Derbe Road and Alexandria Drive a short distance to the north. The Local Centre comprises a mix of commercial premises.

The site falls within the Settlement Boundary of Lytham St Annes as defined on the Fylde Local Plan to 2032 Policies Map. There are no other Local Plan designations applicable to the site.

### **Proposal**

The application seeks full planning permission for the conversion of the building from a 22-bedroom hotel (use class C1) to 12 self-contained flats (11 x one bed and 1 x two bed) which are intended to provide supported housing for adults with learning difficulties and mental health issues. This is a use falling within class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) which is defined in that Order as follows:

*“Use as a dwellinghouse (whether or not as a sole or main residence) by – not more than six residents living together as a single household where care is provided for residents”.*

The term “care” is defined in the abovementioned Order as follows – *“means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment”.*

The applicant has included a supplementary statement with their application which includes the following details concerning the nature and operation of the proposed use:

- **Examples of learning difficulties & mental health issues** – Generic examples may be a learning difficulty from birth such as autism or down syndrome. Mental health may fall under the category of PTSD, depression and/or anxiety. Future residents will not be referred because of drug or alcohol dependency issues.
- **Age ranges and gender**– Occupants could be aged anywhere from 18 – 65, though it is anticipated that most of the residents will be aged between 20 and 30 to provide support for college leavers. Both male and female residents will be accommodated at the site.
- **Local connection criteria** – As residents have a right to choose where they live there are no geographical restrictions as to where future occupants may come from (as with all supported housing schemes in the UK). However, there is a waiting list of district referrals for this property, all of which are local to the Fylde Coast. At present future occupiers are living in unsuitable properties where their needs cannot be properly catered for (e.g. private rental housing or living with parents).
- **Other company connections** – Wave supported Lives are the local care provider whose staff will support residents, and are a part of Allerton Care. The company 28A Supported Living is a housing association and is a Registered Provider with Homes England. The role of 28A Supported Living is to provide the upkeep and maintenance of the property and to help residents with budgeting, rent contributions and utility bills.
- **Level of care** – This will differ depending on the bespoke package for each individual. There is a single two-bed flat which will provide sleep-in accommodation for a full time carer if required. However, as this is not a care home it is not intended to provide staffing at the site 24/7. Staff visits will be spread flexibly throughout the day rather than operating on a fixed-time basis. There will also be access to care and maintenance staff out of normal

working hours should the need arise. Residents will be able to come and go independently.

- **Parking and access to vehicles** – Due to their conditions and ongoing medical challenges it is highly unlikely that future residents will hold a driving licence. On-site parking is primary intended for care staff and visitors.

The application also includes the following external alterations to the building in order to facilitate its conversion:

- The addition of a flat-roofed, single storey extension to the rear (southwest) corner of the building to accommodate a plant room. The extension would measure 1.8m in length, 2.3m in width and 3m in height.
- The re-sizing and/or introduction of additional ground floor windows to the south, west and north facing elevations of the building.
- The provision of four car parking spaces within the forecourt to the front of the property.
- The provision of a bin store within an enclosure to the south side of the building.
- The demolition of existing flat-roofed, single storey enlargements to the rear and side of the building.
- The removal of the external staircase serving the upper floors to the rear of the building and the blocking up of two existing doorways to the rear elevation at first and second floor levels.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
84/0085	FLAG POLE AND FLAG.	Granted	29/02/1984
79/1081	FIRST AND SECOND FLOOR EXTENSION.	Granted	12/12/1979
79/0113	BEDROOM EXTENSION.	Granted	14/03/1979
78/1003	ALTERATIONS TO ROOF FORMING FRONT AND REAR DORMERS.	Refused	08/11/1978
76/0681	TIMBER-FRAMED CARPORT	Granted	08/09/1976
76/0182	SUNLOUNGE.	Refused	14/04/1976
75/0507	LOUNGE EXTENSION AND COVERED OPEN AREA.	Granted	17/09/1975

### **Relevant Planning Appeals History**

None

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

**St Anne's on the Sea Town Council** – Responses dated 21.09.18 and 23.11.18 confirming “no specific observations” in respect of the application.

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

*Councillor David Donaldson:* Comments that he has no objections to the application.

*Education Authority (LCC):* An education contribution is not required in connection with this development.

*Lancashire Police:* Recommendations and observations concerning security as follows:

- The conversion to a block of flats should be undertaken in accordance with the principles of

the police preferred security specification Secured by Design. Further details relating to SBD can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

- The boundary of the scheme should be secured with a 1.8m high close boarded timber fence at the side and rear. A 1.8m high lockable gate should restrict access to the side and rear of the building, this should be fitted as close to the front elevation as possible. This is an important security feature as a high proportion of burglaries occur whereby the offender gains entry into the property via a side or rear ground floor door or window.
- All external doors and the internal bedroom doors should be certified to PAS 24:2016 or an alternative accepted security standard, such as LPS 1175. All ground floor and other accessible windows must be certified to PAS 24:2016 security standard in compliance with Building Regulations Approved Document 'Q'. Glazing should be laminated and all units should include key operated window 'restrictors' to reduce the opportunity of 'sneak-in' type thefts.
- The building should be covered by a day/night capable CCTV system that provides coverage of the main entrance. Cameras should be positioned out of reach where they cannot be tampered with. Recording equipment must be stored in a securely locked room. CCTV helps to modify potential offenders behaviour and when covering the main entrance it can help to prevent tailgating of residents by potential intruders.
- The building should be illuminated with dusk till dawn fittings on every elevation that incorporates a door.
- The building should be fitted with a monitored Intruder Alarm system installed to EN50131 (Grade 1-4). The alarm installation company should be certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security sector. A risk assessment should identify whether the design of the alarm system incorporates a combination of internal passive infrared detectors, magnetic door and window contacts and personal attack facilities.
- The waste bin store should be well lit, have a lockable lid and be secured to reduce the risk of arson and nuisance caused by bins being removed, especially those with wheels that can be used as climbing aids. Boundary treatments to the bin store should allow some natural surveillance into the area to reduce the risk of it being targeted for damage and nuisance. This area should also be covered by the CCTV system.

*Local Highway Authority (LHA) – LCC Highways:* No objections. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. It is requested that provision is made for the secure and covered storage for mobility scooters with charging points.

*Strategic Housing:*

- Lancashire County Council have recently published a draft housing with care and support strategy 2018-19 which is currently out for consultation. They define housing with care and support as being purpose built or adapted with a range of tenures and the availability of up to 24/7 care and support. They are aiming to have more smaller-scale Flat Schemes for younger adults with disabilities. The strategy for younger adults with disabilities attempts to address the fact that there are too many shared housing and not enough modern flat schemes. There is a need to shift to a model of Housing with Care and Support which is more financially sustainable and enables independent living.
- The strategy notes that there is too much reliance on shared housing across Lancashire and there is a clear need for more flat schemes to modernise the offer of housing with care and support jointly with the NHS. The proposed scheme meets the accommodation requirements Lancashire County Council have identified for younger adults with disabilities.

- Allerton Care would need to become a recognised provider with Lancashire County Council in order to assist them to meet their duties to provide accommodation for younger adults with disabilities.
- The proposal at 34 Derbe Road meets many of the priorities under LCC care and support strategy which is to develop more smaller scale flat schemes for younger adults with disabilities.

### **Neighbour Observations**

<b>Neighbours notified:</b>	13 September 2018
<b>Site notice posted:</b>	5 October 2018
<b>Press notice:</b>	27 September 2018
<b>Amended plans notified:</b>	15 November 2018
<b>No. Of Responses Received:</b>	20
<b>Nature of comments made:</b>	20 objections

The appropriate neighbouring properties were notified of the application by letter on 13.09.18. In addition, as the application involves major development notices have been posted on site and in the local press. Neighbouring residents were also re-notified following the receipt of an additional supporting statement from the applicant on 15.11.18 and given a further 21 days to comment on the proposal. A total of 20 letters have been received in objection to the application. The comments made in the letters are summarised as follows:

#### ***Lack of clarity concerning the proposed use:***

- It is unclear how the future occupiers of the flats will be referred and what criteria they will need to meet. In particular: (i) will residents be from the local area and where are they living at present? (ii) the age and gender of the residents and the nature of their problems is unclear; (iii) Will there be a live-in carer/manager on site at all times and can neighbouring residents contact a manager out of hours?; (iv) will residents have drug and/or alcohol dependency issues?; (v) who is responsible for looking after the residents on a day to day basis and on what basis is care provided? (vi) Allerton Care state that they already operate a supported housing scheme in St Annes but no details regarding the location of this facility are provided.
- The application form states, at Q18, that the proposed development will not require the employment of any staff. Therefore, the number, frequency, duration and nature of carer and/or other staffing visits is unclear.
- The proposed development for C3(b) use would, in effect, introduce a large scale House in multiple Occupation which would adversely alter the character of the area and would result in a loss of holiday accommodation in a tourist area close to the sea front.
- The application does not state the needs of and what kind of support the residents will require. It would be inappropriate for people with complex mental health issues to be housed in this area.

#### ***Amenity impacts:***

- The number of flats and nature of the residents' problems, combined with carer comings and goings – potentially at all hours – has the potential to cause added noise, disturbance and loss of privacy to neighbouring occupiers, particularly those in Vernon Lodge with windows facing the application building. Frosted glass should be installed to windows overlooking apartments to the south.
- Many surrounding apartments are predominantly occupied by elderly residents and this area is popular with tourists. As there will not be a 24 hour staffing presence at the site it is



unclear what provisions will be made for out of hours care/supervision should the need arise. Individuals with mental health issues and learning difficulties can be unpredictable in their behaviour resulting in diminished responsibility for their actions. Therefore, the nature of the use has the potential to prejudice the safety of both the residents themselves and surrounding occupiers/visitors when the proposed residents are left unsupervised.

- The site lacks any outdoor amenity space and gardens for residents. This could result in residents gathering within the forecourt to the front of the building with potential for added noise and disturbance.

***Queries concerning the company structure and operational model:***

- There are 4 separate companies involved in this development – Allerton Group, Allerton Care Ltd, Wave Supported Lives Ltd and 28A Supported Living Ltd. It is, however, unclear what the responsibilities of each company are and how their roles fit together. All these companies are recently incorporated and/or have been taken over with directors/management replaced and/or altered between May and July 2018. With all the changes that have taken place in recent months within these Companies, and due to the special needs of the proposed tenants, it is unclear whether an adequate level of expertise and support will be maintained in order to operate this new establishment at the level required by the Care Quality Commission. It is also a concern that apart from Wave Supported Lives Ltd, these Companies are based in London, Leicester and Barnsley, thus leaving limited local management and supervision.
- As the housing association is based in Pontefract how can the establishment be run safely and maintained from such a distance away.
- Who will be responsible for building maintenance?
- It is unclear how/whether the ownership of the building has changed and who the freeholder is.
- Residents have been advised that the applicant would arrange a meeting with neighbours in order to explain the nature and operation of the use and the rationale behind the proposed. However, no such meeting has taken place, nor has contact been made with residents by the applicant.

***Parking:***

- Derbe Road and surrounding streets are already congested due to on-street parking associated with visitors to hotels, patrons of shops on Alexandria Drive and existing residents. This development would exacerbate matters by failing to provide adequate off-street parking.
- The 4 parking spaces proposed by the development are insufficient to cater for 12 flats and associated parking demand from carers and visitors.
- The two tandem parking spaces proposed to the side of the building would be inaccessible.

***Recommended conditions:***

- If planning permission is granted conditions should be attached to: (i) give the applicant a temporary permission for 12 months in order to allow the effects of the use to be reviewed during this period, with provision for the use to cease if it causes harm to the character of the area and amenity of surrounding residents; (ii) any permission should be made personal to the applicant so that the operation cannot be transferred between companies; (iii) restrict the use to that applied for and that any other use (including another falling within class C3) will require a separate consent; (iv) other development matters relating to on-site parking, noise levels, waste disposal and ensuring that activities relating to the proposed use shall be conducted within the building and not outside.
- Given the wide-ranging definition of a C3(b) use and the potential for provision of other

types of care beyond those applied for by this applicant (i.e. for people with drug/alcohol dependency issues and/or as a children's home), a condition should be imposed to restrict the use of the building for the care of people with learning difficulties and mental health issues only in order to prevent a different operator taking on the building for a different use in the future.

**Other:**

- The proposed plans do not appear to make any provision for bin storage and it is unclear who will be responsible for putting the bins out and bringing them back in. The number and size of bins is also unclear as 12 flats with refuse and recycling bins could result in up to 48 individual bins being stored at the site.
- The development would de-value surrounding properties who pay a premium in council tax.
- Facilities for the evacuation of residents in the event of a fire have not been considered on the plans.
- Residents are advised that a 1.8m high fence is to be constructed around the perimeter of the site. If this comes to the front of the property the fence will block views for vehicles exiting the car park at Vernon Lodge.

**Officer note:** The submitted plans do not show the installation of any additional boundary treatments to the site perimeter. Accordingly, this is not a matter which forms part of the application. Any boundary treatment over 1m in height which would be positioned adjacent to the highway would require a separate planning permission and the effects of such a boundary treatment would be considered at that time.

**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 Planning Inspectorate issued a letter to the Council on 18 September 2018 confirming that the Fylde Council Local Plan to 2032 (as modified) is sound. Specifically, the Local Plan Inspector confirms at paragraph 216 of her report "that with the recommended main modifications set out in the Appendix the Fylde Council Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in 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 and, accordingly, has replaced the Fylde Borough Local Plan (As Altered) 2005 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. In addition, as the site also falls within the boundaries of the Saint Anne's on the Sea Neighbourhood Development Plan (SANDP), the Neighbourhood Plan is also part of the statutory Development Plan.

**Fylde Local Plan to 2032:**

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC7	Tourism Accommodation

H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H3	Conversions and Change of Use to Residential
H4	Affordable Housing
INF2	Developer Contributions
T5	Parking Standards
CL2	Surface Water Run-Off and Sustainable Drainage
ENV4	Provision of New Open Space

### **Saint Anne's on the Sea Neighbourhood Development Plan (SANDP):**

GP1 – Settlement boundary  
DH1 – Creating a distinctive St Anne's  
E7 – Tourism accommodation  
HOU1 – Housing development  
HOU2 – Conversion of existing properties into flats and HMOs  
HOU4 – Residential design  
DEL1 – Developer contributions

### **Other Relevant Policy:**

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

### **Environmental Impact Assessment**

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

### **Analysis**

#### **Policy context and main issues:**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in paragraph 2 of the NPPF. The statutory development plan for Fylde comprises the FLP and, in this location, the SANDP.

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

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

Having regard to the nature of the development proposed and the responses received in respect of

it, the main issues in this case are considered to be:

- The principle of development.
- The development's effects on the character and appearance of the area.
- The scheme's impact on the amenity of surrounding occupiers and whether it would provide a good standard of amenity for future occupiers.
- The development's impact on highway safety.
- Other matters including developer contributions and the imposition of planning conditions.

Principle of development:

The site is inside the settlement boundary of Lytham St Annes. FLP policy GD1 and SANDP policy GP1 are permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local and Neighbourhood Plan policies. In particular, SANDP policy GP1 indicates that development on previously developed (brownfield) land will be encouraged.

*Loss of tourist accommodation:*

FLP policy EC7 states that "high quality serviced tourism accommodation (e.g. hotels) will be encouraged in the Holiday Areas in St Annes, as defined on the Policies Map". The policy goes on to indicate that the "loss of serviced tourism accommodation either to non-serviced accommodation or to other uses in these areas [the Holiday Areas defined on the Policies Map] will be resisted".

SANDP policy E7 repeats the requirements of FLP policy EC7 by stating that "within the Holiday Areas, as defined on the Policies Map, the change of use from serviced tourism accommodation will be resisted". In addition, SANDP policy E7 indicates that, outside the defined Holiday Areas, "the change of use from serviced tourism accommodation will be supported subject to the following criteria (i – iii):

- i. the proposed alternative use would also support local tourism, including self-catering accommodation, or
- ii. the proposed alternative use would otherwise support the local economy by providing employment, or
- iii. the proposed alternative use would contribute to the needs of the community, in terms of providing a community facility or housing.

Despite its previous use as a hotel, the (now vacant) application building falls outside the Holiday Areas defined on the FLP and SANDP Policies Maps. Accordingly, the restrictions relating to the conversion of serviced tourism accommodation to other uses set out in policies EC7 and E7 do not apply in this case.

With respect to the additional criteria relating to the conversion of serviced tourism accommodation located outside the defined Holiday Areas to other uses as identified in the second part of SANDP policy E7, criterion (iii) of that policy is permissive of such a change where this would contribute to the needs of the community, including through the provision of housing. Whilst the proposed C3(b) use involves an element of care, it falls under the classification of use as a dwellinghouse and, accordingly, satisfies the exception in criterion (iii) of SANDP policy E7 where the conversion of serviced tourism accommodation to other uses can be permitted.

Given the above, the proposed development would not conflict with the provisions of the FLP or SANDP due to the loss of serviced tourism accommodation. It is also noted that the Elsinghurst Hotel has ceased trading as a hotel and, accordingly, the conversion of a vacant building on a previously developed site within the settlement boundary to housing would bring economic and social benefits

that weigh in favour of the scheme.

*Nature of the proposed use and principle of residential development:*

Paragraph 59 of the NPPF sets out the Government's objective of "significantly boosting the supply of homes", including ensuring that the "needs of groups with specific housing requirements are addressed". In this respect, paragraph 61 of the Framework states that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to [...] people with disabilities".

FLP policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8715 new homes in accordance with a Development Strategy which follows the four-tier settlement hierarchy set out in policy S1. FLP policy S1 identifies St Annes as a "Key Service Centre" sitting at the top of the settlement hierarchy and policy DLF1 identifies Lytham and St Annes as one of four "Strategic Locations for Development".

FLP policy H2 requires developments to provide a "broad mix of types and site of home" with a specific requirement for developments of 10 or more dwellings to provide at least 50% of dwellings that are one, two or three bedroom homes. FLP policy H3 also sets out criteria for residential conversions in relation to issues including the amenity of nearby residents, the character of the area, access to services, parking provision, promoting good design and the provision of private amenity space.

SANDP policy HOU1 states that housing development on previously developed land and land within the settlement boundary will be positively supported subject to other development plan policies being satisfied. Similarly to FLP policy H3, SANDP policy HOU2 sets out six factors which will be taken into account when considering proposals to convert properties into flats.

The proposal seeks to convert the existing 22 bed hotel to 12 self-contained flats (11 x 1 bed and 1 x 2 bed) which are to provide supported housing for residents with learning difficulties and mental health issues. This is a use which falls within use class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Despite providing a form of specialist accommodation, the proposed use is one which is inherently residential in its nature and each apartment would be self-contained with its own separate kitchen, bathroom, living and sleeping facilities. Accordingly, the proposed use falls properly within category C3 and is not, as has been suggested by objectors, a House in Multiple Occupation.

The nature and operation of the use is summarised in the 'Proposal' section above which has been compiled with reference to the applicant's own supporting statement following queries from neighbouring residents who have submitted representation in objection to the scheme. In particular, the applicant's supporting statement clarifies that future residents will have "mild" learning difficulties such as autism or down syndrome and that examples of mental health issues could include PTSD, depression and/or anxiety. While objectors have questioned the meaning/quantifiability of the term "mild", the overarching context to this is clarified by the intention of the supporting housing scheme to provide day-to-day support for residents who are otherwise capable of independent living but require assistance with everyday tasks and activities. In this respect, the proposed use is, therefore, different to and distinct from a care home where care would normally be provided 24 hours a day, 7 days a week (and which would fall within use class C2).

As the proposed C3(b) use is different to a care home, there is no requirement for a 24/7 staffing

presence on the site. Instead, residents will be supported by external care staff (delivered by local care provider “Wave Supported Lives Ltd”) and the housing association (28A Supported Living) who will, in effect, assume the role of a landlord. The level of care provided will depend on the individual needs of each resident and will vary accordingly. As a result, visits by carers are to be spread throughout the day on a flexible basis which will depend on residents’ needs rather than a regimented ‘rota’. Residents will also be able to contact support staff outside normal working hours (e.g. in the evenings) should the need arise.

