



# Agenda

## Planning Committee

Date:	Wednesday, 1 August 2018 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, 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="#">27 June 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
	<b>DECISION ITEMS:</b>	
4	<b>Planning Matters</b>	3-147
	<b>INFORMATION ITEMS:</b>	
5	<b>Response to Government Consultation on Proposed Revisions to the National Planning Policy Framework</b>	148-161
6	<b>List of Appeals Decided</b>	162-172

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – 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>

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# Planning Committee Index

## 01 August 2018

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## Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Fylde Local Plan to 2032 (Submission Version) December 2016
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2018
- Strategic Housing Land Availability Schedule (SHLAA)
- Consultation on Additional Evidence in Support of Fylde Local Plan to 2032 – August 2017
- 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

## 01 August 2018

**Item Number:** 1

**Committee Date:** 01 August 2018

<b>Application Reference:</b>	16/0992	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Britmax Developments Ltd	<b>Agent :</b>	Indigo Planning Ltd
<b>Location:</b>	LAND AT GREAT BIRCHWOOD COUNTRY PARK, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1TE		
<b>Proposal:</b>	OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS FOR THE REDEVELOPMENT OF THE SITE AS A MIXED USE SCHEME COMPRISING: (1) UP TO 33 SINGLE STOREY ASSISTED LIVING UNITS (USE CLASS C2) WITH A MAXIMUM OVERALL VOLUME OF 10,400 CUBIC METRES; (2) A TWO STOREY CARE HOME (USE CLASS C2) WITH A MAXIMUM OVERALL VOLUME OF 14,700 CUBIC METRES; (3) REPLACEMENT OF TWO SINGLE STOREY DWELLINGS WITH TWO 1.5 STOREY DWELLINGS (USE CLASS C3) WITH A MAXIMUM OVERALL VOLUME OF 800 CUBIC METRES; (4) A SINGLE STOREY MIXED USE BUILDING INCLUDING A PUBLIC LEISURE/CAFÉ FACILITY (USE CLASS D2/A3) AND ANCILLARY RETAIL SHOP (USE CLASS A1) WITH A COMBINED MAXIMUM OVERALL VOLUME OF 2,600 CUBIC METRES; (5) A BOWLING GREEN; AND (6) ASSOCIATED REVISIONS TO INTERNAL ACCESS ROUTES AND LANDSCAPING		
<b>Ward:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	82	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7462465,-2.9162581,702m/data=!3m1!1e3?hl=en>

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

### Summary of Officer Recommendation

The application relates to the site of Great Birchwood Country Park which covers an irregularly-shaped area of land extending to *circa* 8.19 hectares on the northern side of the A584 (Lytham Road), Warton. The site falls wholly within an area of Green Belt as defined on the Fylde Borough Local Plan (As Altered) October 2005 Proposals Map, but is presently occupied by a series of buildings, lodges, static/touring caravan pitches, two dwellings and associated hardstanding access roads and parking areas which serve its established use as a holiday leisure park. Accordingly, parts of the site comprise previously developed land for the purposes of the definition in Annex 2 of the NPPF.

The proposal seeks outline planning permission (with access being the only detailed matter) to redevelop the site for a mixed use scheme comprising: (i) a two storey care home and up to 33 assisted living units falling within use class C2 (residential institutions); (ii) a mixed use leisure/café (use class D2/A3) building with an ancillary retail shop (use class A1); (iii) the provision of a bowling green; (iv) the replacement of two existing bungalows with two 1.5

storey dwellings falling within use class C3 (dwelling houses); and (v) associated changes to existing internal access routes and landscaped areas.

As the whole of the site falls within the Green Belt there is a presumption against the construction of new buildings, except in certain circumstances where development is not inappropriate. The two C3 dwellings would replace existing bungalows that are in the same use and would not be materially larger than the existing buildings. The care home and 9 of the assisted living units (C2 uses), along with the mixed use leisure/café/shop facility, would be located on parts of the site that are previously developed and would not have a greater impact on the openness of the Green Belt and the purposes of including land within it in comparison to existing development in these areas. The bowling green and hard landscaping works associated with the reconfiguration of the access road and provision of parking areas are engineering operations that would also preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Accordingly, these components of the development are not inappropriate in the Green Belt for the purposes of paragraphs 89 and 90 of the NPPF.