The applicant’s supporting statement also clarifies that the use will cater to adults aged between 18 and 65, though it is anticipated that most resident will be aged between 20 and 30 to support college leavers. Both male and female residents will be accommodated at the site. The applicant has also clarified that it is not intended for residents to be referred because of drug or alcohol dependency issues. While the applicant envisages, based on their district-level waiting list, that residents referred to the development will be from the Fylde Coast, this local connection cannot be guaranteed for all future residents as people in supported housing have a right to choose where they live.

As the application seeks to convert an existing building to housing it would make efficient use of previously developed land within the settlement boundary. St Annes is identified as a Key Service Centre and a Strategic Location for Development in the FLP. Moreover, given the site’s proximity to the Local Centre at the crossroad junction with Alexandria Drive and bus stops at the junction with Clifton Drive South further to the north, it is a suitable location for housing which is readily accessible to shops, services and public transport. St Annes Town Centre is also located within 1 mile of the site and, accordingly, is within comfortable walking distance. The proposed mix of one and two bed flats complies with the dwelling size criteria in FLP policy H2 and the provision of specialist accommodation for supported housing is also advocated by the need to provide a mix of dwelling types as identified in the NPPF. Accordingly, the principle of this type of residential development in this location is acceptable, subject to the development fulfilling the requirements of other detailed policies (including FLP policy H3 and SANDP policy HOU2).

#### Character and appearance:

FLP policy H3 indicates that residential conversions should pay careful attention to the character of the area and the promotion of good design.

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (a – o). Criteria (d), (g), (h), (i), (k) and (l) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Applying Secured by Design principles to all new developments.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of

the new development into the built and historic environment.

- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.

Criteria (d) and (f) of SANDP policy HOU2 state that, in determining planning applications to convert properties into flats, the Council will have regard to:

- General effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs.
- Adequate provision and screening for, waste and recycling facilities.

SANDP policy DH1 requires that “all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods.” Policy HOU4 refers to a requirement for new residential development to being designed in accordance with the principles set out in the Design Guide SPD, though with the exception of encouraging the adoption of renewable energy technologies the main requirements of the policy relate only to developments in excess of 25 dwellings.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The proposed development involves the conversion of the existing building, to be achieved predominantly through changes to the configuration of the existing floorspace and refurbishment of the interior. Modest works of demolition are proposed in respect of two existing flat-roofed outriggers to the rear of the building and a covered bin store on the south side. An external first/second floor staircase to the rear of the building would also be dismantled and two existing doorways on the rear elevation blocked up. Limited external alterations include the insertion of replacement and/or additional windows to the building’s ground floor on both sides and at the rear, a small flat-roofed plant room extension to replace an existing outrigger to the southwest corner and the provision of a bin store enclosure to accommodate Euro Bins behind a 1.5m high timber screen to the south side. Existing outdoor amenity areas – including a car park to the front of the building and an L-shaped access to the rear – would be retained.

Although limited in their scope, the proposed external alterations and plant room extension to the property would be compatible with the style and materials of the existing building and their siting to the more functional side and rear elevations would preserve the building’s comparatively attractive façade to Derbe Road. The proportions, size and materials of new window openings would replicate those of the existing building and the modest scale, height and flat-roofed profile of the plant room extension would ensure that this is a discreetly located feature which is not prominently in view from surrounding public vantage points.

In terms of the building’s use as a block of apartments, this type of housing is commonplace in the area and, indeed, forms the prevailing character of residential uses towards the southern end of Derbe Road and around the junction with Inner Promenade. The application building is bordered by blocks of apartments to the south (Vernon Lodge and Hillcliffe), west (The Atrium) and north (9 flats at no. 32 Derbe Road) and guest houses are located on the opposite side of Derbe Road. Accordingly, the introduction of 12 flats within the former Elsinghurst Hotel (which previously accommodated 22 bedrooms) would be compatible with the established character and mix of

surrounding developments in the area.

Objectors have raised issue with a perceived lack of bin storage facilities. However, provision is made for the storage of communal Euro Bins within a screened enclosure to the south side of the building. The siting of this bin store is similar to that of the existing facility for the hotel and, by virtue of its siting within a recess to the side/rear of the building (enclosed to the south by an existing *circa* 2m boundary wall), the bin store would not introduce a prominent or incongruous feature to the site which would detract from the character and appearance of the street scene. A condition has been imposed requiring precise details of the bin store to be submitted for the written approval of the LPA and for its delivery before any of the apartments are first occupied.

The proposed development, by virtue of its use, density, scale, layout, materials and design, would be compatible with the character of the site and its surroundings. Accordingly, there is no conflict with the requirements of FLP policies H3 and GD7, SANDP policies DH1, HOU2 and HOU4 or the NPPF.

Impact on amenity:

FLP policy H3 indicates that residential conversions should pay careful attention to the amenity of nearby residents. In addition, the policy states that residential conversions should protect existing amenity space and should not result in any of the homes relying on what was previously a front garden for all of their private amenity space.

Criteria (c) and (o) of FLP policy GD7 require that development proposals facilitate good design by:

- Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- All new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents. New homes designed specifically to accommodate the elderly should comply with optional standard M4(3(2a)) in accordance with policy H2.

Criteria (a), (b) and (e) of SANDP policy HOU2 state that, in determining planning applications to convert properties into flats, the Council will have regard to:

- The standard of accommodation for the intended occupiers of the premises.
- Effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses.
- Adequate private outdoor amenity space.

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

*Existing occupiers:*

Adjacent buildings include split level three/four storey apartment blocks to the south (Vernon Lodge and Hillcliffe), a recently-constructed three storey block of apartments to the west (The Atrium) and a three-storey building which has been converted into 9 flats to the north (no. 32 Derbe Road). Properties on the opposite side of Derbe Road to the east include a mix of guest houses (nos. 39 and 41), an accountant’s office (no. 43) and single dwellings. The Alexandria Drive Local Centre extends



around the crossroad junction of Derbe Road and Alexandria Drive a short distance to the north. The Local Centre comprises a mix of commercial premises.

The apartment buildings to the south and west have a mix of car parking areas and garages bordering the site, with a *circa* 2m high brick wall (which falls to approximately 1m at the front of the building onto Derbe Road) and fencing separating them. The block of flats to the north has an adjoining outdoor amenity area to the rear which is separated by a *circa* 1.5m high brick wall. All surrounding buildings have windows facing towards the site.

The proposed conversion of the building to residential use would be achieved predominantly through the reconfiguration of the internal floorspace with external alterations limited to the insertion of replacement and/or additional windows at ground floor level on the building's side and rear elevations. The submitted 'existing' floor plans show the layout of the former 22 bed hotel, including the presence of bedroom windows on the south, west and north facing elevations facing surrounding apartments. A current first floor roof terrace and external staircase extending to the building's second floor also allows external views towards neighbouring premises from an elevated vantage point. Given this established arrangement and the general density, scale and layout of buildings in the area, it is apparent that a degree of mutual overlooking is typical in the area.

As with the previous hotel use, the internal configuration of the flats would place habitable room windows in close proximity to shared boundaries with neighbouring buildings, though all additional windows introduced by this scheme would be located at ground floor and therefore be substantially screened by existing perimeter boundary treatments. As the windows (both existing and proposed) would be no closer to neighbouring buildings than those already in place, the established relationship with adjacent dwellings would not be altered as a result of the proposed conversion. Indeed, the removal of the roof terrace and external staircase to the rear of the building would have a beneficial effect in terms of reducing opportunities for overlooking. While current separation distances between windows would be maintained, the use of some rooms would be altered. In particular, several bathroom windows are proposed in the north and south facing side elevations of the apartments. Accordingly, it is considered reasonable to impose a condition requiring those bathroom windows to be fitted with obscured glass and top-opening lights in order to safeguard the privacy of existing and future occupiers.

The plant room extension and bin store enclosure to the southwest corner and south side of the building would be screened by existing boundary treatments and would have no oppressive or overbearing effects on the amenity of adjoining occupiers by reason of their scale, siting or design. Accordingly, the development would not adversely affect the amenity of neighbouring occupiers through loss of outlook or overshadowing.

Objectors opine that the development has the potential to generate additional noise and disturbance by virtue of the proposed use for supported housing, particularly at unsocial hours in the evening and early morning when residents would be unsupervised. Concerns have also been raised with respect to potential fear of crime as a result of residents' "unpredictable" behaviour. Lancashire Police have commented on the application and, aside from observations concerning physical security measures such as window locks, CCTV, lighting and alarms (a scheme for the installation of which can be controlled through planning condition), have not raised any issues with the nature of the proposed use. Accordingly, there is insufficient evidence to conclude that the proposed use is likely to result in crime and disorder, and the fear of crime, such that it would undermine quality of life or community cohesion.

Although the density of apartment schemes has the potential to generate an added level of noise

and disturbance compared to individual dwellings these effects must, in this case, also be weighed in comparison to the site's established use as a 22-bed hotel. In this regard, it is likely to be the case that visits by holidaymakers to a hotel accommodating 10 more bedrooms than are proposed by the apartment scheme (albeit that these would be supported housing units with visits by carers) would have at least a comparable, if not greater, impact on the amenity of nearby residents by reason of noise and disturbance, including that occurring later in the evening. Indeed, visits by carers are not intended to take place routinely at unsocial hours, there is provision for 'sleep-in' carer accommodation within the second bedroom of the 2-bed ground floor flat should this be required and external staff would be contactable out of normal hours. Accordingly, with appropriate management in place there is no reason to conclude that the proposed development would give rise to excessive levels of noise nuisance or, indeed, that levels of noise disturbance would be above any beyond those associated with other apartment developments in the area as both uses are inherently residential in their character. As the application property is detached from neighbouring buildings, noise transmission through shared (party) walls would not occur.

*Future occupiers:*

Although not referred to specifically in the FLP, footnote 46 to paragraph 127 (f) of the NPPF indicates that "policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified." The nationally described space standard (NDSS) is part of the Technical Housing Standards document published by DCLG in March 2015. The NDSS, among other technical requirements, sets out minimum gross internal floor areas for dwellings of different sizes.

Paragraph 018 of the "Housing: Optional Technical Standards" chapter to the NPPG (reference ID 56-018-20150327) states that "where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard". As the policies in the recently adopted FLP do not cite or specifically require developments to meet the internal space standards set out in the NDSS, the LPA cannot require strict compliance with the standard. Nevertheless, the NDSS provides a useful guide with respect to ensuring appropriate housing standards, particularly with respect to targets for the minimum size of residential accommodation.

Gross internal floor areas for each apartment are shown in the schedule of accommodation on the proposed floor plans (drawing no. 1814\_110 Rev A). This schedule demonstrates that each apartment meets (or exceeds) the minimum gross internal floor area required for each dwelling type. Accordingly, it is considered that the size and configuration of the proposed accommodation would ensure appropriate living conditions for future occupiers in this regard. For the reasons given above, it is also concluded that future occupiers of the development benefit from appropriate outlook and privacy levels from retained and new windows and that residents would not suffer any undue noise and disturbance as a result of the nature of surrounding uses, commensurate with the general levels of amenity typical in the area,

The application building covers a significant proportion of the site, which leaves only small areas of private amenity space to the rear, side and front of the property. The constrained size and elongated shape of this outdoor amenity area does, however, limit its potential to provide usable outdoor amenity space and the internal development layout show that the only access to it would be through apartment 4. The applicant has clarified that this is intended as an infrequent maintenance access rather than one to be used by residents. The resident-accessible areas to the south side and front of the building would be used for bin storage and car parking respectively.

FLP policy H3 and SANDP policy HOU2 seek, respectively, to protect existing amenity space without relying on land which was previous front garden and to ensure provision of adequate private outdoor amenity space. In this case, the nature of external alterations to the building would not result in the loss of any existing private outdoor amenity space; rather, there would be a modest net gain due to the demolition of existing outriggers to the ground floor. Accordingly, there is no conflict with the requirements of FLP policy H3 in this regard.

In determining whether the level of retained private outdoor amenity space is adequate, consideration must be given to the density of surrounding development (including what level of amenity space is typical for those developments) and the availability of off-site amenity space nearby. In that respect, it is noted that surrounding apartment blocks are typically set in relatively constrained curtilages with limited dedicated outdoor amenity space. Instead, where outdoor space is provided it is generally dominated by car parking areas. For example, the recent development of 33 apartments at The Atrium does not benefit from any dedicated communal amenity spaces outside its car parking areas. While apartments at Hillcliffe, Vernon Lodge and Lystra Court benefit from larger areas of amenity space – though this largely forms incidental landscaping located to the front of the buildings – this level of provision is likely to fall short of the standards set out in FLP policy ENV4.

The application property is located in close proximity to the sea front which borders South Promenade and stretches along the coastline. This sea front area provides a range of formal and informal recreational opportunities and outdoor amenity space which would be readily accessible to future residents of the development. When the availability of this alternative recreational open space is considered in combination with the generally constrained levels of outdoor amenity space provision typical for other apartments in the area, along with the lack of feasibility to provide additional private amenity space at the site due to the existing building configuration, it is considered that the development makes adequate provision for private outdoor amenity space commensurate with levels typical in the area for the purposes for SANDP policy HOU2.

Given the above, the proposed development would achieve a good standard of amenity for future occupiers in line with the objectives of the FLP, SANDP and the NPPF.

#### Highways:

Criteria (j), (p), (q) and (r) of FLP policy GD7 state that developments should achieve good design by:

- Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- 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.
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

FLP policy T5 indicates that “car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned.” Policy T5 states that, in 2019, “the Council will prepare a Supplementary Planning Document (SPD) on parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde”, though this SPD has not yet been adopted.

Paragraph 105 of the NPPF sets out 5 criteria that should be taken into account when setting local parking standards for residential and non-residential development as follows:

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

In addition, FLP policy H3 and SANDP policy HOU2 (c) requires developments involving the conversion of existing properties into flats to ensure the provision of adequate car parking.

The submitted plans show that the existing parking forecourt accessed from Derbe Road to the front of the building is to be retained in order to provide three off-road parking spaces, with a fourth to be located to the south side of the building in front of the bin store. Objectors opine that this level of parking provision is insufficient to serve the 12 apartments applied for due to parking demand that will arise from residents, carers and other visitors which, in turn, will increase on-street parking congestion.

The applicant’s supporting statement indicates that, while it cannot be guaranteed that future residents will not drive, “their conditions and on-going medical challenges [mean] it’s highly unlikely they will hold a driving licence. The parking spaces are primarily intended to care staff and visitors”. In this respect, it is noted that visits by carers and other visitors will be spread throughout the day rather than operating on a fixed-time basis and so associated parking demand will be equally fluid and concentrated during the daytime when on-street parking demand from other neighbouring residents is reduced. In addition, as the application property occupies a prominent location which is only a short walking distance from bus stops on Clifton Drive South (running a half hourly bus service between Blackpool and Lytham) it is readily accessible by alternative transport modes which would further reduce parking demand. While objectors consider that on-street parking in the area is congested, it is apparent that on-street parking on Derbe Road and surrounding streets is commonplace and the only waiting restrictions preventing this are further to the south around the junction of South Promenade. A large pay and display car park (Fairhaven Road Car Park) is also available to the south of the junction at Derbe Road and South Promenade a short distance away. It is also acknowledged that the building’s previous use as a 22 bed hotel and the level of associated car-based visits by tourists travelling from outside the local area (with access only to the same level of off-street parking as is proposed by this scheme) is likely to have generated a greater demand for parking and a higher number of vehicle trips in comparison to the proposed development.

The Local Highway Authority (LCC) have not objected to the application on the grounds of a lack of parking and, when the absence of their objection is considered in combination with the above factors, it is concluded that the proposed level of parking provision would not be deficient and would not represent sustainable grounds for refusal of the application with reference to the objectives of FLP policies GD7 and H3, SANDP policy HOU2 and the NPPF. For the same reasons, the level of traffic generated by the development and the re-use of the established means of access to

the site would not have a severe impact on highway safety.

#### Other matters:

##### *Developer contributions:*

As the development involves the provision of 12 dwellings it exceeds the threshold (10 houses) where contributions towards public open space, affordable housing and education can be sought in accordance with the provisions of FLP policies ENV4, H4 and INF2 respectively. SANDP policy DEL1 supports the intentions of the relevant FLP policies in this regard.

##### *Public open space:*

In terms of public open space, FLP policy ENV4 sets out a requirement for developments to deliver open space areas at a minimum of 16m<sup>2</sup> per 1 bed home and 24m<sup>2</sup> for 2 bed homes. In this case, applying those minimum standards would require the provision of a total of 200m<sup>2</sup> of open space for the development. Policy ENV4 states that “where the standards [in policy ENV4] require the provision of open space of less than 0.2 Ha [2000 m<sup>2</sup>], or where it is agreed with the Council that the open space would be better provided off-site, payment of a commuted sum will be sought to help provide additional or improved open space nearby, where the benefits would serve the occupiers of new and existing developments.”

In this case, as the amount of open space required for the development would fall below the 0.2Ha threshold identified in FLP policy ENV4, a commensurate financial contribution would normally be sought towards the enhancement of existing open space nearby. However, given that this application seeks to provide specialist accommodation for residents with learning difficulties and mental health issues (and that this use can be restricted through the imposition of appropriate planning conditions), that the accommodation would be delivered by a Registered Provider (rather than as market housing) and the availability of existing public open space along the sea front nearby, it is considered that the other benefits arising as a result of the scheme would outweigh the very limited harm which would arise from the development’s failure to make a financial contribution towards the enhancement of open space in the area.

##### *Affordable Housing:*

FLP policy H4 requires “all market housing schemes of 10 or more homes [...] to provide 30% affordable housing”, with a presumption that affordable housing is to be provided on the application site. The definition of affordable housing is set out in Annex 2 of the NPPF. In addition, paragraph 64 of the NPPF states that major developments involving the provision of housing should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Bullet point (b) to paragraph 64 states that “exemptions to this 10% requirement should also be made where the site or proposed development provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students)”.

The Council’s Strategic Housing Manager supports the application on the basis that there is a need for care provided to younger adults with disabilities to move away from reliance on private shared housing to a model of modern flat schemes providing dedicated care and support in accordance with

LCC's draft housing with care and support strategy 2018-19.

Whilst the proposed development would be operated by a Registered Provider of social housing (28A Supported Living), as residents would also be required to have a care need (along with a care package carrying additional financial contributions) in order to be eligible for residency, this type of specialist accommodation could not be considered to meet the definition of affordable housing in Annex 2 of the NPPF. Therefore, the proposed development would not deliver any affordable housing. Nevertheless, it is considered that the exemption from affordable housing contributions in respect of developments providing "specialist accommodation for a group of people with specific needs" identified in paragraph 64 (b) of the NPPF is applicable in this case. On this basis, the nature of the development is considered to be exempt from the requirement to make contributions towards affordable housing in accordance with FLP policy H4. It is also noted that Strategic Housing have not made any request for affordable housing provision as part of the development.

*Education:*

The Local Education Authority (LCC) have advised that the proposed development is not required to make any contribution towards the delivery of education infrastructure in the area. Accordingly, no contribution towards education is required to make the development acceptable in planning terms.

*Summary:*

For the reasons set out above, it is not considered that the development is required to make contributions (either on or away from the site) towards public open space, affordable housing or education. As this exemption is based on the development's provision of specialist accommodation for a group of people with specific needs, it is considered expedient to impose a condition removing permitted development rights for the proposed C3(b) use to change to any other use (including another use within category C3) which could allow the apartments to be occupied as market dwellings. The intention of this condition is to require a separate planning permission to be obtained should a change of use to market housing be desired in the future, at which point the normal contributions required by FLP policies ENV4, H4 and INF2 (or any superseding policies) would become applicable.

*Planning conditions:*

Objectors consider that, should planning permission be granted for the development, this should be subject to a series of conditions. Specifically, objectors opine that conditions should be imposed in relation to: (i) making any permission temporary for a period of 12 months (with provision for the use to cease if it causes harm to the character of the area and amenity of surrounding residents during that period) and that any such permission be made personal to the applicant; (ii) restrict the use to that applied for and that any other use (including another falling within class C3) will require a separate consent; and (iii) other development matters relating to on-site parking, noise levels, waste disposal and ensuring that activities relating to the proposed use shall be conducted within the building and not outside.

Paragraph 55 of the NPPF sets out the six tests of conditions by stating that conditions should "only [be] imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The chapter to the NPPG titled "Use of Planning Conditions" provides further guidance in this respect.

In terms of the condition recommended by the objectors in point (i) above, paragraphs 014 and 015

of the relevant chapter to the NPPG (reference ID 21a-014-20140306 and 21a-015-20140306) state as follows:

- “A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.
- Unless the permission otherwise provides, planning permission runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need. A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.”

For the reasons set out in the body of this report, the proposed development is considered to comply with the Development Plan and so, as advised in the NPPG, a condition granting a temporary permission should not be necessary in these circumstances. There is no compelling evidence to support the assertion that a “trial run” is needed in order to assess the effect of the development on the area or that the planning circumstances will change at the end of the suggested 12 month period. Moreover, as the development is intended to provide permanent residential accommodation to residents on long term tenancies, the granting of a temporary permission would significantly curtail the purpose and nature of the development in this respect. Paragraph 015 of the NPPG makes clear that planning permission runs with the land and that a ‘personal permission’ will only be justified in exceptional circumstances. It is not considered that any such circumstances are applicable in this case. Furthermore as the applicant is, in this case, a company rather than an individual, the latter part of paragraph 015 states clearly that the imposition of a condition limiting the benefit of a permission to a company is inappropriate. Accordingly, condition (i) recommended by the objectors would fail to meet the tests set out in paragraph 55 of the NPPF and so has not been imposed.

With respect to the recommended condition in (ii) concerning the withdrawal of permitted development rights which would otherwise allow the use of the building to be changed in the future, paragraph 017 of the NPPG (reference ID 21a-017-20140306) states as follows:

- “Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.”

As stated in the NPPG, conditions withdrawing permitted development rights (including those for changes of use) should only be used in exceptional circumstances. In this case, it is recognised that

the definition of a C3(b) use includes the potential provision of care to a wider range of people beyond the type of care proposed by the applicant (for example, for people with drug/alcohol dependency issues), and that the effects of other such care-related uses have not been specifically assessed as part of this application. In addition, for the reasons set out in the 'developer contributions' section above the development is considered to be exempt from making certain infrastructure contributions on the basis of the specialist nature of the accommodation it would provide. In these circumstances, it is considered reasonable and necessary to impose a condition limiting the use of the apartments to the bespoke type of C3(b) use proposed as part of this application in order to prevent conversion to a different type of C3(b) use which has not been assessed by the LPA and/or to restrict the potential for future conversion to market housing (a C3(a) use) without the necessary infrastructure contributions being made.

The condition topics mentioned by objectors in (iii) are broad. It is, however, reasonable to impose conditions requiring the provision and marking out of the 4 parking spaces shown on the plans and the provision of facilities for waste storage. It is not, however, considered reasonable or necessary to impose conditions relating to noise restrictions given that the proposed use is for housing which is, in itself, an inherently noise-sensitive rather than noise-generating use and does not include the operation of any machinery or other commercial/industrial processes which would justify a noise limiting condition. Similarly, a condition limiting activities to be conducted within the building rather than outside would be imprecise, unenforceable, unnecessary and unreasonable given that one of the requirements of FLP policy H3 and SANDP policy HOU2 is to provide adequate outdoor amenity space for residential conversions to flats.

#### *Private interests:*

A number of objectors have referred to perceived devaluing of properties as a result of the development. It is, however, an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Accordingly, any perceived devaluation of properties is not a material planning consideration. This is made clear in paragraph 008 of the "Determining a Planning Application" chapter to the NPPG (reference ID 21b-008-20140306).

Objectors have also referred to recent changes in the ownership and/or appointment of directors at the separate companies involved in the proposal, with the suggestion that these recent changes cast doubt as to whether an adequate level of expertise and support will be maintained in order to operate this new establishment at the level required by the Care Quality Commission. It is an established principle of the planning system that each application is to be dealt with on its individual merits and on the basis of the development that is being applied for. As set out in paragraph 015 of the NPPG set out above, planning permission runs with the land rather than a specific applicant. Therefore, the identity of the applicant (and/or company) should not influence the determination process and the planning system does not provide for a developer's or company's 'track record' to be taken into account by the decision maker. Accordingly, such matters are not material planning considerations. That notwithstanding, there is no reason to conclude that changes in the ownership or management structure of a company is an indication that they are unable to deliver or operate an acceptable development.

#### **Conclusions**



The application relates to the former Elsinghurst Hotel at no. 34 Derbe Road, Lytham St Annes. The proposal seeks to convert the building from a 22 bedroom hotel (use class C1) into 12 flats which are intended to provide supported living accommodation for adults with learning difficulties and mental health issues (a use falling within class C3(b)). The application also includes the addition of a single storey extension to the rear of property and associated external alterations to window and door openings across the building's elevations.

The former (now vacant) hotel falls outside the Holiday Area in St Annes as defined on the FLP and SANDP Policies Maps and, accordingly, its conversion to residential use would not undermine or unacceptably diminish the offer of tourist accommodation in St Annes. The proposed use is one which is inherently residential in character – with each flat providing a self-contained unit of permanent residential accommodation – but incorporates an element of care to be provided for residents. The level of care will vary depending on each resident's needs, though the overarching intention of supported housing is to allow occupants to live independently with the ability to access help and assistance with everyday activities where required. Accordingly, the proposed C3(b) use is different to and distinct from a care home (a C2 use).

The application property is located to the southern end of Derbe Road which includes a combination of apartments, hotels/guest houses and other dwellings. The Alexandria Drive Local Centre extends around the crossroad junction of Derbe Road and Alexandria Drive a short distance to the north and comprises a series of commercial premises. Given the mix of surrounding uses in the locality, including the prevalence of other apartment developments, the proposal would not adversely alter or be incompatible with the varied character of the area. Similarly, when considered in comparison with the building's previous use as a 22 bed hotel, the proposed 12 supported housing units – by virtue of their number, use and nature, including support staff and visitor comings and goings – would not unduly affect the amenity and living conditions of neighbouring occupiers by reason of noise disturbance, crime and disorder, loss of privacy or any other nuisance. The proposed external alterations to the building are modest in scale and would not give rise to any adverse effects with respect to loss of outlook, overlooking or overshadowing.

The site occupies a sustainable location within the settlement boundary which benefits from good access to public transport, shops and services by means of transport other than private car. Accordingly, it is a suitable location for housing and would make efficient use of previously developed land by bringing a vacant building back into use. When the site's accessibility credentials are assessed in combination with the fact that future residents are unlikely to have their own vehicle, that alternative public parking is readily available nearby and that greater traffic generation and parking demand is likely to have arisen in connection the building's previous use as a 22 bed hotel, it is not considered that the proposed development would have any severe effects on the capacity and/or safety of the surrounding highway network.

As the proposal involves the provision of specialist accommodation which would not be available to the open market, it is not considered that contributions towards the provision of affordable housing, public open space or education are required to make the development acceptable in planning terms. Appropriate conditions would be imposed to control the future use of the building for any other purpose (including another use falling within use class C3) in order to preserve this position.

No other adverse effects would arise that would significantly and demonstrably outweigh the scheme's benefits. Accordingly, the proposal is considered to represent sustainable development in accordance with relevant adopted policies contained within the SANDP, FLP and the provisions of the NPPF.

## **Recommendation**

That planning permission is GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Drawing no. 1814\_LOC – Location plan.
- Drawing no. 1814\_110 Rev A – Proposed plans.
- Drawing no. 1814\_310 Rev A – Proposed elevations.

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the materials used on the external surfaces of the development shall match those of the existing building in terms of type, colour, texture and scale.

Reason: To ensure the use of appropriate materials which are compatible with the character of the host building and the street scene in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the dwellings hereby approved shall only be occupied as supported housing where care is provided for residents with learning difficulties and/or mental health problems and for no other purpose (including any other use falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reasons: (i) To provide certainty as to the type and nature of care to be provided by the supported housing scheme and to prevent the use of the building for other purposes (including other uses falling within class C3), the effects of which have not been specifically assessed by the Local Planning Authority during the consideration of the application, in order to safeguard the amenity of neighbouring residents; and (ii) to ensure that the use granted by this permission continues to fall properly within class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) as exemptions for infrastructure contributions towards open space, affordable housing and education have been made on the basis that the scheme will provide specialist living accommodation for a group of people with specific needs, and to prevent the building's future conversion to another use falling within class C3 where the same exemptions would not apply (e.g. market housing). The condition is required in accordance with the objectives of Fylde Local Plan to 2032 policies H3, H4, GD7, ENV4 and INF2, Saint Anne's on the Sea Neighbourhood Development Plan policies HOU2 and DEL1 and the National Planning Policy Framework.

5. None of the dwellings hereby approved shall be first occupied until a scheme for the provision of a bin store, the siting of which is shown on drawing no. 1814\_110 Rev A, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number of bins required to serve the development and the precise layout, size, design and materials of the bin store and any associated means of enclosure. The bin store shall be constructed in accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

6. The 4 car parking spaces indicated on drawing no. 1814\_110 Rev A shall be marked out in accordance with the details shown on the approved plan and made available for use before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: In order to ensure adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policies H3, GD7 and T5, Saint Anne's on the Sea Neighbourhood Development Plan policy HOU2 and the National Planning Policy Framework.


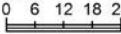
7. All bathroom windows on the north and south facing (side) elevations of the building (the locations of which are shown on drawing no. 1814\_110 Rev A) shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before each associated dwelling hereby approved is first occupied and the same windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed windows shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and adjacent properties in order to preserve the privacy of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policies H3 and GD7, and the National Planning Policy Framework.

8. None of the dwellings hereby approved shall be first occupied until a scheme for the provision of crime prevention measures to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the security measures identified by the Lancashire Constabulary's Designing Out Crime Officer in their representations dated 8 October and 19 November 2018 have been incorporated and shall provide details of the size, siting, number and design of any associated external apparatus (including lighting, CCTV cameras etc.). The development shall thereafter be carried out in full accordance with the duly approved scheme before any of the dwellings are first occupied.

Reason: In order to limit opportunities for crime and disorder, and the fear of crime, in accordance with the requirements of Fylde Local Plan to 2032 policy GD7, the National Planning Policy Framework and Section 17 of the Crime & Disorder Act 1998.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0682	Address 34 Derbe Road, Lytham St Annes	Grid Ref. E.3325 : N.4280	Scale 0 6 12 18 24 m 

**Item Number:** 3

**Committee Date:** 16 January 2019

<b>Application Reference:</b>	18/0839	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Lanley Homes	<b>Agent :</b>	De Pol Associates
<b>Location:</b>	LAND WEST OF CHURCH ROAD, WEETON WITH PREESE		
<b>Proposal:</b>	ERECTION OF 39 DWELLINGS TOGETHER WITH THE PROVISION OF A PUBLIC CAR PARK AND PUBLIC OPEN SPACE / RECREATION AREA.		
<b>Ward:</b>	STAINING AND WEETON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.8035567,-2.9341425,701m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Approve Subj 106

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

The proposal is a full application for 39 dwellings on a 3.9ha site adjacent to but outside the southern boundary of Weeton, north of the M55 motorway. The site has outline planning permission for 25 dwellings and is an allocated site for housing in the Fylde Local Plan to 2032. The residential development of the site is therefore entirely acceptable in principle.

Having assessed the relevant considerations that are raised by this proposal it is officer's opinion that the increase in numbers beyond those approved on the site by 14 will not have a detrimental visual impact on the area and is considered to be sustainable in relation to the settlement of Weeton. The development is of acceptable scale and is in an acceptable location to form sustainable development. There are no objections from LCC Highways with regard to traffic generation or safety.

As such it is considered that the proposal is acceptable subject to some minor amendments to the layout and so it is recommended that the application be supported by Committee and delegated to the Head of Planning and Housing to grant planning permission on receipt of satisfactory amendments and the completion of a s106 agreement relating to affordable housing and other contribution.

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

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

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

The application site is adjacent to the southern boundary of Weeton, being bound by rear facing housing to the north on Knowsley Close, Church Road and open fields beyond to the west, open

fields to the east and the M55 motorway corridor to the south. The site is 3.9 hectares in size, is a square grazing field with land levels sloping in an upwardly fashion toward the west and southern boundaries from Church Road. Trees, hedgerow and village edge define the current site boundaries. Planning permission has been granted for housing previously on the site. The site is allocated as a housing site HS64 – Land west of Church Road in SL5 in the Local Plan to 2032.

### **Details of Proposal**

The application site is the same area as application 16/0811 which members resolved to grant planning permission for outline approval for 25 dwellings including provision of a public car park and open space/ recreation area. This is a full application over the same developable area but for 39 dwellings, an increase of 14 dwellings at the site. The car parking element is also a feature of this proposal.

The site layout is similar to that previously approved but with an increase in density which is due in part to the increase in smaller properties at the site, a housing mix requirement of policy H2. The site is constrained as there is an existing water main running across the site with an easement that needs to be retained, and as such this scheme reflects the previous application with the developed area to the north of these easements adjacent to the settlement and the public open space and car parking area to the south. Between the two areas an attenuation swale and landscaped buffer are proposed in order to mitigate the impact of the development when viewed from the south. The arrangement of the dwellings are such that they are sited to provide a back to back relationship with the dwellings to the north and are outwards facing to the countryside.

Vehicular access is from Church Road, approximately 35m from the village boundary, providing access to housing and the public car park and will necessitate partial removal of hedgerow. It is envisaged that this car park will be available for use by the public. A separate pedestrian access is provided from the car park to Church Road, enabling direct access to the public footpath network thereby avoiding use of footpaths within the housing estate. The proposed dwellings are all two storey and are a mix of detached, semi-detached and terraced dwellings, a variety of house types are proposed with both hipped and pitched roofs, the dwellings are constructed in brick with white upvc windows with artstone sills and grey roof tiles.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0811	OUTLINE APPLICATION FOR THE ERECTION OF 25 DWELLINGS TOGETHER WITH THE PROVISION OF A PUBLIC CAR PARK AND PUBLIC OPEN SPACE/RECREATION AREA. ALL MATTERS RESERVED	Approved with 106 Agreement	01/06/2017

### **Relevant Planning Appeals History**

None

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

**Weeton with Preese Parish Council** notified on 08 November 2018.

No comments had been received at time of writing report.

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

### **Highways England**

No objections but request various conditions in relation to the safety of the site due to its proximity to the motorway.

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

Have made extensive comments on 14 November in relation to the proposed development. In their response they refer to the fact that the site has permission for 25 dwellings and the 40 space community car park and that this application will increase the permitted number of dwellings by 14. They state that the development will not have a significant impact on highway safety, capacity or amenity on the highway network. They state that the new access which was approved as part of the previous application is also suitable for the increased numbers using it. They state that the 14 dwellings will generate an estimated 90 two way vehicle movements a day and that this will not be a severe impact on highway capacity or safety. They state that the existing footpaths are suitable for the location and no improvements are required. They state that application 16/0811 required the upgrade of three bus stops in Weeton Village and again seek those improvements whilst reserving the right provide the highway works within the highway associated with this proposal. They state that they not seeking any section 106 contributions as part of the development providing the bus stop works are provided.

They do raise two issues with the internal layout of the scheme to bring the layout and links to acceptable standards. The first one is the road serving the plots adjacent the existing highway and to the car park, it needs to be increased in width to 4.8m. The second is a 2m wide footpath from the car park to the main spine road or a link to Church Road. They also comment that the proposed layout does not conform with Manual for streets and suggest various tweaks including increasing access roads, providing raised kerbs and drive lengths.

These comments were put to the applicants who have provided an amended layout which includes utilising the existing field access as the access to the car park in order to reduce conflict with cars leaving the dwellings and the above. Further comments on these revisions are still awaited from LCC and will be included in the late observations.

### **LCC Contributions**

Have assessed the proposed development against the existing capacity of schools and projected spaces to be available. For primary schools they found that there will be 45 spaces available in 5 years' time and as this development would yield 9 pupils they are not seeking a contribution in respect of primary spaces. For secondary schools they found there to be a shortfall of 20 spaces in 5 years' time and that this development would generate a yield of 4 spaces, and therefore seek a contribution from the development for the full yield, which amounts to £94,949.12.

### **Strategic Housing**

*There will be requirement for 30% affordable housing on this site. Affordable housing provision is limited and as this is a rural location we would be looking for a tenure split of 70% affordable rented and 30% intermediate (shared ownership or discounted market sale).*

*The location of the affordable homes looks suitable. Plots 11-17 are houses. Plots 18-21 are apartments. Apartments tend to be difficult for registered providers to let in rural locations therefore we would prefer these to be houses.*

*The units must be transferred to a registered provider of social housing and we would be willing to work with the Developer to facilitate this when necessary.*

#### **United Utilities - Water**

No objections, confirm that the drainage strategy is acceptable to UU and request a condition that the development be carried out in accordance with the submitted drawings. They also comment that there are easements crossing the development site in the form of a large diameter water main, which they need unrestricted access for operating and maintaining it. In order to protect their asset they request a construction risk assessment condition.

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

Generally, the landscaping proposals are a little on the modest side and I would like to see *both more planting and more mature planting*. While I would prefer to see a higher percentage of Hawthorn (*Crataegus monogyna*) (10% to 30%) and a lower percentage of Holly (*Ilex aquifolium*) (30% to 10%) in the Native Shrub Mix, I have no issue with the plant species. The following are some suggestions that would strengthen and improve the landscape planting;

- *The proposed landscape buffer planting could wrap around the southern and western boundaries of the proposed car park.*
- *The proposed landscape buffer planting could be extended along the western site boundary, which would enclose the 'Public Open Space'.*
- *I would prefer to see Standard Trees, rather than feathered trees, in the buffer planting and the hedgerows.*
- *The shrub planting beds are modest at best. The shrub planting beds should be increased in size and the number of planting beds should be increased.*
- *The existing hedgerow/trees along the northern boundary could be strengthened by the introduction of additional native tree planting.*
- *The following housing plots would accommodate tree planting (Heavy Standard) in either their front and/or rear gardens; 1, 2, 3, 34 & 35. An additional heavy standard *Tilia cordata*, could be planted to the NW of the entrance.*
- *4 no. heavy standard trees, possibly *Sorbus aria*, *Aucuparia* or *Joseph Rock*, could be planted in the area to the SE of the proposed car park.*
- *5 to 6 no. heavy standard trees, possibly *Betula pendula*, *Tilia cordata*, *Sorbus aria* or *Quercus robur*, could be planted in the 'Public Open Space'*
- *Access is required across the swale and into the public open space.*

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

No comments received.

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

*With reference to your memorandum dated 8th November 2018, there are no objections to the above proposals in principle, however I would add the following condition:*

*Construction and demolition times shall be restricted to 08.00 – 18.00 Mondays to Friday; 08.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays.*



## Greater Manchester Ecology Unit

### Summary

*An ecological assessment was provided. This demonstrated that there is no material change in ecological circumstances since the previous application for this site 16/0811. As the proposed development is substantively the same as the previous application and previous comments apply.*

### Great Crested Newts

*The only protected species that could theoretically have been present was great crested newts owing to the proximity of one pond 150m west of the development. The pond was assessed as low risk because of the presence of fish and because previous surveys had found no evidence. The distance and intervening terrestrial habitat also mean that even if present, the risks would be low and resolvable via reasonable avoidance measures. I recommend the following informative is applied to any permission.*

*Whilst there is only a very low risk of great crested newts being present, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.*

### Nesting Birds

*Short sections of hedgerow need to be removed in order to facilitate the development, 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 or shrubs 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 2018 states that the planning system should contribute to and enhance the natural and local environment.*

*The site has only low ecological value but the area to be lost, is such that it would still represent a negative impact on the natural environment. The site layout indicates around half the site is being set aside as public open space, more than sufficient to provide this level of ecological mitigation. A native hedgerow/screen and a swale are proposed. I am therefore willing to accept that no net loss will be achieved. I have no objection to the conditioning of the proposed landscape plan.*

## Neighbour Observations

<b>Neighbours notified:</b>	08 November 2018
<b>Site Notice Date:</b>	09 November 2018
<b>Press Notice Date:</b>	22 November 2018
<b>Number of Responses</b>	None.