In contrast, 24 of the assisted living units would be located on areas of the site which are (or have an extant permission to be) occupied by a combination of static and touring caravans. As caravans are not permanent structures, these parts of the site do not comprise previously developed land. Accordingly, this aspect of the development does not fall within any of the categories identified in paragraph 89 of the NPPF and is inappropriate development in the Green Belt which should only be allowed in very special circumstances. The 24 assisted living units would replace a total of 87 caravans (38 statics and 49 tourers) permitted on the same areas of the site though an extant (implemented) planning permission. On balance, and when the effects of these assisted living units are considered in comparison to the permitted 'fallback' position provided by the caravan use, it is considered that the effects of the fallback position would be more harmful to the openness and purposes of the Green Belt than those associated within the 24 single storey assisted living units laid out in the areas and distribution as shown on the illustrative plans. Therefore, it is concluded that specific considerations in this case are sufficient to clearly outweigh the development's potential harm to the Green Belt, and any other harm, such that very special circumstances exist to justify this element of inappropriate development.

The principal component of the development is associated with the delivery of residential care accommodation for more elderly occupiers (aged 55 and over) who are in need of care – a C2 (residential institution) use. Despite its distance from the settlement boundary of Warton, the site benefits from good public transport links to neighbouring settlements that provide a range of shops and services to meet everyday needs via regular bus services. Accordingly, it is considered that these public transport connections would be sufficient to serve the specific mix of uses proposed, having particular regard to the C2 nature of the residential use and the fact that there would be no net increase in the number of C3 dwellings arising as a result of the scheme.

The applicant has demonstrated that there are no sequentially suitable sites within, on the edge of or out of town centres which are preferentially located or better connected to nearby town centres and capable of accommodating the mixed use leisure/café/retail facility (a main town centre use). While available to the general public, the mixed use building would also provide a valuable asset to future occupiers of the residential care accommodation in conjunction with the wider mix of uses on the site and its scale is below the threshold for impact assessment. Accordingly, this component of the development would not have any

significant adverse effects on the vitality and viability of other centres.

The proposed buildings will occupy substantially the same positions as existing development within the site and their storey heights would be no greater. In addition, the development would result in a reduction in hardstanding areas and an increase in the proportion of greenspace across the site, along with strengthening of planting buffers, both internally and to the site perimeter. When considered in combination, and given the 'contained' nature of the site in the surrounding landscape, the proposal would not result in any additional harm to the character and appearance of the area in comparison to the current use. The development would not have any adverse effects on the amenity of surrounding occupiers by reason of the scale, mix, siting and operation of the proposed uses and would provide suitable living conditions for future occupiers with respect to impacts from noise and odour associated with neighbouring land uses.

The proposal would provide a safe and suitable means of access for all users via the existing site entrance off Lytham Road (as modified) which benefits from a dedicated right hand turn lane and ghost island approach. Improvements to pedestrian and public transport infrastructure in the vicinity of the access would also ensure that opportunities for sustainable transport modes are maximised. The development would not result in a level of additional traffic generation in comparison to the site's current use such that that would have a severe residual cumulative impact on the capacity of the surrounding highway network and nearby junctions.

Other impacts associated with the loss of agricultural land, ecology, flood risk, trees and contamination can be satisfactorily mitigated through the imposition of appropriate planning conditions. Therefore, the proposal is considered to represent sustainable development in accordance with relevant adopted and emerging policies contained within the FBLP and SLP, and 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 site of Great Birchwood Country Park which covers an irregularly-shaped area of land extending to *circa* 8.19 hectares on the northern side of the A584 (Lytham Road) to the western end of Warton. The site falls wholly within an area of Green Belt as defined on the Fylde Borough Local Plan (As Altered) October 2005 Proposals Map, but is presently occupied by a series of buildings, lodges, static/touring caravan pitches, two dwellings and associated hardstanding access roads and parking areas which serve its present use as a holiday leisure park.

Access to the site is gained via a priority ('give way') junction from Lytham Road which is served by a dedicated right hand turn lane with a ghost island approach off the A584. The site access merges with a circular route which forms an 'island' containing a small play area, two single storey dwellings and open greenspace to the southern end of the site. A hanger with a semi-circular 'domed' roof and a group of rectangular stable buildings are located to the eastern end of the site. The circular access road terminates to the centre of the site and merges with a linear track which extends up to the northern boundary. This route is flanked by a pond and hardstanding parking and touring caravan



pitches to its southern end, single/two storey timber-clad apartment and clubhouse buildings to the west and a series of lodges, static and touring caravans to the east and north. The site is relatively flat, with the submitted topographical survey indicating a gentle north – south fall towards the site access on Lytham Road.

The north-western area of the site is characterised by a swathe of mature woodland which is protected by a Tree Preservation Order (TPO – 1965 no. 2 (Warton)). The site is bounded by open fields to the north and east where a thinner, linear planting belt marks the perimeter. A single storey building to the northern end of (but outside) the site is used by Blackpool and Fylde Fullbore Pistol and Rifle Club. Other adjoining uses include a row of three agricultural buildings and silos associated with Brook Bridge Poultry Farm to the southeast of the site fronting onto Lytham Road and a golf driving range at Lytham Golf Academy to the west. The Fylde Land Registry Office is located further to the southeast on the opposite side of Lytham Road.

### **Details of Proposal**

The application seeks outline permission for the demolition of all existing buildings and removal of all static/touring caravan pitches from the site and the land's redevelopment for a mixed use scheme including:

- (i) A two storey care home and up to 33 single storey assisted living units (use class C2) to replace the lodges, caravan pitches, clubhouse and apartment building (and associated hardstandings) to the northern end of the site.
- (ii) A single storey mixed use building to provide a public leisure and café facility (use classes D2/A3) including an ancillary retail shop (use class A1) and the formation of a bowling green to the north of the building to replace the existing dome-shaped hanger and adjacent stable buildings to the southeast corner of the site.
- (iii) The replacement of the two existing bungalows to the southern end of the site with two 1.5 storey dwellings (dormer bungalows).
- (iv) Associated hard and soft landscaping works to reconfigure the internal access road and enhance existing landscaped areas.

The application seeks detailed permission for means of access only at this stage, with matters of layout, scale, appearance and landscaping being reserved for future consideration. However, the application is accompanied by an illustrative masterplan and parameters plan which define certain restrictions with respect to the extent of developable areas for each use and the maximum number, volume and scale of each of the proposed buildings which could come forward at reserved matters stage in connection with those uses. These are summarised in Table 1 below.

<b>Component</b>	<b>Maximum number of buildings</b>	<b>Maximum cumulative building volume (m<sup>3</sup>)</b>	<b>Maximum scale (by storey height)</b>
Care home	1	14,700	2
Assisted living units	33	10,400	1
Leisure/Café/Shop facility	1	2,600	1
Replacement dwellings	2	800	1.5

**Table 1 – summary of proposed development**

parameters.

With respect to external areas, the submitted plans indicate an overall reduction in the coverage of hardstanding areas through the rationalisation of the internal access road (including the removal of current circular route at the site entrance), condensing of parking areas and removal of static/touring caravan pitches across the site. Open spaces on the site would extend to *circa* 4.7 hectares and would be treated through the retention of all existing ponds on the site and enhancement of soft landscaping through the retention and strengthening of existing perimeter tree belts, the TPO woodland and additional internal planting.

The application was made valid in January 2017 and originally included the provision of up to 54 holiday lodges (including five retained lodges) and an associated amenity building (use class C1) to the northern end of the site; a care home and up to 10 assisted living units (use class C2) to the southeast of the site; and up to 20 dwellings (use class C3) to the southwest of the site. The scheme has been amended significantly since the original submission, with the latest revisions in May 2018 differing from the original submission as follows:

- All 54 holiday lodges have been removed from the scheme and, with the exception of two replacement dwellings to the southern end of the site, no new dwellings are now proposed. The number of assisted living units has increased from "up to 10" to "up to 33" and these, along with the care home, have been relocated to the northern end of the site away from the poultry farm. The use of the "amenity building" referred to previously has been clarified to include a leisure/cafe facility with ancillary retail shop and this has been relocated to the southeast corner of the site.
- Additional plans have been provided in order to clarify the nature of all proposed uses, the extent of developable areas for each of those uses and the maximum volumes and storey heights for buildings associated with each use.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0586	RETROSPECTIVE ADVERTISEMENT CONSENT FOR NON-ILLUMINATED V-SHAPED POST SIGN	Refused	10/01/2013
12/0485	REMOVAL OF CONDITION 11 OF PLANNING PERMISSION 09/0587 RE AN AGREED DETAILED SCHEME FOR OFF SITE HIGHWAY IMPROVEMENT WORKS	Refused	02/11/2012
09/0587	EXTENSION AND REORGANISATION OF EXISTING TOURING / STATIC CARAVAN PARK. RESULTANT SITE TO PROVIDE 49 TOURING CARAVAN PLOTS AND 46 STATIC CARAVAN PLOTS ALONG WITH AMENDED PARKING ARRANGEMENT & INTERNAL ACCESS ROADS AND ADDITIONAL LANDSCAPING	Granted	15/01/2010
08/0624	RESUBMISSION OF APPLICATION 07/0973 FOR REDEVELOPMENT OF LAND TO PROVIDE A HOTEL, TWO REPLACEMENT DWELLINGS, 61 HOLIDAY CHALETS TOGETHER WITH ASSOCIATED CAR PARKING, ACCESS ROADS AND LANDSCAPING	Refused	29/09/2008
07/0973	REDEVELOPMENT OF SITE TO PROVIDE A 66 BED HOTEL WITH CONFERENCE AND LEISURE FACILITIES, , TWO DWELLINGS, 61 HOLIDAY CHALETS TOGETHER WITH ASSOCIATED CAR PARKING, ACCESS ROADS AND LANDSCAPING	Withdrawn by Applicant	11/06/2008