## **Relevant Planning Policy**

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

DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF2	Developer Contributions
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

### **Other Relevant Policy:**

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

### **Site Constraints**

None

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Principle of the development**

Planning application 16/0811 was approved by members on the site for an outline application for the erection of 25 dwelling and the provision of a public car park and area of POS. At the time of approval the site was located in the open countryside in the then Adopted Fylde Borough Local Plan, since then the Fylde Local Plan to 2032 has been adopted which now allocates the site for housing as a Development site outside the Strategic Locations for Development through policy SL5.

Weeton is identified as a Tier 2 Smaller rural settlement in policy S1 and the site is identified as site HS64 – Land west of Church Road in SL5. The allocation of the site and the fact that the application site is the same as that approved through application 16/0811 means that the principle of the development is entirely acceptable. The application has increased the numbers from 25 to 39 – an increase of 14 dwellings, however this increase is partly down to the housing mix policy H2 requires that all developments of 10 or more dwellings to include at least 50% of dwellings to 3 beds or less. The proposed mix here is for;

1 bed flats x 4  
2 bed mews x 6  
3 bed mews/semis x 10  
4 bed detached x 19.

Therefore there are 19 four bedroom dwellings and 20 dwellings that are three bedroom or less, meaning that the development exceeds that requirements of policy H2 for 50% of developments to be 1-3 bed in scale. Policy H2 also requires that developments in close proximity to Tier 2 Smaller Rural settlements such as Weeton include 33% 1 or 2 bedroom homes. 10 dwellings are provided here of 39, this being approximately 26%. Whilst this falls slightly short given that the overall mix of dwellings exceeds the main aim of H2 which is to ensure a mix of dwellings including smaller units are built throughout the Borough this mix is considered acceptable.

Therefore with the principle acceptable what needs to be considered is the visual impact the increase in numbers may have and also whether or not approving 14 additional dwellings in this location can be seen as sustainable.

#### Impact on character of the area

When the previous application was approved the development was proposed on an area allocated as countryside in the then Adopted Plan. As stated above on the basis of that decision the Development Plan now allocates the site for housing. As part of the previous assessment the impact of the scheme was carefully considered due to the site's countryside allocation. It was found to be acceptable with officers determining that the sites most valuable landscape features would be retained, the site not being a particularly prominent location and the site being a natural expansion to Weeton village which related well to the defined village boundary. Whilst the development would diminish openness and would interrupt existing external views of the site where available, the site is not in a prominent location and harm would be minimised by virtue of the development's relationship with existing buildings on the edge of the settlement and the retention of existing features and provision of new landscaping within the proposal. It was not considered that the limited visual harm to landscape character would be sufficient to outweigh the housing supply benefits of the scheme to a degree which would warrant refusal of the application. Moreover, mitigation proposed ensure that any adverse impact in this regard is minimised.

The current scheme occupies the same area of land as previously but increases the numbers of the site, Policy H2 seeks residential development to normally result in a minimum net residential density of 30 homes per hectare whilst avoiding a detrimental impact of the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. The application site extends to circa 3.9 ha although much of this includes open space which ought to be excluded from the density calculation. The area to be developed for housing equates to a density of approximately 26 dwellings per hectare. This represents an increase in density compared to the approved outline application, bringing it more in line with policy H2. Whilst this increase in density increases the numbers overall these are contained within the site, the outline scheme did not include smaller units whereas for example this scheme delivers four 1 bed properties that would have occupied one detached unit on the previous scheme, and the six 2 bedroom mews would have occupied the area of two detached units on the previous scheme.

In terms of the external views of the site, the dwellings on the periphery of the scheme remain well spaced detached dwellings which are appropriate in this rural location. It is therefore considered that the development will not have a significant visual impact, it will be well contained and abuts existing residential dwellings and existing natural landscape features.

#### Scale of development/Sustainable development

Weeton is identified as being a Tier 2 Smaller Rural Settlement in the Local Plan to 2032. Policy SL5

considers development sites outside the Strategic Locations for Development and allocates this site for housing for 25 units. This policy does not however restrict the site from delivering more than 25 units, and Tier 2 settlements are stated as being capable of accommodating around 50 homes over the plan period.

With the 20 dwellings delivered at HS54 - The Laurels and Willow House, Mythop Road this would take development in Weeton to 59 dwellings. Whilst this exceeds 50 dwellings, SL5 confirms that in locations outside of the Strategic Locations for Development such as this there may be smaller schemes and infill schemes for sites fewer than 10 dwellings which are factored into the housing trajectory but not specified for each settlement or other locations. Further to this, the increase in numbers are all accommodated within an area that already has planning permission so there is no additional harm to the countryside, and the residents would have the same accessibility to services as those on the previous approved scheme.

In terms of services the site is located immediately south of the village envelope of Weeton, within the village there is a Community hall, public house, post box, equipped play area and public open space. Weeton St Michael's CE Primary School and Church are located outside the village, within walking distance some 250m to the south of the application site accessible by the footpath network. There is a second primary school located at Weeton Barracks. Therefore given the above the scale of the development and the increase in numbers is considered to form sustainable development.

#### Layout, appearance and landscaping

With the previous application being made in outline its layout was reserved for future consideration, however it was supported by a framework plan which detailed where development would take place and showed that an outward facing layout on the site could be achieved, a condition of approval was that the reserved matters substantially accorded with that plan. Whilst this is a full application that need not refer back to that plan the layout presented here reflects the key features previously found to be acceptable to members.

A new access is proposed off Church Road in the same position as the access proposed at outline stage with the main road meandering from east to west and then leading to five dwelling access roads. Five dwellings front Church Road at the front of the site either side of the access road and beyond the two dwellings to the south the access road extends to the 40 space grasscrete car park. The southern edge of the area of built development overlooks the public open space so that from all external views the development is outward facing. The dwellings adjacent to the existing dwellings to the north either back on or are side on to those dwellings.

Within the site parking is generally to the side of dwellings with some to the front and landscaping in the form of hedgerows and trees are proposed in front garden areas. As can be seen from the consultee section the Councils landscaping officer has made various suggestions on how landscaping could be improved throughout the site and officers have also requested with slight tweaks to the layout with regard to things such as moving the siting of certain dwellings and highways details. Whilst plans are still being awaited it is considered appropriate that the recommendation be to delegate to the Head of Planning and Housing to approve once he is satisfied with the layout, however the core structure of the scheme is entirely acceptable and appropriate. As such the plan that will be approved will be largely as the current proposal.

With regard to the scale and appearance of the dwellings proposed, they are all to be two storey and the design of the dwellings are those from the housebuilders range. They are considered to be of good quality with a range of details and house types proposed. The dwellings are proposed to be

constructed in brick and render, with pitched and hipped roofs, with gable frontages incorporated in some designs. As such the majority of the layout is considered to be appropriate in this context and delivers 1, 2, 3 and 4 bedroomed dwellings in a mix of detached, semi-detached and terraced dwellings. The design and layout are considered with amendments sought by officers to be appropriate and comply with the requirements of GD7 of the Fylde Local Plan to 2032 and the paragraphs in the design chapter of the NPPF which they relate to.

#### Residential amenity

Policy GD7 of the Fylde Local Plan to 2032 supports new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period.

With regard to overlooking and loss of light the only existing dwellings that could be impacted upon are those to the north of the site, most of which back on to the application site and range from being between 14 and 17m from the boundary. One dwelling, 2 Church Road is side on to the application site as it fronts Church Road. The proposed layout respects the amenity of these dwellings in the main, with those dwellings backing on to the dwellings to the north mostly set back at such a distance so that there is approximately 26m or more between rear elevations. The one area of concern that officers have is plot 17 which is at its closest point is approximately 4m from the boundary, and whilst its rear elevation is set obliquely from the northern boundary at an approximate 45 degree angle and is approximately 24m from the rear elevation of the dwellings to the north there is no significant landscaping on this boundary here, and whilst trees are proposed these will take time to mature and as such there will be unacceptable overlooking to the rear garden area of the dwelling to the north. This is one of the amendments above that the LPA has asked the applicants to make. Relationships between the dwellings located on the site itself are acceptable. With regard to construction disturbance a condition will be placed on any approval so that it does not impact on the amenity of residents.

#### Highways and parking

As outlined above LCC have commented on the proposed scheme and confirm that they are happy with the access, that the development when considering the increased numbers by 14 will not have a significant impact on highway safety, capacity or amenity on the highway network. The additional vehicle movements from the dwellings will not have a severe impact on the capacity of the highway network, the existing footpaths are suitable for the site and no improvements are required.

They state that application 16/0811 required the upgrade of three bus stops in Weeton Village and again seek those improvements whilst reserving the right provide the highway works within the highway associated with this proposal. They state that they not seeking any section 106 contributions as part of the development providing the bus stop works are provided. Therefore there are no highways issues with regard to the access to the site and the amount of traffic generated by the development.

As detailed above LCC have requested some amendments to the internal layout in order to make the site adoptable and have also suggested that the proposed pedestrian link to the car park be a vehicular one in order to reduce conflict with the vehicles accessing the housing. At the time of writing the applicants have produced a draft plan to show this arrangement and due to the Christmas break no comments from LCC have been received. However it is anticipated that these will be supplied in the late observation and the recommendation to delegate to the Head of Planning

and Housing to grant when he is satisfied that an acceptable layout has been received can incorporate this amendment. As such there are no highways or parking issues with the development.

### Drainage

The site is identified as being within an area designated on the Environment Agency's Flood Map as Flood Risk Zone 1. This is land defined as having a less than 1 in 1000 annual probability of flooding. All uses of land including dwellings are regarded as appropriate within this zone. The application has been submitted with an FRA and surface water strategy which outlines that whilst investigations have yet to take place to see if surface water can be disposed of via infiltration because of the predominance of clay in the area it is likely that it will not be a viable drainage solution. The FRA states that surface water discharge will be restricted to greenfield run off rates that that attenuation proposed includes oversize pipes, swales, crate storage and pervious pavements to deal with the increase in the catchment area of the site. It is proposed to connect surface water and foul water to the combined UU sewer on Church Road. United Utilities have confirmed that the drainage strategy is acceptable to UU and request a condition that the development be carried out in accordance with the submitted drawings. They also comment that there are easements crossing the development site in the form of a large diameter water main, which they need unrestricted access for operating and maintaining it. The LLFA have not commented on the application however they did not raise any objections to the previous application on the site. There are therefore considered that adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

### Ecology

An ecological assessment has been submitted with the application and has been assessed by the Council's ecology consultants GMEU. This demonstrated that there is no material change in ecological circumstances since the previous application for this site 16/0811 and GMEU confirm that as the proposed development is substantively the same as the previous application their previous comments apply.

With regard to Newts GMEU state they are the only protected species that could theoretically have been present owing to the proximity of one pond 150m west of the development. The pond was assessed as low risk because of the presence of fish and because previous surveys had found no evidence. The distance and intervening terrestrial habitat also mean that even if present, the risks would be low and resolvable via reasonable avoidance measures. They recommend an informative is applied to any permission.

With regard to nesting birds as short sections of hedgerow need to be removed in order to facilitate the development and this is potential bird nesting habitat GMEU recommend a condition that restricts work to outside of nesting season unless the hedgerow is subject to a survey approved by the LPA prior to removal.

Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The site has only low ecological value but the area to be lost, is such that it would still represent a negative impact on the natural environment. The site layout indicates around half the site is being set aside as public open space, more than sufficient to provide ecological mitigation. GMEU state that as a native hedgerow/screen and a swale are proposed they accept that no net loss will be achieved and have no objection to the conditioning of the proposed landscape plan.

With regard to trees there are a number of trees and hedgerow on the site which afford amenity value to the locality, though are not protected by Tree Preservation Order. Policy GD7 of the Local Plan to 2032 seeks to protect existing landscape features. The majority of trees and hedgerow to the site periphery are indicated to be retained within the development. Notwithstanding this, a small portion of hedgerow is to be removed to facilitate the access arrangement. Additional tree and hedgerow planting is proposed and there is no objection to the loss on this basis. The proposed layout shows stand-off distances to retained trees/ hedgerow to ensure longevity of this habitat. Construction should be restricted within the root protection areas by appropriate exclusion zones. This can be controlled by condition.

#### Affordable housing

The NPPF requires affordable housing to be provided where needs have been identified. Policy H4 of the Local Plan to 2032 requires a 30% provision of affordable housing in new development, being based on The Fylde Coast SHMA 2014 which sets out the need for affordable housing in the Borough. The Councils Housing manager has commented that the 30% on site requirement is necessary and that as affordable housing provision is limited in this rural location that they would be requiring a tenure split of 70% affordable rented and 30% intermediate (shared ownership or discounted market sale). Therefore if members are minded to approve the scheme, the applicant will have to enter into a Section 106 Agreement to ensure provision of 30% affordable dwellings within the development. The Legal Agreement will secure the required provision and phasing of the affordable housing and that it remains affordable in perpetuity.

#### Public Open Space

Policy ENV4 of the Local Plan to 2032 supports new residential development subject to the provision of amenity public open space (POS), including facilities for children's play where appropriate, in accordance with standards relevant to the number of bedrooms within each dwelling provided. The proposal includes a large area of POS that exceeds those requirements laid out as amenity grass space. The grasscrete car parking area is also shown adjacent to the POS. The applicants have indicated that they do not intend to provide a form of play area on the POS. It is noted that there is already a centrally located equipped play area and POS within the village. Details of the management and maintenance of the POS and the car park are necessary and will be subject to a condition of the application. The condition will also need to ensure that they are available prior to the first occupation of the dwellings.

#### Education

It is expected that development provides for any identified shortfall in local education provision. Policy INF2 is of relevance and place such a requirement on development. The response from LCC Education confirms that there is a shortfall of secondary school capacity and that the development will be required to provide a financial contribution of £94,949.12 to provide 4 places at Kirkham Carr Hill High School. This is a further matter to be included in the s106 agreement.

#### Conclusions

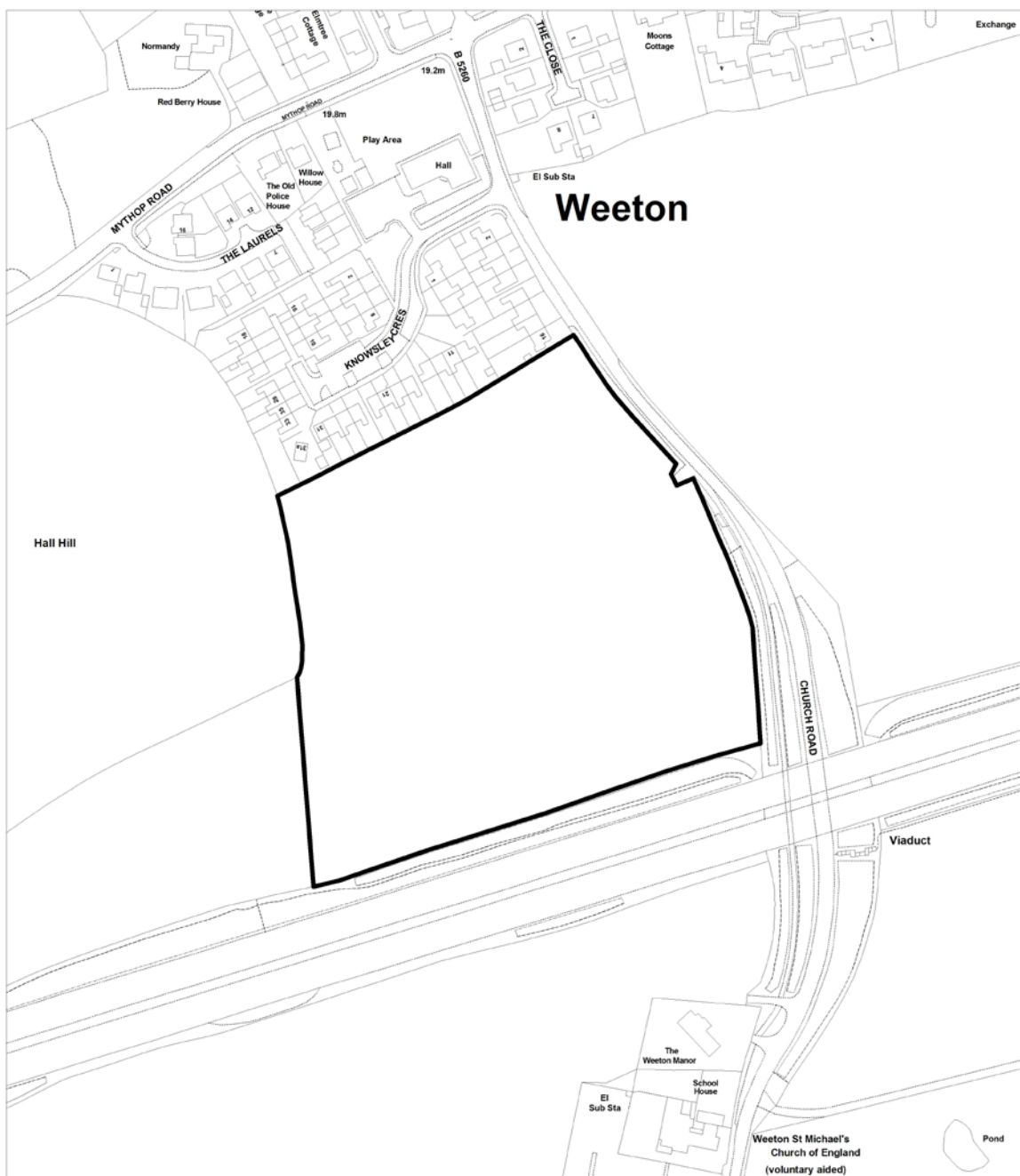
The development as proposed is considered to form sustainable development and is acceptable in principle as it is for the development of an allocated site in the Local Plan to 2032. There are no highways issues with the proposal, and with amendments to the layout to satisfy officers and appropriate conditions and contributions the development will have an acceptable impact.


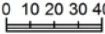
### **Recommendation**

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing subject to the following:

- 1) The receipt of an acceptable site layout and any other revised plans required to address existing officer concerns over the relationship to neighbouring properties and some internal highway aspects.
- 2) The completion of a s106 planning obligation to secure the following (The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority):
  - provision, retention and operational details for 30% of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032
  - a financial contribution of £94,949.12 (and the phasing of the payment of this contribution) towards the improvement of education capacity in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the Fylde Local Plan to 2032
- 3) A series of Planning Conditions and Reasons which the Head of Planning and Housing considers are appropriate to ensure that the development is undertaken in accordance with the standards required by policy.





		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0839	Address Land west of Church Road, Weeton	Grid Ref. E.3383 : N.4343	Scale 0 10 20 30 40 m 

**Item Number:** 4

**Committee Date:** 16 January 2019

<b>Application Reference:</b>	18/0844	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Aegis Residential Care Homes Ltd	<b>Agent :</b>	Pick Planning
<b>Location:</b>	16 WYNDENE GROVE, FRECKLETON, PRESTON, PR4 1DE		
<b>Proposal:</b>	CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO CHILDREN'S RESIDENTIAL CARE HOME (CLASS C2) FOR UP TO 4 CHILDREN WITH UP TO 4 CARERS		
<b>Ward:</b>	FRECKLETON EAST	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7527757,-2.8661103,175m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application relates to the change of use of a detached two storey dwelling located within a residential area of Freckleton to a care home where care will be provided for up to 4 young persons by up to 4 carers. This is a change of use of a scale that requires planning permission as the number of people in the dwelling will exceed the 6 permitted under Use Class C3b and so is a change of use to Class C2.

In general terms, the use of a detached property in a residential area for a use of this nature is acceptable as a settlement such as Freckleton provides for a full range of residential needs. In specific terms this property is also well suited to that use, albeit there are understandable community concerns about the suitability of the access arrangements which are restricted by the location of the access point on the inside of a bend and the narrow width of the available carriageway that influences the ability to access the property. Notwithstanding these concerns, it is considered likely that the volume and nature of vehicle movements to this property when used as a care home of the scale proposed are likely to be similar to those when in its current lawful use as a large family dwelling. As such the development will not lead to a harmful impact on highway safety that would be in conflict with development plan policies or national guidance, and so a reason for refusal on this basis cannot be supported.

There are no other planning considerations of note and accordingly the application is recommended for approval subject to conditions to require that the parking and access arrangements are improved, and to provide control over the scope of the development to that set out in the application.

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

The officer recommendation for approval is in conflict 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 property is a detached two storey dwelling in a residential area of Freckleton. It has a detached garage to the side which is linked to the dwelling with a roofed passageway and has a large dormer to one side of the roof which forms the only extension since construction.

The property is accessed off Wyndene Grove which is entirely residential, but shares a side boundary with a large rest home and backs onto the playground element of Freckleton Memorial Playing Fields.

### **Details of Proposal**

The application proposes a change of use of the property from a dwellinghouse to a children's care home, which in planning terms is a change from a Class C3 use to a Class C2 use.

The Design and Access Statement supplied with the application confirms that the intentions '*to use the house as a care home for 4 children, residing on a medium to long term basis, and aged between 8 and 16.*' These are to be supported by two carers who will operate on an 8 hour shift basis with at least one permanently on the premises during the day and night, although the agent has confirmed that additional carers may visit during the day hence the reference so there could be up to 4 carers present. The Statement also confirms that no external changes are to be made to the property with one of the children's bedrooms provided on the ground floor to accommodate a child with mobility limitations. It is also proposed to use the garage as a staff office associated with the operation of the home.

### **Relevant Planning History**

There is no planning history to report.

### **Relevant Planning Appeals History**

None

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

**Freckleton Parish Council** notified on 01 November 2018 and comment:

*"The Parish Council Objects to this application for the following reasons:*

- 1. There will be an adverse impact on the residential character of Wyndene grove.*
- 2. The additional traffic movement in the Grove will be unacceptable."*

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

None to report

### **Neighbour Observations**

<b>Neighbours notified:</b>	01 November 2018
<b>Amended plans notified:</b>	N/A

<b>Site Notice Date:</b>	N/A
<b>Press Notice Date:</b>	N/A
<b>Number of Responses</b>	14 (13 in objection / 1 in support)
<b>Summary of Comments</b>	<p>The correspondence that raises objection to the application is summarised as follows:</p> <ul style="list-style-type: none"> <li>• The care home will create additional vehicle movements that will create highway safety issues and congestion.</li> <li>• The narrow width and cul-de-sac nature of Wyndene Grove means the opportunities for parking are very limited and with this being a business they will receive a large number of visitors from staff, social workers, and other agencies.</li> <li>• The application property is located on a bend where visibility off the driveway is very restricted and the driveway is difficult to access.</li> <li>• The junction of Wyndene Grove with Naze Lane is difficult and so additional use of it will harm highway safety.</li> <li>• The home will generate additional noise that is unsuitable for a residential area</li> <li>• The staff changes will cause noise and disturbance to other residents</li> <li>• The village of Freckleton does not have the infrastructure to support a facility of this nature</li> <li>• There will be covenants on the property that prevent it being used for a business purpose</li> <li>• The proposed use could increase the need for police to visit the property and this is inappropriate given the number of elderly people in the area. Reference is also made to the reputation of other homes and the need for children to be given care in a secure and controlled environment.</li> <li>• This is a 'bad neighbour' use that should not be located in a family home</li> </ul>

The neighbouring rest home have written to confirm that they have no objection to the proposal which they believe will easily blend into the surroundings.

#### **Relevant Planning Policy**

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

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
HW2	Community Facilities

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

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

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Policy Background**

The application site is located in the settlement area of Freckleton where Policy GD1 of Fylde Local Plan to 2032 applies and is supportive of new development subject to compliance with other Local Plan policies. The proposal does not involve any new built development, but will change the way that the property is operated and so there is a need to assess it against the requirements of some elements of Policy GD7 which relates to design. Finally, the nature of the use means that there is need to assess the proposal against Policy HW2 which relates to community facilities.

### **Need for Planning Permission**

Whilst it is currently vacant the application property is clearly a dwellinghouse and so falls within Class C3 of the Use Classes Order. This class comprises of 3 parts as follows:

*C3(a) covers use by a single person or by people to be regarded as forming a single household*

*C3(b) refers to not more than six residents living together as a single household where care is provided for residents*

*C3(c) allows for not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*

The nature of the use is one that has links to Class C3 in that it will be the place of residence of the children and it will maintain the appearance of a dwellinghouse in that there are to be no external physical changes to the property and no alterations to its boundary treatments are proposed. However, the children will not be living in the property alone and will be in receipt of care provided by a range of staff who will reside elsewhere and so will not form part of the household at the property. This means that the proposed use falls within Class C2 of the Use Classes Order which relates to 'Residential Institutions' and is defined as:

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

*Use as a hospital or nursing home.*

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

This does not automatically mean that the use proposed requires planning permission, as this is only the case where a *material* change of use is involved, and there are a number of similar homes operate across the borough that operate on the basis that the Class C2 use is of such limited scale that it does not involve a material change from the Class C3 use of the property. One of the key defining factors in the assessment of the materiality of the change of use is the number of children that are resident in the household, and as this proposal is to provide care for 4 children with 4 carers involved in supporting their occupation of the dwelling then this is a scale that exceeds the 6 persons limit in Class C3b and so planning permission is required for the development involved in this change of use. The applicant clearly agrees with this approach as they submitted this application without any prior discussions with the council.

### **Suitability of Location**

Freckleton is designated as a Local Service Centre in the Fylde Local Plan to 2032 which is the second

highest category of settlement in the borough. This is in recognition that it contains a range of services that make it suitable for growth and so must be suitable for providing the care needs of children. There is a village school, church, shops, health centre, etc. all of which are within a convenient walking distance of this property, with the main village playground immediately to the rear of the site and particularly readily accessible. As such the village is a suitable location for a care home use.

The property is located in an area of residential properties that are well related to the services available in the village with a continuous lit footpath and so easy connections to these services. The only non-residential use in the vicinity of the site is a care home specialising in elderly care and so the immediate locality of the application site is suited to further care provision.

Finally, the application property is a detached dwelling with a reasonably well contained garden to front and rear as well as its own direct access from the road. It is of a suitable size to accommodate the level of care use (children and carers) that is proposed so is a suitable location for the development.

Policy HW2 makes reference to the development of new community facilities and refers to the specific establishment of new facilities within new centres in the borough. Whilst this does not strictly apply to the proposal here, the policy refers to them being located in areas which are sustainable and accessible and this proposal would meet that requirement.

#### Access and Parking

The property has an existing vehicle access point to Wyndene Grove with a driveway that leads to the detached garage and has space for three cars to park in tandem, and with the intended use of the garage as an office under this proposal this driveway parking will be on the only facility available.

The lawful residential use of the property will generate a number of vehicle movements and a demand for parking. The proposed care home use will also bring movements through staff changes and other visitors in addition to the usual residential movements. The supporting statement discounts this and argues that the *'number of vehicle movements will be very low and unlikely to lead to any more potential disturbance than if the property would be occupied by a large family'*. Nevertheless it is important to assess the adequacy and safety of these arrangements.

The site is accessed at a point that imposes a series of restrictions. These are that the road width is narrow at around 5m and is restricted further by the use of the opposite side of the road for parking by vehicles presumably associated with the dwellings on that side of the road which are terraced and so do not have any off-road parking arrangements. This means that at various site visits undertaken as part of the assessment of this application the area opposite this property has always featured parked vehicles which effectively make the road single vehicle width. Furthermore, the property is located on the inside of a bend in the road and has limited visibility at the exit point as a consequence of shrubs in the garden to the application property and seemingly its neighbour to the right, and by the fence that surrounds the care home to the left.

The situation that these create is that the access to the property is difficult to enter in either forward or reverse gear due to the restrictions on the carriageway width, and is difficult to safely exit due to the obstructions to visibility to both sides on exit. Whilst the volume of traffic using the cul-de-sac is limited as there are only a small number of properties, and vehicle speeds will be limited due to the residential nature of the road and the narrow carriageway it is understandable that residents and the Parish Council have raised this as an issue in their comments on the application.

The council's decision needs to assess whether these restrictions are such that the access arrangements are so difficult that they lead to conflict with local plan policy or national guidance. The relevant local plan policy is Policy GD7 of the Fylde Local Plan to 2032 that deals with general design matters, with criterion q) requiring that *"The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users."* The relevant NPPF para is 109 which states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

The access arrangements to the property are not ideal due to the position of the access and the road conditions. However, it is not considered that the proposed use of the property to care for 4 children will result in a significant increase in the use of the access point beyond that which would be possible if the 4 bedroomed house was occupied by a large family, potentially with older children owning their own car. It is also the case that there is a 2m wide footway that provides reasonable visibility on exit and that there will be a limited number of vehicles passing the entrance due to the small cul-de-sac location of the site. As such the officer view is that the proposed use will not cause a negative impact on highway safety to a degree that would result in the development conflicting Local Plan policy GD7 or NPPF guidance. This application also allows planning conditions to be imposed to ensure that on-site parking and turning provision is made, and that measures are taken to improve the visibility available at the access point by the removal of the vegetation that currently restricts visibility across the site frontage.

#### Other Matters

Whilst comments have been made that the use will lead to additional noise and disturbance, the detached nature of the dwelling and its location at the end of the row of dwellings adjacent to a care home mean that a care home use of the scale proposed in this application is not likely to lead to any undue issues of this nature.

The wording of any covenants or other restrictions in the deeds would be private matters for those who issued the deeds to address and are not part of any planning consideration.

#### Conclusions

The application relates to the change of use of a detached two storey dwelling located within a residential area of Freckleton into a care home where care will be provided for up to 4 young persons by up to 4 carers. This is a change of use of a scale that requires planning permission as the number of people in the dwelling will exceed the 6 permitted under Class C3b and so is a change of use to Class C2.

In general terms the use of a detached property in a residential area of Freckleton for a use of this nature is acceptable as the settlement provides for a full range of residential needs. In specific terms this property is also well suited to that use, albeit there are understandable community concerns about the suitability of the access arrangements which are restricted by the location of the access point on the inside of a bend and the narrow width of the available carriageway that influences the ability to access the property. Notwithstanding these concerns, it is considered likely that the volume and nature of vehicle movements to this property when used as a care home are likely to be similar to those when in its current lawful use as a large family dwelling. As such the development will not lead to a harmful impact on highway safety that would be in conflict with development plan policies or national guidance, and so a reason for refusal on this basis cannot be supported.

There are no other planning considerations of note and accordingly the application is recommended for approval subject to conditions to require that the parking and access arrangements are improved, and to provide control over the scope of the development to that set out in the application.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission / consent relates to the following details:

#### Approved plans:

- Location Plan - HM Land Registry Plan LA457133
- Proposed Floor Plans - Plan EMP/2

#### Supporting Reports:

- Design and Access Statement - EM Pick Planning

Reason: To provide clarity to the permission.

3. That the use of the property hereby approved shall be limited to a care home (Class C2) for no more than 4 young persons (aged 8-16 inclusive) with care provided by not more than 4 carers.

Reason: To provide an appropriate level of control over the nature of the proposed use in the interests of the character of the area and highway safety as required by Policy GD7 of the Fylde Local Plan to 2032.

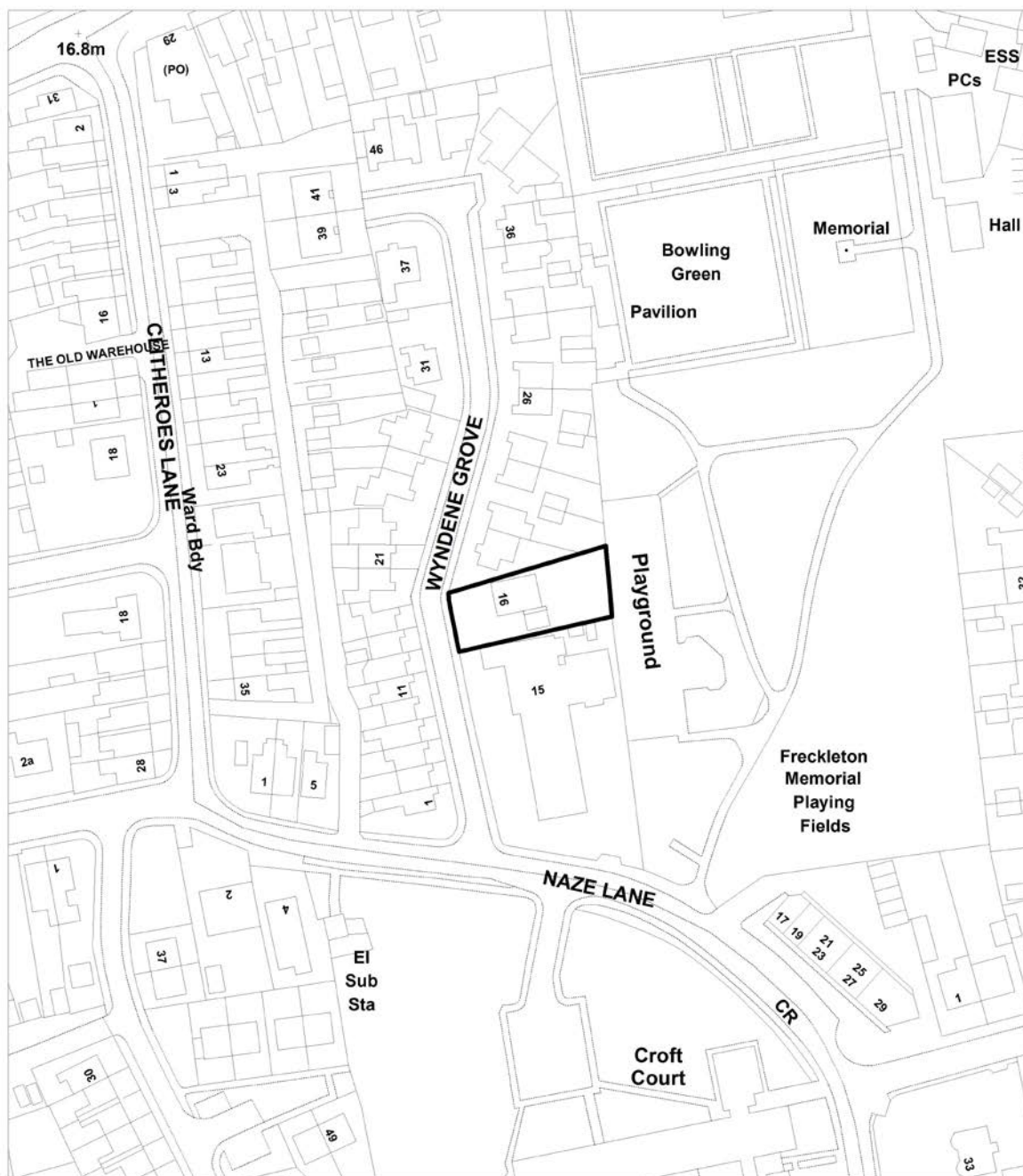
4. Prior to the first use of the property as a care home a plan shall be submitted and approved in writing by the local planning authority to confirm the following improvements to the access and parking arrangements:


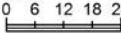
- The improvement of the visibility at the access by the removal of all vegetation and other obstructions above 1m in height for a distance of 1m back from the site frontage.
- Provision for the turning of a vehicle on site so that it is possible to enter and leave the site in a forward gear
- Provision for the parking of no less than three vehicles on site

This plan shall be implemented prior to the first use of the property as a care home, and the improvements maintained available at all times thereafter

Reason: To ensure that the property is provided with appropriate visibility and parking / turning arrangements for the intended use as required by Policy GD7 of the Fylde Local Plan to 2032.





		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0844	Address 16 Wyndene Grove, Freckleton	Grid Ref. E.3429 : N.4288	Scale 0 6 12 18 24 m 

**Item Number:** 5

**Committee Date:** 16 January 2019

<b>Application Reference:</b>	18/0860	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr MARTIN	<b>Agent :</b>	ML Planning Consultancy Ltd
<b>Location:</b>	LAND ADJACENT STANLEY LODGE - FIELD 5562, SALWICK ROAD, TREALES ROSEACRE AND WHARLES		
<b>Proposal:</b>	ERECTION OF AGRICULTURAL STORAGE BUILDING - PART RETROSPECTIVE APPLICATION (RESUBMISSION OF APPLICATION 18/0373)		
<b>Ward:</b>		<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8047161,-2.8221597,701m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

This is a re-submission of 18/0373, which sought retrospective permission for the retention of an agricultural storage building and which was subsequently refused permission by the Planning Committee on 05 September 2018. This application is physically identical to the refused scheme but includes additional supporting information.

This application relates to the provision of an agricultural storage building within a prominent rural field that lies immediately to the north of the M55 motorway and the south of Salwick Road north of Treales.

The field is agricultural in character and has recently been in use for grazing sheep and some production of hay, although it also forms the site for the annual Fylde Vintage & Farm Show. The building would provide a covered storage facility for agricultural equipment associated with both hay production and the show, and also for other equipment associated with the show.

With the site being located in the Countryside there is a general presumption against new buildings unless they are associated with a number of restrictive uses. One of these is that the building is needed for agriculture, with others including small scale tourism uses, and development that is essential to the continuation of an existing operation.

There is some agricultural need for this building given that the site is located remotely from the farmstead which is in Clifton, and there is also a need associated with the storage of equipment that supports the well-establish Farm Show. With these needs and the relatively sensitive siting of the building against the tree backdrop on the Dagger Road boundary of the site it is considered that the building accords with the aims of Policy GD4 of the adopted Fylde Local Plan to 2032. The building is considered to be appropriately designed and sited and thus accords with the aims of policy GD7 of the adopted Fylde Local Plan to 2032. For

these reasons the application is recommended for approval.

The building construction has commenced, although the materials used do not accord with the submission and are not appropriate. As such a condition is proposed to ensure that appropriate timber boarding materials are used to be reflective of a farm building in this location.

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

The officer recommendation for approval is in conflict with the Council's decision on a previous application for the same development that was refused by Planning Committee on 05 September 2018 contrary to the officer recommendation at that time. Accordingly the Head of Planning and Housing considers that Committee should determine this application for consistency. The recommendation also conflicts with the objection received from the Parish Council.

### **Site Description and Location**

The application relates to an open agricultural field located between the M55 motorway to the south, Salwick Road to the north, Dagger Road to the east, and Blue Moor to the west. For ease of identification the nearest property to the site is Stanley Lodge Farm which is located approximately 400 metres to the north west. The field comprises of approximately 25 acres of grassland and is used by the applicant for the grazing of sheep and for the annual Fylde Vintage & Farm Show held over one weekend every summer. The site is within countryside as designated in the adopted Fylde Local Plan to 2032.

### **Details of Proposal**

This is a re-submission of 18/0373, which sought retrospective permission for the retention of an agricultural storage building but which was refused permission by the Planning Committee on 05 September 2018. This application is physically identical in all respects to the refused scheme but now includes the additional supporting information:

- Letters from local charities and businesses highlighting the financial contributions resulting from the annual Vintage Farm Show
- 
- Aerial photographs from Google Earth showing similar storage buildings used in association with Longridge Showground, Chipping Showground, Great Eccleston Showground, and Scorton Steam Fair buildings.