06/1168	DEMOLITION OF EXISTING GUN CLUB AND CONSTRUCTION OF RE-PLACEMENT CLUB WITH 12 CAR PARKING SPACES.	Granted	08/03/2007
01/0171	TWO STOREY EXTN. TO EXISTING BUILDING TO PROVIDE TWO SHOPS,11 BEDROOMS AND INCREASE SIZE OF BAR AREA	Granted	23/05/2001
00/0762	PROPOSED MINIATURE RAILWAY	Granted	29/11/2000
99/0772	ADVERTISEMENT CONSENT TO DISPLAY TWO EXTERNAL ILLUMINATED STATIC SIGNS AT ENTRANCE	Refused	05/01/2000
99/0596	EXTENSION AND CONVERSION OF SINGLE STOREY BUNK HOUSE TO FORM DWELLING	Granted	09/08/2000
97/0019	FEATURE ENTRANCE GATES (RETROSPECTIVE).	Granted	07/03/1997
96/0441	EXTENSION TO EXISTING CLUBHOUSE FACILITY WITH NEW ENTRANCE FACADE, (AND INCORPORATING 4 FIRST FLOOR BEDROOMS AND 2 NO. SHOP UNITS)	Granted	06/11/1996
94/0446	MODIFICATION OF CONDITION NO.11 ON APP. 5/91/0890 RELATING TO OCCUPATION OF CABINS & ALTS TO DESIGN OF CHALETs PREVIOUSLY APPROVED UNDER SAME. ALSO VARIATION OF TIMESCALE IN S.106 FOR ROAD SURFACING	Withdrawn by Applicant	23/02/2000
91/0890	CHANGE OF USE TO COUNTRY LEISURE PARK:- PHASE ONE, 15 HOLIDAY LOG CABINS; 10 CRAFT UNITS; 18 STABLES; 24 BED BUNKROOM CONVERSION; ALTERATIONS TO BBQ BUILDING, ADDITIONAL CAR PARKING; RECEPTION OFFICE; LIGHTING STANDARDS TO ACCESS ROAD; ANCILLARY LANDSCAPING	Granted	18/01/1993
91/0162	OUTLINE APPLICATION FOR HOLIDAY HOMES DEVELOPMENT	Refused	14/08/1991
89/0988	OUTLINE FOR TWO STOREY MOTEL	Refused	28/02/1990
89/0245	SINGLE STOREY EXTENSION TO FORM COVERED BAR-B-Q AREA	Granted	14/06/1989
89/0045	EXTENSION TO FORM LOUNGE TO DWELLING	Granted	22/03/1989
88/0502	CHANGE OF USE; TO WEEKLY COLLECTORS FAIR	Granted	19/05/1989
87/0614	CHANGE OF USE; PART OF EQUESTRIAN CENTRE TO SITE FOR TOURING CARAVANS	Granted	04/11/1987
87/0578	REGULARISING APPN; USE OF CATTERY AS DWELLING	Granted	04/11/1987
87/0526	BUILDING TO FORM BAR/SERVERY TO BARBECUE AREA & CONVERSION TO FORM TOILET ACCOMMODATION	Granted	04/11/1987
87/0161	C/U. FOR 12 ONE DAY SALES ANNUALLY (EQUESTRIAN NEEDS)	Granted	17/06/1987
87/0064	FREE STANDING BOARD SIGNS	Granted	25/03/1987
86/0708	CHANGE OF USE OF PART OF EQUESTRIAN CENTRE TO SITE FOR 32 TOURING CARAVANS	Refused	22/04/1987
76/0273	CHANGE OF USE - DERELICT CAMP SITE TO TOURING CARAVAN PARK FOR 164 CARAVANS AND 36 STATIC HOLIDAY CARAVANS.	Refused	23/06/1976
76/0802	CHANGE OF USE - DISUSED RAF SITE TO A FISHERY.	Granted	12/12/1977
77/0732	HOLDING AND CULTURE OF EELS.	Granted	20/01/1978
80/0467	OUTLINE - 210 DWELLINGS.	Refused	20/08/1980