Planning permission is sought for the erection of an agricultural storage building. The building would be sited towards the eastern boundary of the field and adjacent to a wooded/grassed embankment that marks the boundary limit. It would have a ground footprint measuring 17.3 metres by 12.1 metres, and have a mono-pitched roof that rises from a height of 3.6 metres up to 4.5 metres.

The application is largely retrospective as the building appears to be in the final stages of construction, albeit it is constructed in horizontal metal sheeting whereas the submitted plans indicate vertical sheeting to the lower portion of the building and timber boarding above.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
18/0373	ERECTION OF AGRICULTURAL STORAGE BUILDING - PART RETROSPECTIVE APPLICATION	Refused	07/09/2018
17/1011	APPLICATION FOR PRIOR NOTIFICATION OF AGRICULTURAL DEVELOPMENT FOR PROPOSED PORTAL FRAMED AGRICULTURAL STORAGE BUILDING.	Planning Permission Required	12/03/2018
15/0850	AGRICULTURAL BUILDING FOR STORAGE OF MACHINERY AND FODDER	Refused	20/01/2016
13/0589	RE-SUBMISSION OF 13/0055 - PROPOSED STEEL FRAMED AGRICULTURAL BUILDING	Refused	02/12/2013
13/0055	PROPOSED STEEL FRAMED AGRICULTURAL BUILDING	Refused	14/06/2013

### **Relevant Planning Appeals History**

None

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

The site is within the area of **Treales, Roseacre & Wharles Parish Council** who were notified on 09 November 2018. They have submitted a lengthy letter which raises objection to the application as follows:

#### **"Summary of Objections**

- *The proposal conflicts with policy GD4 of FBC's Local Plan to 2032 (as adopted) and paragraph 17 of the NPPF.*
- *The principal use of the proposed building is for the storage of obsolete vintage farm equipment and not for agricultural need.*
- *LCC's Land Agent's report states that hay could be more appropriately stored at the applicant's site at Clifton.*
- *The building is not to be used for the storage of working farm machinery for haymaking at this site.*
- *The proposed building is insecure.*
- *The income currently derived from the Vintage Farm Show is not reliant upon the provision of this building.*
- *The size of the proposed building is excessive in view of the size of the field.*
- *The removal of unnecessary equipment and scrap from this field is not reliant upon the provision of this or any other building.*

#### **Detailed Objections**

*TRW PC confirms its objection to this application for development in designated countryside because it is in conflict with policy GD4. There have been 5 previous refusals for development of buildings by this applicant on this land and we still see no activity being proposed that is essentially required for the purposes of agriculture relating to the creation of a large permanent structure, in a prominent public position.*

*The proposed building in designated countryside is not considered to be essential for the continuation of the applicant's existing agricultural enterprise(s). The scale and siting of the building would result in highly visible structure located in prominent public position adjacent to the M55 motorway and would cause harm to the visual character of this rural area. For the reasons above the proposal fails to accord with policies GD4 of the Fylde Borough Local Plan to 2032 (as adopted) and the guidance of paragraph 17 of the National Planning Policy Framework. This harm is not outweighed by any economic arguments or other material considerations related to the support of the rural economy. The application should be refused.*

*From the applicant's Design and Access Statement, the applicant makes it clear that "There are numerous dilapidated structures on site, along with a number of pieces of agricultural machinery, some of which is vintage machinery". The applicant then states that they are "keen to remove all temporary structures and unnecessary equipment/scrap from the site and the subject building will provide under cover storage for the remaining items." The logical conclusion is that the building's principal purpose is for storage of the various items already strewn across the site. There is no agricultural activity actually described. It is of note that the outcome of the application has no relevance to the removal of material not essential for the purposes of agriculture.*

*We note that Lancashire County Council Land Agent Mr Wayne Selway (ref application 13/0055 22April 2013) in his assessment for a similar building on the same location in 2013, considered that "the use of the building is primarily associated with this show (Fylde Vintage & Farm Show), and the fact that the show does not currently have a permanent structure on the site, is one of the principal reasons for the proposed building". He also considered that hay would be more appropriately stored at the applicant's main operation at Clifton. At that time, it would appear that the applicant's land was principally used for growing potatoes on a contract basis and for the overwintering of sheep belonging to other farmers. It was unclear then and now, the actual scale of farming activity undertaken by the applicant, as opposed to those of a landlord to others undertaking farming activity.*

*For haylage, a single tractor with cutting, turning & collecting equipment is all that could be used on the field 2-3 times per annum. A 12.1m x 17.3m building to store that small amount of equipment would appear excessive, inefficient and unnecessary.*

*We note that from the data provided by the applicant's agent (on the 9th July 2018 ) that: of the 180 acres the applicant holds on 3 sites at Clifton, Newton and Salwick Road, Treales; some 87 acres are apparently used as grassland at the three locations. Given that a field may yield 2-3 cuts per year and that 22 acres are at Clifton and 30 acres at Newton, it would not be efficient or effective to store a tractor and/or hay making machinery for the 25 acres at Treales, since that would create extra & unnecessary longer journeys.*

*We also note that the applicant has indicated that he has security concerns at the location the subject of this application (ref 5th Jan 2013 "Farming statement of needs", application ref 5/2013/589), so it would appear highly ineffective to store valued items in an isolated location away from his main operation at Clifton.*

*We also note that the planning agent Melanie Lawrenson in her letter of the 9 November 2018 lists companies that derive financial benefit from the Fylde Steam Fair (presumably she means Vintage Farm Show) and in her email of the 8 November 2018 she provides details of other financial benefits derived by others from this show. The Parish Council firmly believe that these financial benefits are not in any way reliant upon the proposed building.*

*It is also noted that it is not normal practice in the Fylde to provide such large permanent buildings in such small fields in association with grazing of sheep or haylage activity, in such prominent positions. The Parish Council has a concern that a precedent may be created, that the authority would have difficulty in resisting should further similar applications come forward across the Fylde.*

*Separately, as per multiple exchanges with FBC, the Parish Council wishes FBC to now enforce the restoration of the field with the removal of the unsightly, non-rural detritus and materials left over from the various events that the applicant, Mr Martin, is now facilitating on the land."*

The site is close to the boundary with **Newton with Clifton Parish Council** so they were also notified on 09 November 2018. No comments have been received.

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

#### **National Grid**

Confirm that the site is close to a high pressure gas pipeline but that there raise no objection to the development.

#### **Highways England**

No objections.

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

*"The site of the new agricultural building is very close to a pond, in an area known to support the specially protected species great crested newt. The Access and Design Statement submitted as part of the application states that the pond will not contain newts because sheep graze the field. In fact, many great crested newt breeding ponds are located in pastoral landscapes and within grazed fields. But in this case I note that:*

- The pond is very heavily shaded, significantly reducing the likelihood of newts using it*
- The development proposal will not result in the loss of, or direct harm to, the pond*
- The development proposal will not result in any substantive losses to terrestrial habitat of value to newts*

*I would conclude that the application poses a low risk to great crested newts and I therefore have no objections to the proposal on nature conservation grounds."*

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

*"County Highways does not have any objections regarding the proposed erection of agricultural building 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."*

### **Neighbour Observations**

<b>Neighbours notified:</b>	09 November 2018
<b>Number of Responses</b>	None

## **Relevant Planning Policy**

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

### **Other Relevant Policy:**

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

### **Site Constraints**

Pipelines  
Shell North Western Ethylene Pipeline

## **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**

### **Background to this application**

This is the second recent application for a building on this site. The first was considered by Committee in September 2018 when the officer recommendation was for approval but this was not accepted by Committee who refused the application for a single reason which was:

*The proposed building is not considered to be essential for the continuation of the applicant's existing agricultural enterprise or any rural tourism activity. The scale and design of the building would result in a highly visible structure located in prominent public position that is visible from the M55 motorway and would cause harm to the visual character of this rural area. For these reasons the proposal fails to accord with policies SP2 and EP11 of the Fylde Borough Local Plan, Policy GD4 of the Submission Version Fylde Local Plan to 2032, and the guidance of the National Planning Policy Framework. This harm is not outweighed by any economic arguments or other material considerations related to the support of the rural economy.*

There is currently a building on site. Whilst this is generally of the size and location of the building shown on the plans under consideration here, it has different materials and so would not have been authorised even if the earlier application had been approved. Following the September refusal officers undertook discussions with the applicant and his agent about the removal of the unauthorised building but the applicant decided to submit this application in a further attempt to secure permission for a building in this location.

This application is for a building that is physically identical to that considered in September under 18/0373 but is supported with additional information. This is summarised as:

- The Show employs two local members of staff full-time April to September
- The building is intended to provide shelter for vintage machines that were manufactured without brakes and so cannot legally be driven on the roads
- The Show has raised £30,000 for charity since its inspection 9 years ago
- Letters are included from charities and local businesses that refer to this local economic benefits

and fund-raising benefits of the Show

These economic considerations need to be assessed in the planning balance on the current application.

#### Relevant Policy Considerations

The application site is located within countryside as allocated in the adopted Fylde Local Plan to 2032. Policy GD4 of the local plan sets out six criteria for development within countryside, with criterion 'a' providing support for development needed for the purposes of uses appropriate to a rural area and which help to diversify the rural economy. GD4 does not qualify the need as being 'essential' and also promotes tourism uses and essential development to support an existing enterprise.

Para 83 of the NPPF18 states that planning policies should enable:

- a) the sustainable growth and expansion of all types of business, both through conversion of existing buildings and provision of well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses.
- c) sustainable rural tourism and leisure developments which respect the character of the countryside

#### Principle of Development

The application relates to a 25 acre / 10 hectare agricultural field located immediately to the north of the M55 motorway and accessed via Salwick Road, which runs alongside the northern boundary of the field. The field is pasture grassland used for the grazing of sheep and some hay production. The application refers to the use of the building to support this agricultural use, and whilst there is some merit in this as the site is clearly in agricultural use and is remote from the main farmstead, the nature of agricultural activity undertaken is not such that a building would normally be justified.

However, the site also forms the site of the annual Fylde Vintage & Farm Show, which is held over one weekend every year, and which has recently completed its ninth year of operation. This agricultural themed show is clearly one that is appropriately sited within a rural area and represents a successful example of diversification of the rural economy that also brings tourism benefits through the visitor numbers it attracts to the area. The success of the show has however resulted in the accumulation of various show related items (e.g. fence panels, old agricultural machinery, etc.) being stored around the periphery of the field, in particular along the eastern boundary against the grassed embankment. These items are readily visible from public vantage points including the M55 and cause harm to the visual amenity of the area. The proposed building would provide a covered facility for the storage of many of these show related items and thus provides an opportunity for improving the public appearance of the field. Whilst the current building is also an unattractive structure at present, with appropriate treatment to its elevations it would be improved to a degree that ensures it appears more reflective of a typical agricultural style building that would be appropriate for the rural landscape of the application site.

For these reasons it is considered that the proposed storage building accords with the aims of Policy GD4 of the adopted Fylde Local Plan to 2032 and para 83 of the NPPF. Accordingly it is officer view that the proposed development is acceptable in principle at this location.

This is the position that was put forward in the earlier application. Since that time the council has adopted the Fylde Local Plan to 2032 but as it had 'almost full' weight in September 2018 this does not change the policy position. The additional information provided by the applicant does provide



some background to the scale of the show, indicates it has some modest wider economic and employment benefits and indicates that it is not unusual for established rural shows to have supporting buildings – there is a current application with Fylde Council for determination that relates to a building at Great Eccleston Showground (18/0955 refers).

These provide some further weight to support the application, although these need to be set against the benefits that making consistent decisions brings to public confidence in the planning system.

#### Visual amenity

The storage building is located alongside the grassed/wooded embankment that forms the eastern boundary of the field. The building on the submitted drawings is of a basic design with an open front, ventilated elevations, and a mono-pitched roof profile. The finished appearance is a muted green colour. The building is readily visible from the adjacent M55 motorway however its basic design is in keeping with the rural character of the general area, and its muted colour finish with timber board elements, together with its siting against a grassed/wooded embankment, would help to ensure its appearance is not otherwise incongruous within this rural setting or unacceptably intrusive within the wider rural vista. Furthermore, the building would enable much of the show related paraphernalia, currently stored around the field periphery, to be stored under cover and out of sight, to the benefit of the area's visual amenity.

The current building on site does not have that design quality and so a condition is necessary to require that it is amended to the building that is the subject of this application should permission be granted.

#### Ecological Impacts

There is a pond indicated in close proximity (approximately 20 metres to the north) of the building, however aerial photographs of the site appear to show this pond is now largely overgrown with flora. This notwithstanding the potential for this to be a Great Crested Newt (GCN) habitat must be considered. The Greater Manchester Ecology Unit was consulted on the application for their views and they raised no objections as the pond is largely shaded by overgrowing flora thus significantly reducing the likelihood of GCNs being present and also the development would not in itself cause harm to the pond.

#### Highways

The County Highway Authority was consulted on the application and raised no objections to the application. In their opinion the development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

#### Neighbour Amenity

The closest neighbouring residential property is Locking Stoops Cottage, situated approximately 185 metres distant to the north east of the building and on the other side of Salwick Road.

Notwithstanding that the storage use of the building is unlikely to cause any neighbour amenity issues, this large separation distance is sufficient to ensure that neighbour amenity impacts are not a concern.

#### Parish Council Comments

The Parish Council raise objection to the development based on a series of factors, but principally that the building is not essential for agriculture on the site and is not suited for that purpose in any event. This is an accurate position to take as a building could not be justified on the basis of an occasional use for sheep or cropping / storing hay. However, the building is not for that use alone as it is to support the well-established agricultural show that takes place on the site. This is an

element that was considered by the County Land Agent in 2013 at which time they advised that the Show use would not be an agricultural use and that the “*requirement for further agricultural storage is questionable*”. The County Land Agent service is no longer available to local councils but with the change in the policy position and fact that this application is clearly based on the tourism rather than agricultural use of the site their previous views are not directly relevant to the consideration of this application.

The recent refusal of an application on the site for a similar proposal is a relevant consideration, and consistent decision making helps develop public confidence in the planning system. The council’s decision on that application was made by Committee against officer recommendation for approval. Officers believe that the current application should also be supported, but members may wish to consider the additional information supplied with this application alongside the benefits of consistency in decision making. It will also be necessary to consider the application against the current planning policies and latest version of NPPF as covered in this report.

### **Conclusions**

This application relates to the provision of a storage building within a prominent rural field that lies immediately to the north of the M55 motorway and the south of Salwick Road north of Treales.

The field is agricultural in character and has recently been in use for grazing sheep and some production of hay, although it also forms the site for the annual Fylde Vintage & Farm Show. The building would provide a covered storage facility for agricultural equipment associated with both hay production and the field show, and also for other equipment associated with the show.

With the site being located in the Countryside there is a general presumption against new buildings unless they are associated with a number of restrictive uses. One of these is that the building is needed for the purposes of agriculture, with others including small scale tourism uses, and development that is essential to the continuation of an existing operation.

There is some agricultural need for this building given that the site is located remotely from the farmstead which is in Clifton, and there is also a need associated with the storage of equipment that supports the well-established Farm Show. With these needs and the relatively sensitive siting of the building against the tree backdrop on the Dagger Road boundary of the site it is considered that the building accords with Policy GD4 of the adopted Fylde Local Plan to 2032. The building is considered to be appropriately designed and sited and thus accord with policy GD7 of the Fylde Local Plan to 2032. For these reasons the application is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission / consent relates to the following details:

#### **Approved plans:**

- Location Plan - Stanfords Vectormap

- Proposed Site Plan and Elevations - ML/DM/5720, dated 02 November 2018

Supporting Reports:

- Design and Access Statement

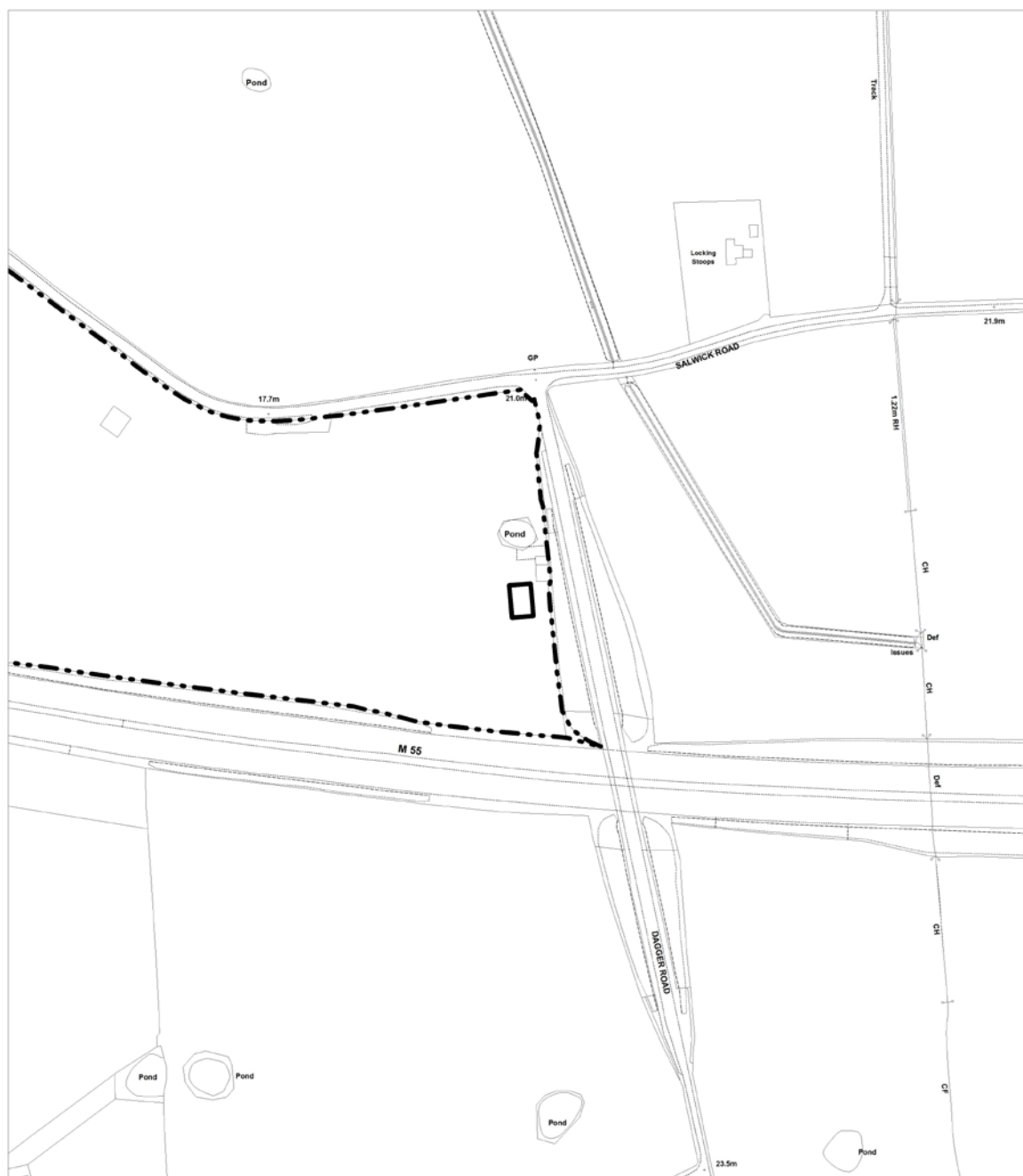
Reason: To provide clarity to the permission.


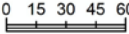
3. Notwithstanding the details shown on the plan submitted with this application (Ref: ML/DM/5709) the lower portion of the building shall be clad in Juniper Green box profile vertical cladding, with the upper portion clad in plain timber 'gale breaker' style vertical boarding.

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

4. Notwithstanding any right available under the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any successor legislation) the building hereby approved shall be utilised for agricultural purposes and / or the storage of equipment associated with the Fylde Vintage & Farm Show (or any successor rural based events) only.

Reason: To retain appropriate control over the use of the building give its isolated rural location in accordance with Policy GD4 of the adopted Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0860	Address Land adjacent Stanley Lodge - Field 5562, Salwick Road, Wharles	Grid Ref. E.3460 : N.4345	Scale 0 15 30 45 60 m 

**Item Number:** 6

**Committee Date:** 16 January 2019

<b>Application Reference:</b>	18/0875	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr W Rawkins	<b>Agent :</b>	Stephen Gee
<b>Location:</b>	THE COACH HOUSE, CHURCH ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SH		
<b>Proposal:</b>	SINGLE STOREY EXTENSION TO REAR AND SIDE OF EXISTING DETACHED GARAGE TO CREATE SWIMMING POOL		
<b>Ward:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8048976,-2.8428108,175m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application relates to the erection of a single storey extension to the rear of an existing detached garage at a dwelling located within designated countryside outside of Treales. The extension would not result in a building of inappropriate design or appearance, and would visually intrude into the surrounding countryside to the detriment of the rural character and appearance of the area. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy GD7 of the Fylde Borough Local Plan and other relevant development plan policies, and the guidance in the House Extensions SPD. Accordingly the application is recommended for approval.

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

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

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

The application site is The Coach House, Church Road, Treales. The property is set within a small group of properties which include Treales School, Christ Church and the former vicarage which is now a detached dwelling known as 'Kirkwood'. The Coach House is neighboured to the south west by Kirkwood and open fields/woodland on all other sides. The site is within countryside as designated in the adopted Fylde Local Plan to 2032.

#### **Details of Proposal**

Planning permission is sought for an extension to the existing detached garage that lies to the north east of the main dwelling. The extension would be to the rear of the garage and is intended to

enclose a small (6 metre by 2.3 metre) indoor therapeutic swimming pool for use by the applicant as an aid for treating severe knee arthritis. Its ridge and eaves heights would match those of the garage and it would measure 9.6 metres in width and 6.8 metres in depth. The proposed external materials are to match those of the existing garage and dwelling.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0798	PROPOSED TWO STOREY EXTENSION TO SIDE AND ERECTION OF PORCH TO FRONT	Granted	26/02/2014
13/0352	PROPOSED SINGLE STOREY EXTENSION TO SIDE AND DETACHED DOUBLE GARAGE TO FRONT (REVISED SCHEME TO PLANNING PERMISSION 11/0012)	Granted	23/07/2013
11/0012	RESUBMISSION OF APPLICATION 10/0706 FOR SINGLE STOREY SIDE EXTENSION AND DETACHED DOUBLE GARAGE	Granted	01/03/2011
10/0706	PROPOSED SINGLE STOREY SIDE EXTENSION AND DETACHED DOUBLE GARAGE.	Refused	20/12/2010
03/0770	PROPOSED AMENDMENTS TO APPROVED EXTENSION ON APPLICATION 5/02/18	Granted	09/10/2003

### **Relevant Planning Appeals History**

None

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

**Treales, Roseacre & Wharles Parish Council** notified on 09 November 2018 and comment: The parish council objects to the proposal for the following reasons:

- The application conflicts with policy H7 (a) because the dwelling on this site has in the past had its floor area increased by significantly more than the 33% allowable under this policy.
- This application is for a substantial detached development that grossly exceeds the size of the original dwelling. The Parish Council believes that if this development was approved it would create a precedent in conflict with policy H7 (a) that the Planning Committee would find difficult to resist in any subsequent planning applications seeking an increase in floor area greater than 33%.

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

N/A

### **Neighbour Observations**

**Neighbours notified:** 09 November 2018  
**Number of Responses:** None

## **Relevant Planning Policy**

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H7	Replacements and Extensions in Countryside

### **Other Relevant Guidance:**

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

### **Site Constraints**

In Countryside

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Principle**

The application site is located in the Countryside area as defined by Policy GD4 of the Fylde Local Plan to 2032. In these areas the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy GD7 of the Plan, and to additional assessments of the overall scale of the extension to the property compared to the original dwelling, and then how it respects the character of the original building and the surrounding rural area as required by Policy H7 of the Plan.

### **Scale of Extension in Countryside**

Treales, Roseacre & Wharles Parish Council have objected to the extension on the grounds that the increase in floor area would be significantly greater than the 33% allowed under policy H7 of the adopted local plan and thus conflict with that plan. However it should be noted that the criteria of policy H7 apply to extensions/alterations to a rural dwelling and specifically exclude the extension/alteration of any detached outbuildings associated with, or in the curtilage of, a rural dwelling. Hence in this instance whilst the extension would result in an increase in floor area to the garage that significantly exceeds 33% it would not result in any increase in floor area of the actual dwelling and hence there is no conflict with policy H7. In such circumstances developments of this form should be assessed under policy GD7 and this is examined further in the paragraphs following.

### **Design and Appearance in Streetscene**

The existing garage is of a typical traditional design/appearance; constructed from red brick and featuring a dual pitched roof profile covered with slate with flat gables to the front and rear. The proposed extension would reflect this design ethos but would be orientated 90 degrees to the garage to create a 'stubby T' shaped ground footprint. Whilst this would result in a building of more bulky appearance than the existing situation the finished design is considered appropriate for this small grouping of buildings. Views from the public vantage are restricted to those from Church Road with the small woodland along this frontage providing a measure of screening that softens the outline and visual impact of the extended garage to an extent that it causes little, if any, visual intrusion. Overall the design and scale of the extended garage are considered to accord with the

requirements of criteria b), d), h) and i) of Policy GD7.

#### Use of Building

The application refers to the pool being designed to assist with the treatment of a medical condition suffered by the application, with a letter supplied by his surgeon supporting that. This support is a material consideration to be given some limited weight in favour of the application.

With the remote location of the property but the proximity to other dwellings it is important to ensure that the pool is not used for commercial purposes that could attract additional visitors to the site beyond those which would normally be associated with its residential accommodation. This is inherent in the application which is submitted for householder development, but is reinforced through a planning condition that requires that the building is only used for purposes ancillary to the occupation of the dwelling.

#### Relationship to Neighbours

The host dwelling (The Coach House) sits between the extended garage and the nearest neighbouring dwelling, Kirkwood, and this spatial relationship ensures that neighbour amenity would be unaffected by the extension. The proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c), d) and h) of Policy GD7.

#### Parking and Access Arrangements

The proposal retains an appropriate level and location of parking for the site and does not compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

#### Other Matters

There are no other material considerations of note to influence the decision.

#### Conclusion

The application relates to the erection of an extension to the rear of an existing detached garage at a dwelling located within designated countryside. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy GD7 of the Fylde Borough Local Plan and other relevant development plan policies, and the guidance in the House Extensions SPD. Accordingly the application is recommended for approval.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission / consent relates to the following details:

##### Approved plans:

- Location Plan - supplied by Emaphite, scale 1:1250
- Proposed Plans and Elevations - Dwg no. CR1, dated 29 October 2018



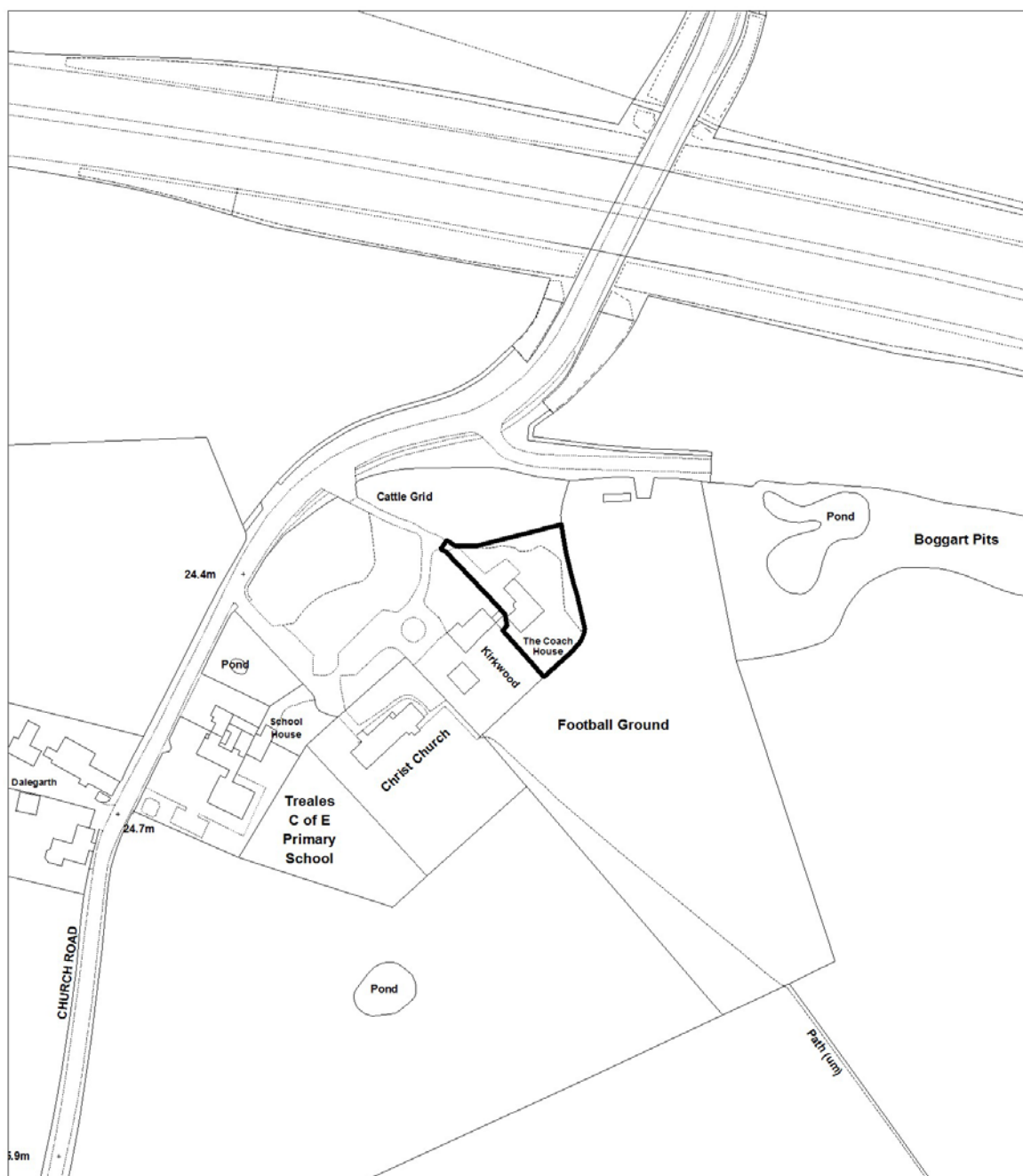
Reason: To provide clarity to the permission.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the submitted application and approved drawings.

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

4. The extended garage shall be used as a private garage and therapeutic pool associated with the residential occupation of 'The Coach House' only with no private hire, swimming lessons or other such commercial activity undertaken from the building.

Reason: To safeguard the amenities of the neighbourhood.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/13/0798	Address The Coach House, Church Road, Treales	Grid Ref. E.3445 : N.4346	Scale 0 10 20 30 40 m 

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	16 JANUARY 2019	5
<b>LIST OF APPEALS DECIDED</b>			

### 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 1/12/18 and 3/1/19.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

Appeal decisions received between 1/12/2018 and 3/1/19.

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

To inform members on any appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## APPEALS DECIDED

The council has received decisions on the following appeals between 1 December 2018 and 3 January 2019. The appeal decisions are attached as appendices for reference.

Rec No: 1  
 28 September 2018 16/0621 MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM  
 APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0655 RELATING TO CONDITION 11- MAINTENANCE OF THE COMMUNAL AREAS, CONDITION 33- CAR PARK MANAGEMENT PLAN, CONDITION 34 - AFC FYLDE EVENT MANAGEMENT PLAN, CONDITION 34 - TRAFFIC MANAGEMENT PLAN AND CONDITION 46 - HOURS OF OPERATION

Written  
 Representations  
 Case Officer: AS

Fylde Dec. Level COMM  
 Appeal Decision: Part allowed: 04 January 2019

---

Rec No: 2  
 20 August 2018 17/0591 PREESE HALL FARM, EXTENSION OF TODDERSTAFF ROAD, WEETON WITH PREESE, PRESTON, PR4 3HT  
 RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF AGRICULTURAL LAND TO GENERAL STORAGE (CLASS B8) INCLUDING SITING OF 100 STORAGE CONTAINERS

Written  
 Representations  
 Case Officer: AP

Fylde Dec. Level DEL  
 Appeal Decision: Dismiss: 12 December 2018

---

Rec No: 3  
 22 October 2018 18/0195 23 AVALON DRIVE, FRECKLETON, PRESTON, PR4 1PE  
 RETROSPECTIVE APPLICATION FOR 1.8 METRE HIGH TIMBER FENCE WITH GATES TO NEWTON CLOSE BOUNDARY

Householder  
 Appeal  
 Case Officer: RC

Fylde Dec. Level DEL  
 Appeal Decision: Dismiss: 30 November 2018

---

Rec No: 4  
 22 November 2018 18/0722 SALTERS WHARF PUBLIC HOUSE, SOUTH PROMENADE, LYTHAM ST ANNES, FY8 1LY  
 ADVERTISEMENT CONSENT FOR ERECTION OF ONE INTERNALLY AND EXTERNALLY ILLUMINATED POST MOUNTED TOTEM SIGN.

Advertisement  
 and Minor  
 Commercial  
 Case Officer: RT

Fylde Dec. Level DEL  
 Appeal Decision: Dismiss: 20 December 2018

---

---

## Appeal Decision

Site visit made on 12 November 2018

**by Beverley Doward BSc BTP MRTPI**

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

**Decision date: 4 January 2019**

---

**Appeal Ref: APP/M2325/W/18/3208986**

**Mill Farm Sports Village, Fleetwood Road, Medlar with Wesham, PR4 3HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
  - The appeal is made by Mill Farm Ventures against the decision of Fylde Borough Council.
  - The application Ref 16/0621, dated 15 August 2016, sought approval of details pursuant to conditions Nos 11, 33, 34 and 46 of a planning permission Ref 13/0655, granted on 17 February 2015.
  - The application was refused by notice dated 29 May 2018.
  - The development proposed is described as 'Hybrid Planning Application (Part Full/Part Outline) Full Planning application – 6,000 Capacity Football Stadium, 11,431m<sup>2</sup> Warehouse and Distribution Centre (Class B8), 1,518m<sup>2</sup> Neighbourhood Retail Store (Class A1), Internal Spine Road with access from A585 roundabout, associated parking, landscaping, drainage and infrastructure. Outline Planning Application (Access sought with other matters reserved) – 8 x Outdoor Floodlit All Weather Pitches, Changing Room Block, Petrol Filling Station, 785m<sup>2</sup> Non-Food Bulky Goods Retail Unit (Class A1), Hotel (Class C1), Pub/Restaurant (Class A4), Drive Thru Restaurant (Class A3/A5), 492 Space Overflow Car Park and the formation of a Surface Water Attenuation Pond.'
  - The details for which approval is sought are: Maintenance of the Communal Areas (Condition 11); Car Park Management Plan (Condition 33); AFC Fylde Event Management Plan (Condition 34); Traffic Management Plan Mill Farm (Condition 34) and Hours of Operation of the Stadium (Condition 46).
- 

### Decision

1. The appeal is dismissed insofar as it relates to the car parking management and event management arrangements. The details relating to the car parking management and event management arrangements submitted in pursuance of conditions nos 33 and 34 attached to planning permission Ref 13/0655 dated 17 February 2015 are refused.
2. The appeal is allowed insofar as it relates to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium. The details relating to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium submitted in pursuance of conditions nos 11 and 46 attached to the above referenced planning permission are approved.

### Application for costs

3. An application for costs was made by Mill Farm Ventures against Fylde Borough Council. This application is the subject of a separate decision.

## **Background and Procedural Matters**

4. The planning permission detailed in the heading above is a hybrid permission that approves full permission for a sports stadium and outline permission for other leisure, retail and employment uses. It was granted on 17 February 2015 subject to conditions. Since the permission was granted almost all of the elements that it covers have been built out either under the original planning permission and subsequent reserved matters approvals or through separate permissions.
5. The appeal relates to the discharge of details associated with four 'pre-operation' conditions attached to the hybrid planning permission. The Council indicates that the stadium has been operational for over two years and so is in breach of the conditions, albeit that the application to discharge them was submitted shortly after the first matches were played at the stadium in August 2016.
6. The conditions relate to three distinct areas. The first is the maintenance agreements for the communal areas (condition 11), the second is the hours of operation of the various uses within the stadium (condition 46) and the third is the car parking management and event management arrangements including traffic management for the use of the stadium (conditions 33 and 34). The Council's refusal relates only to the details submitted in respect of car park management (condition 33) and event management arrangements including traffic management (condition 34). In its appeal statement the Council indicates that it is broadly satisfied with the details submitted in respect of the maintenance arrangements for the communal areas and the hours of operation of the various uses within the stadium (condition nos 11 and 46 respectively). From the evidence before me I see no reason to take an alternative view.
7. The Car Park Management Plan submitted with the application that led to this appeal was subject to various revisions during the Council's consideration of the application. The Council's decision was based on the version submitted in April 2018 titled Car Parking Management Strategy (CPMS). Accordingly, I have based my decision on the same version.
8. Since the Council's decision on the application subject to this appeal the Council adopted the Fylde Local Plan to 2032 (Local Plan). The Local Plan now forms part of the statutory development plan for the borough and supersedes the Fylde Borough Local Plan (As Altered) (2005). Accordingly, it is afforded full weight in the determination of this appeal.

## **Main Issues**

9. In the light of the above regarding the acceptability to the Council of the details relating to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium, the main issues in this appeal are the acceptability of the submitted details in relation to car parking management and event management arrangements with particular regard to the effect on highway safety and the living conditions of nearby residents.

## **Reasons**

10. The original hybrid application was approved with a total parking provision amounting to 1,050 spaces across the whole site to meet the needs of all elements of the development. The evidence indicates that this number of

spaces was based on an assumption of the end uses in some areas, given the outline nature of part of the application, with 683 of them being provided for the stadium in various locations. The overall parking provision included an overspill car park to the north-east of the site which was identified with potential to accommodate 492 football related parking spaces. However, the CPMS indicates that it was always envisaged that the need for the overspill parking would be investigated and where possible alternative arrangements would be implemented to ensure adequate parking was in place without the creation of a large overspill car park which would be used only infrequently. It also confirms that it is not the intention to implement the overspill car park at any time in the near future as it is considered that appropriate parking can be provided and managed without it.

11. The evidence indicates that, at the time of the consideration of the hybrid planning application, the level of parking for the stadium was based on the 6,000 capacity of the stadium, giving a parking ratio of 1 space per 8.8 spectators. The Council indicates that condition nos 33 and 34 relate to the primary activity at the stadium which is its use for staging football matches. The CPMS indicates that the stadium currently has a licensed capacity of 4,250, which is a consequence of it only accommodating spectators on 3 sides at present with the north stand not yet having been built. It also indicates that this is in excess of the average attendances in recent seasons which is currently around 2,000 spectators.
12. The approach adopted within the CPMS is underpinned by on-site parking provision calculated by applying a ratio of 1 space per 8.8 spectators to the current stadium capacity of 4,250 spectators, giving a requirement to deliver 483 on-site car parking spaces. Whilst I note that the appellant refers to the implications of applying the highway authority's previous parking standards of 1 space per 15 spectators as a comparison for calculating the required parking provision these standards are no longer in force. Therefore, they are not afforded any weight in my consideration of this appeal. I also note that whilst the Council has not yet produced the Supplementary Planning Document that will establish the local minimum standards to be applied in the borough, policy T5 of the Local Plan, which relates to parking standards, indicates that parking should, wherever possible, be provided on site to a level that ensures there is no detrimental effect on highway safety.
13. Evidence from the highway authority of surveys of parking levels both on and off-site on recent match days and on non-match days has been submitted with the Council's appeal statement in support of both its and the highway authority's contention that the approach adopted in the CPMS which is based on the above ratio of 1 space per 8.8 spectators is ineffective and does not provide an evidence based consideration for actual demand and resulting impacts. The surveys indicate that at two of the games there were sufficient on-site spaces to accommodate the demand for car parking, demonstrated by the number of vehicles parked both on and off-site. However, at one game (the Salford match which took place in September 2018) where the attendance was somewhat higher, albeit still less than the stadium's current capacity and less than 50% of the its potential capacity, car parking demand was significantly higher than the on-site provision of car parking spaces stated to be available in the CPMS.