82/0376	CHANGE OF USE TO FISHERY (RENEWAL OF CONSENT).	Granted	21/07/1982
82/0718	CHANGE OF USE TO RIDING CENTRE, STABLES, GRAZING LAND, BOARDING KENNELS, CATTERY AND SITING OF MOBILE HOME.	Granted	02/02/1983
83/0151	DETAILS, STABLES, CATTERY AND KENNELS FOR EQUESTRIAN CENTRE AND ANIMAL HOTEL, ALSO A BARN.	Granted	30/03/1983
83/0392	OUTLINE - INDOOR PISTOL RANGE.	Granted	20/07/1983
83/0772	PROPOSED BARN (SMALLER BARN PREVIOUSLY APPROVED).	Granted	09/11/1983
83/0773	ERECTION OF INDOOR RIDING SCHOOL.	Granted	09/11/1983
84/0097	REVISIONS AND RESITING OF CATTERY & KENNELS.	Granted	28/03/1984
84/0098	ERECTION OF STABLES AND TACK ROOM.	Granted	28/03/1984
84/0438	ONE DETACHED DWELLING.	Refused	15/08/1984
86/0100	INDOOR PISTOL RANGE.	Granted	23/04/1986
74/0198	USE OF FORMER GUARD ROOM AS YOUTH CLUB HEADQUARTERS.	Refused	12/09/1974

### **Relevant Planning Appeals History**

Application No.	Development	Decision	Date
12/0586	RETROSPECTIVE ADVERTISEMENT CONSENT FOR NON-ILLUMINATED V-SHAPED POST SIGN	Allowed	08/07/2013
12/0485	REMOVAL OF CONDITION 11 OF PLANNING PERMISSION 09/0587 RE AN AGREED DETAILED SCHEME FOR OFF SITE HIGHWAY IMPROVEMENT WORKS	Allowed	29/05/2013
91/0162	OUTLINE APPLICATION FOR HOLIDAY HOMES DEVELOPMENT	Dismiss	26/02/1992

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

***Bryning with Warton Parish Council*** – Initially notified of the application on 13.01.17 and of subsequent amendments on 31.05.17, 16.02.18 and 16.05.18. One response dated 13.02.17 has been received which indicates an objection to the scheme on the grounds summarised below. It should, however, be noted that owing to the date of the response from the Parish Council (and as no subsequent comments have been received in respect of the amended plans), many of the points made relate to aspects of the scheme which are now no longer proposed:

- The proposal is not sustainable development and goes against the principles of both the emerging Local Plan and the Neighbourhood Plan.
- While the provision of the care home and assisted living units is desirable in the local community the location of the site is too remote and removed from the existing development boundaries to be practical or sustainable.
- The inclusion of an additional 20 dwellings on the site is contrary to the level of housing development proposed for Warton in both the emerging Local Plan and the Neighbourhood Plan and would set a precursor for further residential development on the site and in Warton. On top of the extensive existing approved development within the village a further emerging estate starting with some 20 dwellings in this location is not sustainable.

**Officer note:** The scheme has been amended in order that only two dwellings are now

proposed to replace the two existing bungalows that already exist on the site. No other C3 uses are proposed.

- The site is located in the Green Belt and should be returned to greenspace should the existing holiday camp cease to be used. The current holiday use was no doubt granted due to the post war state that the site's previous use by the military left it in, but this is no longer relevant.
- The new amenity building and proposed holiday lodges will complement the existing use and the site's refurbishment for this purpose would be beneficial to the surrounding environment as that use can operate as an isolated facility removed from existing settlement boundaries.

**Officer note:** The application no longer proposes the erection (or retention) of any holiday lodges and the use of the proposed amenity building has been varied to be open to the users of the care units and the wider public rather than for the sole use of holidaymakers.

- The development maximums outlined in the emerging 'Fylde Borough Local Plan' and Bryning with Warton Neighbourhood Plan have already been reached for both plan time periods and further development, while not necessarily capped, would have to be approved on substantial infrastructure improvement to meet both existing and future commitments. There are none in this application.
- In recent applications developers have placed much emphasis on the future evolving government proposals for the Warton 'Enterprise Zone' and improved transport links to the M55 motorway connecting through to the A584 Lytham Road. It seemed employment and economic growth were bound for the immediate area and hence more dwellings to meet the Borough targets for a five year housing supply was most logically to be sited in Warton. Recent events and emerging facts, such as the Blackpool Airport site also being designated an Enterprise Zone, absence of proposed business uptake for the Warton Enterprise zone site, perceptible scaling back of BAE systems in favour of the better positioned 'Enterprise Zone' at Samlesbury together with target completion dates for the highways which extend well into the future are proving earlier concerns expressed about the growth of the village. Approved development plans elsewhere in the Borough are now progressed that have alleviated and negated the previous proposals for the need for such extensive growth in Warton, one small village in the rural area of the Borough.
- The Parish Council was made aware of concerns raised by the neighbouring land owners, Warton Gun Club, as to access to their property advising the Council, in consideration of this application, that they have existing licence of access and although only 'Outline Application' there seems no provision for continued access to their property. The applicants have not engaged the respective party in any consultation regarding these plans or future access.
- The significant local flooding/drainage issues remain highly contentious for any development proposal of this scale and representations that these issues need to be addressed in advance of development approval remains prevalent.
- The application should be refused on the grounds that:
  - (a) *The development proposed is so substantial, and its cumulative effect would be so significant, that to grant permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood plan.*
  - (b) *The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
  - (c) *This application concerns green field land that falls outside the limits of development SP1 and is thus indicated as Countryside area SP2. The proposed development does not meet*

*categories within the policy SP2, Chapter 2, Sections 2.16 – 2.24, Development in countryside areas. And on this basis should be refused in any consideration under this local plan.*

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

*Environment Agency* – Latest comments dated 22.03.18 as follows:

- A revised Flood Risk Assessment (FRA), revised hydraulic modelling report and associated details prepared by the applicant's flood consultant, Waterco, have been submitted as part of the above application. A revised illustrative site layout has also been submitted. The applicant's flood risk consultant provided their revised hydraulic modelling data, which forms the basis for their hydraulic model report (ref w3265-180126-HMR; dated 26.01.18).
- We have completed our verification of the revised hydraulic model and reviewed the revised FRA. As we have found the revised hydraulic model and the revised FRA to be acceptable, we are now satisfied that it has been demonstrated that proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that any subsequent development proceeds in accordance with the recommendations of the revised FRA and revised hydraulic model report.
- As such, there are no objections to the application on flood risk grounds subject to a condition to ensure that the proposed development must proceed in strict accordance with the revised FRA (Ref: w10056-180131-FRA & Drainage Strategy, Seventh Issue dated 31 January 2018 and the mitigation measures identified.
- The previous use of the site as a military (air force) base presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary Aquifer B and is adjacent to several watercourses. We agree with the conclusions of the Phase 1 report that full desk study and a detailed site investigation should be undertaken in relation to this site as a condition of any planning permission.
- The site is close to water-dependent designated sites and habitats (coastal saltmarsh and intertidal mudflats), associated with the designated sites of the Ribble and Alt Estuaries, which are fed by Wrea Brook and its tributaries. Downstream of the site, Wrea Brook forms part of the migratory route for European Eel, Atlantic Salmon and Smelt, which are priority aquatic species. Precautions should be taken to prevent any detrimental impact water quality, such as from contaminated run-off waters entering the nearby watercourses, which may affect these protected species and habitats. We would recommend that a Construction Environmental Management Plan (CEMP) is produced by the developer to specify the pollution prevention measures required to prevent any detrimental impacts on water quality during construction activities.
- The application site is within 400 metres of an existing intensive pig farm which operates under an Environmental Permit. The proximity of the facility could result in the community at the proposed development being exposed to odour, noise, bioaerosols and flies. The severity of these impacts will depend on the size of the facility, the animals it houses and prevailing weather conditions. If the operator follows the management plan to deal with amenity issues and takes all reasonable precautions to mitigate these impacts, the facility and community can co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and they must appreciate that there are limits to the measures that the operator can take to prevent impacts to the residents.

*Environmental Health Officer (EHO)* – Latest comments 16.04.18 in respect of revised layout as follows:

- Whilst there is still the concern for potential odour nuisance, I have no further objections to this proposal. The new leisure facility situated near to the quail farm would not be subject to the same stringent nuisance criteria as residential properties. In my opinion, the proposed residential units are at a reasonable distance away from the odour source to not be subjected to any significant effects.

*Greater Manchester Ecology Unit (GMEU)* – Updated comments 09.08.17 as follows:

- **Impact on National and European Designated Sites** - We note Natural England's request for additional information and would advise that this be required prior to the determination of the application to inform the Habitats Regulation Assessment.
- **Bats** – The bat surveys undertaken on the site found several common pipistrelle bat roosts on the site, in buildings identified as 10 and 11 in the survey report. A licence will therefore be required to undertake the works on the site and an outline of the required mitigation has been submitted (Table 9). Provided that these measures are implemented in full, the favourable conservation status of bats would be maintained at the site. We would therefore advise that a condition is attached to any permission granted to prevent any works (including demolition) to buildings 10 and 11 taking place unless the LPA has been provided with evidence that either a licence has been granted or is not required for the carrying out of the works.
- **Reptiles** – The reptile surveys undertaken on site found no evidence of the animals on site but the report makes a number of precautionary recommendations for construction measures. These should be incorporated into a Construction Environmental Management Plan for Biodiversity and a condition imposed to this effect.
- **Nesting birds** – As the works will involve the clearance of vegetation, including trees and scrub, as well as buildings that are used by nesting birds, we would advise that a condition restricting their removal during the bird breeding seasons is imposed.
- **Ecological mitigation/enhancement** – The Indicative Landscape Layout for the site indicates measures for ecological enhancement and mitigation. We would therefore advise that full details of these measures, including a long term management plan, be submitted with any reserved matters application and a condition to this effect be attached to any permission.