14. I appreciate that the ratio of 1 space per 8.8 spectators was accepted by the Council and the highway authority at the time that the hybrid planning permission was being considered as the most reasonable estimate of the immediate and short term requirements of the stadium. However, it seems to me that, on the basis of the evidence from the surveys referred to above and irrespective of whether or not the actual and/or long term level of car parking available on-site is as presented in the CPMS, the overall level of on-site parking provision intended to be provided for in the CPMS is inadequate. Consequently, it is likely to result in delays on the highway network and lead to increased pressure for parking on surrounding streets to the detriment of both highway safety and the living conditions of nearby residents.
15. This is supported by the findings of the survey undertaken by the highway authority for the Salford match referred to above where all of the available on-site parking was used. Furthermore, whilst I appreciate that the provision of the overspill parking referred to above was not a requirement of the original planning permission by virtue of either a condition or a S106 obligation there is no substantive evidence to explain the position taken within the CPMS that there is now no intention to provide this. The evidence submitted by the Council by way of the surveys undertaken by the highway authority, would in my view appear to support the need for such parking provision.
16. I appreciate that the appellant cannot require all visitors to the site to park in designated on-site parking areas and that some off-site parking is inevitable. In relation to the management of such parking the CPMS indicates that traffic management measures such as the coning of local roads will be used. However, I am mindful that the appellant acknowledges the ineffectiveness of this in preventing off-site parking along some of the surrounding streets and that the evidence indicates that the coning of local roads is not legally enforceable unless the police take a view that any specific incident could be deemed to be presenting a risk to road safety.
17. There are no provisions within the CPMS to indicate that the traffic management measures/coning proposed would follow procedures agreed with either the highway authority or the police and that they would be undertaken by a suitably accredited and insured company. Accordingly, on the basis of the evidence before me I cannot be satisfied that the traffic management measures proposed in the CPMS namely the coning of local streets would be effective so as not to exacerbate parking stress within the vicinity and safeguard the living conditions of nearby residents in relation to congestion and car parking.
18. I note that the CPMS indicates that there is a commitment to ensuring that any material change in circumstances which would affect the demand for, or provision of on-site parking is matched by equivalent changes to ensure that appropriate parking levels are maintained. I also note that it sets out what such material change in circumstances would include namely a promotion or relegation of the football club; further development of any part of the site which currently functions as a match day car park; changes to the availability of those areas of car parking identified in the CPMS and any increase in ground capacity beyond 4,250. The CPMS also includes the provision for a bi-annual review commencing in June 2020 and includes a number of statements intended to allow its effectiveness to be monitored. However, in the light of my concerns above regarding the adequacy of the level of on-site parking provision proposed in the CPMS, I am not satisfied that the provisions referred to above



provide an effective review mechanism in the event that demand for parking increases, for example due to increases in home attendance such as that experienced at the recent Salford match referred to above.

19. In addition to the CPMS an Event Management Plan (EMP) has been submitted. However, its content is somewhat limited in relation to managing the transport impacts of large events dealing instead mainly with the management of events in the interests of health and safety. In relation to transport and traffic management the EMP merely states that most people will arrive at the stadium on foot or drive and park nearby; that public transport is available and that there are a number of main arterial routes near to the stadium which are served by regular bus services and that Kirkham & Wesham railway station which provides a link between Blackpool North and Preston is nearby and that there are a number of on-site car parks at the stadium that can be used for event day parking. Furthermore, in the light of the evidence from the surveys undertaken by the highway authority regarding the blocking of the A585 roundabout at the Salford match it seems to me that the EMP is somewhat inadequate in its understanding and consideration of emergency access to and from the stadium.
20. The hybrid planning permission (condition 34) requires that a fully detailed EMP shall be submitted and that the EMP shall include a detailed Traffic Management Plan (TMP). The submitted TMP provides little in the way of detail indicating only the situation of Mill Farm Sports Village, that local roads are maintained by the local council and highways department, that improvements have been made to the local highway infrastructure and that whilst it is not envisaged that the flow of traffic onto and off of the site would need to be managed during normal trading days the situation on match days will be monitored to ensure the free flow of traffic and that stewards in uniform will be deployed to assist in releasing traffic onto the nearby Fleetwood Road.
21. The shortcomings of the EMP/TMP combined with my concerns detailed above in relation to the submitted CPMS mean that on the basis of the evidence before me I cannot be satisfied that the submitted details in relation to car parking management and event management arrangements are sufficient so as not to cause harm to both highway safety and the living conditions of nearby residents.
22. The proposal would be contrary to policies T4, T5 and GD7 of the Local Plan. Taken together these policies seek to enhance sustainable transport choice, ensure that parking, should wherever possible, be provided on site to a level that makes sure there is no detrimental effect on highway safety and achieve good design in development particularly by ensuring that the development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users.
23. It would also fail to comply with the National Planning Policy Framework which indicates that the potential impacts of development on transport networks should be addressed, appropriate opportunities for avoiding any adverse effects taken up and that developments should function well and add to the overall quality of the area not just for the short term but over the lifetime of the development.

24. For the reasons given above and having regard to all other matters, I conclude that the appeal should be allowed insofar as it relates to the submitted details of the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium but dismissed in so far as it relates to the submitted details of car parking management and the event management arrangements.

*Beverley Doward*

INSPECTOR

---

## Costs Decision

Site visit made on 12 November 2018

**by Beverley Doward BSc BTP MRTPI**

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

**Decision date: 4 January 2019**

---

### **Costs application in relation to Appeal Ref: APP/M2325/W/18/3208986 Mill Farm Sports Village, Fleetwood Road, Medlar with Wesham, PR4 3HD**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mill Farm Ventures for a full award of costs against Fylde Borough Council.
  - The appeal was against the refusal of the Council to approve details pursuant to conditions Nos 11, 33, 34 and 46 of a planning permission Ref 13/0655, granted on 17 February 2015.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Procedural Matter**

2. The appealed application relates to the discharge of details associated with four conditions (nos 11, 33, 34 and 46) imposed on the planning permission Ref 13/0655, granted on 17 February 2015. However, the application for an award of costs refers only to the Council's decision in relation to conditions nos 33 and 34.

### **Reasons**

3. Parties in planning appeals and other planning proceedings normally meet their own expenses. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG also indicates that costs can only be awarded in relation to unnecessary or wasted costs at the appeal, although behaviour and actions at the time of the planning application may have a bearing on a costs application.
4. The applicant contends that the Council acted unreasonably in refusing to approve the details pursuant to the two conditions referred to above (nos 33 and 34). The applicant states that an important factor in reaching this view is that the application was recommended for approval by planning officers but that the recommendation was not followed by members of the Planning Committee and the Planning Committee subsequently refused the application.
5. Authorities are not bound to accept the recommendations of their Officers, but if their professional or technical advice is not followed, then reasonable planning grounds for taking a contrary decision need to be provided and supported by relevant evidence.

6. The Council did not accept the ratio of parking spaces to spectators to calculate the parking requirements set out in the Car Parking Management Strategy (CPMS) despite these having previously been accepted as the most reasonable estimate of the immediate and short term requirements of the stadium when granting the original planning permission. However, the Council's decision in this respect was informed by evidence provided by the highway authority regarding the inadequacy of the parking provision on the site after two full seasons of the stadium operating and the views of Wesham Town Council, Kirkam Town Council and local residents as to how this was impacting upon the living conditions of nearby residents in the local community. In my view this is a reasonable basis to determine the acceptability of the CPMS.
7. The applicant refers to the Council's reason for refusing to approve the details relating to condition 33 and suggests that, in referring to factors which it considers beyond its control such as the parking behaviour of visitors to the site, the absence of an on-site (overspill) car park which, although identified at the time of the original permission, was not required by either a condition or S106 obligation and the long term availability of some of the parking identified in the CPMS, the Council has acted unreasonably.
8. As I acknowledged in my decision on the appeal, the applicant cannot require all visitors to the site to park in designated on-site parking areas. However, on the basis of the evidence I found that I could not be satisfied that the traffic management measures proposed in the CPMS to address off-site parking were sufficient to safeguard the living conditions of nearby residents in relation to congestion and car parking. Furthermore, whilst there is no requirement by way of either a condition or a S106 obligation to provide the overspill parking referred to at the time of the original permission there is no substantive evidence to explain the position taken within the CPMS that there is now no intention to provide this. Accordingly, I am not persuaded that the Council acted unreasonably in referring to these matters in its reason for refusal.
9. The evidence indicates that the overall level of on-site parking provision intended to be provided for in the CPMS is inadequate irrespective of whether or not its availability can be guaranteed. Therefore, I am not persuaded that any reference in the Council's reason for refusal to the uncertainty of the long term availability of some of the parking identified in the CPMS has resulted in the applicant incurring any unnecessary or wasted expense in the appeal process.
10. The CPMS indicates that there is a commitment to ensuring that any material change in circumstances which would affect the demand for, or provision of on-site parking is matched by equivalent changes to ensure that appropriate parking levels are maintained. However, in the light of the evidence provided by the highway authority regarding the adequacy of the level of on-site parking provision proposed in the CPMS it seems to me that the Council were not unreasonable in questioning the robustness of the review mechanism which makes no provision for a review in the event that demand for parking increases for example due to increases in home attendance.
11. The consideration of matters such as highway safety and the effect of a proposal on the living conditions of neighbours often comes down to a finely balanced planning judgement. The decision of the Planning Committee was informed by the detailed objections to the application from the highway

authority as well as the views of the local Town Councils and local residents. Whilst this differed from the conclusion reached by Council planning officers, the decision was made on justified and reasonable planning issues. Therefore, having regard to all of the above I am not persuaded that the Council has behaved unreasonably such that the applicant has incurred unnecessary or wasted expense in the appeal process.

### **Conclusions**

12. The PPG indicates that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
13. For the reasons given above therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for an award of cost is refused.

*Beverley Doward*

INSPECTOR

---

## Appeal Decision

Site visit made on 16 October 2018

**by Felicity Thompson BA(Hons) MCD MRTPI**

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

**Decision date: 12<sup>th</sup> December 2018**

---

**Appeal Ref: APP/M2325/W/18/3205916**

**Preese Hall Farm, extension of Todderstaff Road, Weeton with Preese  
PR4 3HT**

- 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 John Loftus against the decision of Fylde Borough Council.
  - The application Ref 17/0591, dated 13 July 2017, was refused by notice dated 29 January 2018.
  - The development proposed is described as retrospective change of use of agricultural land for the siting of B8 storage containers.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into account.
3. I am aware that the policies from the Fylde Borough Local Plan As Altered (October 2005) referred to by the Council in their decision notice, have been superseded by policies from the Fylde Local Plan to 2032 which was adopted since the appeal was submitted. The Council have clarified that the relevant policies in respect of the development are policies GD4 and GD7. The appellant was given an opportunity to comment on the new policies but no comments have been received.
4. The description of development in the banner heading above is taken from the original planning application form however; I note the Council's decision notice and Section E of the appellants appeal form include reference to the siting of 100 storage containers.
5. The use has been implemented and therefore I have determined the appeal on the basis of the submitted plans and what I observed on site.

### Main Issue

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

## Reasons

7. The appeal site is accessed via a private road and sits in a rural landscape, surrounded to the north, west and south, beyond the adjacent buildings, by agricultural land. The appellant has referred to the Lancashire Landscape Character Assessment (LLCA) and acknowledges that the site makes a positive contribution to the landscape character types within which it falls. Notwithstanding the LLCA, there is no dispute that the land falls within the defined countryside which Policy GD4 of the Fylde Council Local Plan to 2032 seeks to protect.
8. The site consists of an area of land about 0.35 hectares and is sited immediately adjacent to substantial former agricultural buildings, which I understand are in use for B2 and B8 purposes. Nevertheless these buildings retain their appearance as agricultural buildings and as such visually conform to what would be expected to be seen in a rural, agricultural landscape. To the east of the site there appears to be an open storage use in operation, which includes the storage of caravans and vehicles. However, I understand that this is subject to an on-going enforcement investigation by the Council.
9. The containers have an industrial appearance which when seen in large numbers have an incongruous appearance which is significantly at odds with their rural surroundings. Whilst I appreciate that wider public views of the site are limited and the visual impact of the containers is reasonably localised in its extent, they nevertheless represent a harmful intrusion which causes harm to the character and appearance of this countryside location. As such the development is contrary to policies GD4 and GD7 of the Fylde Council Local Plan to 2032 which together seek to protect the intrinsic value and rural character of the countryside and avoid demonstrable harm to the visual amenities of the local area by requiring development to be sympathetic to and avoiding demonstrable harm to the visual amenities of the local area. It would also conflict with the aims of the Framework to enhance the natural and local environment.
10. I have had regard to the planning history of the site and nearby buildings and am aware that the Council have permitted a number of diversification schemes, including those referred to above. Despite comments made by the appellant, I have little evidence before me which demonstrates that the land subject of the appeal was in use for non-agricultural related uses prior to the current use. Furthermore, nothing in the planning history or based on my site observations lends support to the appeal scheme.
11. The appellant considers the land to be typical and unremarkable grassland and states that it was prone to flooding and drainage problems and was unusable for agricultural land. Notwithstanding this and the Council's previous approval of diversification schemes, it does not automatically follow that permission should be granted for any diversification scheme at the expense of protecting the intrinsic character and beauty of the countryside.

## **Conclusion**

12. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

*Felicity Thompson*

INSPECTOR



---

## Appeal Decision

Site visit made on 20 November 2018

**by Katie McDonald MSc MRTPI**

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

**Decision date: 30 November 2018**

---

**Appeal Ref: APP/M2325/D/18/3209256**

**23 Avalon Drive, Freckleton, Preston PR4 1PE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Bianca Abbott against the decision of Fylde Borough Council.
  - The application Ref 18/0195, dated 5 March 2018, was refused by notice dated 30 July 2018.
  - The development proposed is a 1.8 metre high timber fence with gates to Newton Close boundary.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development is taken from the appeal form and the Council's decision notice as this is more accurate and concise; but I have not included 'retrospective application' as this is not an act of development.
3. From the observation on my visit and the evidence before me, the development is retrospective and I have considered the appeal on this basis.
4. Since the Council's decision, the Fylde Local Plan to 2032 (FLP) was adopted in October 2018. This means that Policy HL5 of the Fylde Borough Local Plan As Altered (October 2005) has been replaced by Policy GD7 of the FLP. The new policy has the same principles as the previous one in relation to design. The appellant was provided with the opportunity to comment, yet no comments were received.

### Main Issue

5. This is the effect of the development upon the character and appearance of the area.

### Reasons

6. The site is a semi-detached bungalow that occupies a corner plot on Avalon Drive and Newton Close. The area has a suburban, open and low density residential character, comprising semi-detached bungalows set back from the road. Low height brick walls are a prevalent, consistent and distinctive characteristic in the area. The walls act as boundary treatments, but facilitate highly visible front and side gardens, which contribute towards an open, high quality and pleasant environment.

7. The development is an approximately 1.8m high timber fence, which has been erected on the top of the original low height brick boundary wall. It projects sideways from the front elevation of the house towards Newton Close and then turns on a right angle to return along the side boundary with Newton Close.
8. Whilst established landscaping is common in the area, particularly to other corner plots, there are very few taller boundary treatments to the fronts or sides of dwellings. Furthermore, despite the good quality workmanship, the fence has an exposed and conspicuous position, sited forward of the build line of Newton Close. Accordingly, in this context, the fence appears as a tall, dominant, unbroken and expansive structure; incongruous to the surrounding street scene. It does not make a positive contribution to the character and local distinctiveness of the area, nor does it respond to its context.
9. Consequently, the development has an unacceptable effect upon the character and appearance of the area; conflicting with Policy GD7 of the FLP, which seeks to achieve good design. I also find conflict with the National Planning Policy Framework, which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

### **Other Matters**

10. The appellant refers to other properties that have a similar fence, yet no examples are identified. Additionally, although the fence may provide additional security for the dwelling along with protection of the family dog, these other matters do not outweigh my findings above.

### **Conclusion**

11. For the reasons above, I conclude that the appeal should be dismissed.

*Katie McDonald*

INSPECTOR

---

## Appeal Decision

Site visit made on 11 December 2018

**by Katie McDonald MSc MRTPI**

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

**Decision date: 20<sup>th</sup> December 2018**

---

**Appeal Ref: APP/M2325/Z/18/3215575**

**Salters Wharf Public House, South Promenade, Lytham St Annes FY8 1LS**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Firth against the decision of Fylde Borough Council.
  - The application Ref 18/0722, dated 12 September 2018, was refused by notice dated 23 October 2018.
  - The advertisement proposed is 1x illuminated post mounted sign.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal upon the amenity of the area.

### Reasons

3. Located within a prominent tourist area at St Annes' Pleasure Island complex, the site relates to a public house on the sea front. Adjacent to the site is the Grade II Listed Promenade Gardens, which run along the site's north-eastern boundary, with its principal features being the ornamental lake, stepping stones and footbridge.
4. The proposal is for a free standing post mounted sign located on a landscaped area to the front of the public house car park, directly opposite the Promenade Gardens. It would be around 3.6m high, 2m wide and about 0.3m deep. The 'Toby Carvery', the 'carvery ribbon' and the image of a 'chef' on the upper part of the sign would be internally illuminated. The lower part of the sign would be externally illuminated by an overhead trough light.
5. The proposed location of the sign would be exposed and prominent from the open, spacious and public promenade. Whilst the materials and colour palette of the proposal would not be harmful; the height and width of the proposed sign would be of a significant scale. Coupled with its illumination, it would be an oversized, dominant, incongruous and inappropriate advertisement in this location.
6. Moreover, the Council set out that advertisement consent (application Ref 17/0987) has recently been granted for several signs at the same site. I also saw a number of other advertisements in proximity to the site, particularly another large freestanding sign next to the appeal site. I recognise that a considerable number of signs are to be expected in a seaside leisure setting.

However, this does not negate the cumulative effect of the existing advertisements nearby; and given its exposed siting and the proposed scale, the proposal would introduce further visual clutter.

7. Additionally, the height, width, illumination and exposed location would not be visually mitigated by the backdrop of existing buildings and structures when viewed from South Promenade. Therefore, the advertisement would harmfully affect the open and spacious quality and characteristics of the locality, including the presence of the nearby Promenade Gardens, which are of both historic and cultural interest.
8. Despite the appellant's references, paragraph 193 of the National Planning Policy Framework does not need to be considered when determining advertisement consent appeals in relation to a listed building, as that policy applies to the heritage related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. Developments at the Promenade Gardens, including the putting green and outdoor pool, are entirely different to the proposed advertisement before me, which I have assessed for its effect upon the amenity of the area.
10. The appellant refers to the economic benefits of the proposal in terms of attracting potential customers to the business. However, this is not a matter that comes within the remit of the Regulations and it is of no weight.
11. Consequently, the proposal would have a harmful effect upon the amenity of the area. I have taken into account policies GD7 and ENV5 of the Fylde Local Plan to 2032 (October 2018), which seek to ensure advertisements respect the character of the location within which they are proposed, and that development should conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde's designated and undesignated heritage assets, in particular the Promenade Gardens, and their surroundings. I have also taken the National Planning Policy Framework into consideration, which confirms that the quality and character of places can suffer when advertisements are poorly sited and designed. As I find that the proposal would harm amenity, the proposal conflicts with these policies.

## **Conclusion**

12. For the reasons set out above, I conclude that the appeal should be dismissed.

*Katie McDonald*

INSPECTOR