*Lancashire Police (designing out crime officer)* – No objections, although given the potential risk of crime and anti-social behaviour associated with this development, the following security measures should be incorporated when determining the application:

- **Physical Security** - All external doors and windows should be certificated to PAS 24:2012 security standards.
- All glazing should be laminated and windows should be fitted with restrictors.
- Access control systems such as a keypad/swipe card arrangement should be fitted to the care home and the recreation building to slow down an intruder's movements should they gain unauthorised entry to the building.
- **CCTV** – various elements of the scheme should be covered by an infrared CCTV camera system. The care home and the amenity building should be covered by CCTV. Cameras should be located so that they cannot be tampered with and recording equipment should be securely stored in a locked room where it cannot be accessed by an intruder.
- An external lighting scheme is recommended to promote natural surveillance and deter crime and anti-Social Behaviour. The dwellings, care home and recreation building should be fitted with dusk till dawn lights at all external entrances. Communal areas around the holiday lodges and car parking areas should be illuminated to deter crime and reduce the fear of crime.
- All units should have an intruder alarm fitted. The houses should be installed with wiring to enable homeowners to install an alarm. Intruder alarms on the recreation building for

example should cover all available points of access (including rear/fire doors). Contacts or impact sensors and also motion PIR sensors are advised to provide the most comprehensive coverage – a PIR sensor would only activate once entry has already been gained into the amenity building for example whereas impact sensors would activate on an attempt to force a window or door whilst the intruder is still outside. Alarm systems must be linked to an Alarm Receiving Centre for a police deployment on a confirmed activation.

- **Boundary Treatments** – a fencing plan is required for the development. The gardens for the dwellings for example should be fitted with a 1.8m high fencing arrangement and lockable gate to restrict/slow down access to the rear of the properties.

*Lead Local Flood Authority (LLFA)* – Latest comments 11.07.17 as follows:

- Object as they consider that the submitted FRA fails to appropriately consider the requirement for flood emergency evacuation of people for a range of flooding events up to and including the extreme event. The FRA states (Page 13, Flood Warnings and Evacuation, para 4) "it is considered appropriate for residents to remain within the building, as finished floor levels will be placed above 6.61m AOD. Residents should then await further instruction from the emergency services". It is not considered acceptable during an extreme flood event for residents to have to solely rely on the emergency services for evacuation.
- This objection could be overcome by updating the FRA to address the above deficiency. Our objection will be maintained until an adequate FRA has been submitted.

*LCC Education* – Latest response dated 26.06.17 (based on a proposal involving 20 dwellings) as follows:

- The scheme would generate a pupil yield of 8 places in primary schools within 2 miles of the site. Latest projections for the local primary schools show there to be 47 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 6 school places. There are also pending applications expected to generate demand for a further 16 school places. With an expected pupil yield of 8 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.
- The scheme would generate a pupil yield of 3 places in secondary schools within 2 miles of the site. Latest projections for the local secondary schools show there to be a shortfall of 143 places in 5 years' time. With an expected yield of 3 places from this development the shortfall would increase to 146. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development (i.e. 3 places). At current rates this would require a contribution of £64,269.81 (£21,423.27 x 3).

*LCC Highways* – Issued confirmation on 23.02.18 that previous comments dated 08.08.17 remain applicable to the revised scheme as follows:

- A Transport Statement (TS) has been submitted in support of this application. The TS assumes the quantum of development to be up to 20 dwellings, up to 10 assisted living units, a 75 bed care home and 54 holiday lodges. LCC have been in discussions with the developer over the content of the TS which has led to additional information being submitted in the form a Technical Note.
- **Access** – The developer is proposing to use the existing priority junction from the A584 albeit with minor modification. Right turn provision is provided on the A584. Given the scale of development and the existing highway conditions a priority junction with "Ghost Island" is the appropriate form of junction. LCC consider that a pedestrian refuge should be provided to facilitate pedestrian movements to bus services at the junction and to "protect" right turning vehicles.
- **Traffic generation** – The updated technical note includes revised trip rates which have been agreed with LCC. It is noted that the traffic count undertaken at the site access is relatively



recent and is considered representative of current site activities.

- **Distribution/junction capacity** – Using the revised trip rates and traffic levels previously established LCC are satisfied that the junction will operate within capacity in future years when traffic growth and committed developments are included. LCC has previously expressed concerns with the capacity of the Church Road/A584 junction to deal with increased traffic generation associated with larger scale residential developments in Warton. The proposed improvements to this junction to be implemented as part of other applications are outside the developer's control. LCC have reviewed the information provided by the developer in the TS and Technical Note together with information contained in Transport Assessments provided for past applications in the Warton area. This review has highlighted the modelling of junctions is based on traffic count data that was undertaken when this site was busier than current traffic data shows. When analysing traffic impact at a junction allowances are made for background traffic growth and traffic from committed developments. This together with the relatively low number of predicted trips from this site that will impact on the Church Road / A584 junction means that LCC cannot state with certainty that this proposal would have an unacceptable impact on the highway network and as such are not in a position to oppose this proposal on its impact at this junction.
- **Sustainable transport** – Footways and cycle lanes / paths of a reasonable standard are present in the vicinity of the development site. Given the scale of the development they are considered to be of an acceptable standard. The A584 is the local public transport corridor and bus stops are located close to the site access. However, access to the westbound bus stop would entail crossing the A584 which at this point is heavily trafficked (particularly in the peak hours) and subject to a 50mph speed limit. Therefore, in the interests of road safety and pedestrian connectivity to public transport the developer should provide a pedestrian refuge. To further encourage use of public transport the developer should upgrade the existing eastbound and westbound bus stops with raised boarding areas so that pedestrians of all abilities can access public transport.
- **Road safety** – The 5 year accident analysis carried out in the TS identifies 4 injury accidents in the vicinity of the site over a 5 year period. The most recent injury accident data covers the period 1 January 2012 to 30 June 2017. This data shows all 4 accidents identified by the developer resulted in slight injuries and that there were common causation factors.
- **Conditions** – To be attached to any permission granted requiring: (i) amendments to the existing junction including provision of pedestrian refuge on the A584 to the west of site access. To be implemented prior to any on-site works take place; (ii) upgrade nearest eastbound and westbound bus stops with raised boarding areas and associated road markings and signage as necessary. To be implemented prior to first occupation; (iii) a travel plan; (iv) a construction method statement.

*Landscape Officer* – Latest comments dated 13.06.17 as follows:

- The proposals in their current form would have a negative impact on the Green Belt and the landscape and views of which it is a part.
- The residential development proposed within the scheme does not satisfy the overall objectives of Green Belt legislation, which is essentially to preserve the openness of the countryside and prevent sprawl. The applicant refers to the impact of legacy development such as the airfield infrastructure at Warton and the Land Registry Offices, however this cannot be used to justify new development in the Green Belt and if anything, makes it more important that the Green belt is protected. Despite the inclusion of substantial areas of landscaping around the site which would help to mitigate some (but not all) views of the development and the proposed loss of woodland and trees, the scheme does not satisfy the 'very special circumstances' which would outweigh its inappropriateness within the Green Belt. There is a considerable increase in the proposed developed area towards Lytham Road

and despite the bunds and planting belts which have been introduced to the scheme, I believe that this increase in developed area would still have a greater impact upon the openness of the site than that which exists at present.

- The permanent development of the site for residential use would have a significant impact on the open character of the landscape and the Green Belt and the size and nature of the proposed care home would be materially larger than the run-down buildings it replaces. The visual impact of the proposed development would cause a perceptible change to the landscape and views.
- Whilst I am still of the opinion that the site presents an existing, previously developed landscape which would benefit from considerable improvement, I do not feel that the submitted proposals provide the solution that best fits with its location within the Green Belt.

*Ministry of Defence (MOD)* – The MOD has no safeguarding objections to this proposal. However, MOD, DIO Safeguarding request to be consulted at all subsequent application stages regarding this application.

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

*Natural England*: Comments 09.03.18 & 04.06.18 as follows:

- As submitted, the application could have potential significant effects on Ribble and Alt Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar site and land which is functionally linked to the SPA. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required in this regard (i) desk top study in relation to use of surrounding fields by pink footed geese; (ii) further assessment of noise disturbances; (iii) further information about construction works; (iv) in-combination assessment. Natural England will need to be re-consulted once this information is provided.
- Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is the LPA's responsibility to produce the HRA. Natural England's advice is issued on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Additional work is required to deal with the development's effects in combination with the EA works at Main Drain in Lytham, coastal defence works at Fairhaven and the wildfouling on Warton Marsh.
- Natural England advises that conditions are attached to any permission requiring: (i) a CEMP which includes mitigation measures to prevent contamination of watercourses and additional visual/acoustic screening during construction; (ii) the use of homeowner packs to inform new residents and visitors of the importance of the designated sites. This information should also be displayed on notice boards within the site; (iii) working restrictions during construction.
- The applicant has engaged Natural England's Discretionary Advice Service (DAS) with respect to the additional information required as part of the HRA process. This includes a number of updates to the Shadow HRA to address the comments in Natural England's letter of 09.03.18. Natural England's DAS response dated 04.06.18 indicates that, subject to certain additions and further information with respect to the assessment of in-combination effects, the shadow HRA is capable of demonstrating that the development is unlikely to have any significant effects on Ribble and Alt Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar site and land which is functionally linked to the SPA providing that the mitigation measures identified in the shadow HRA (as recommended by condition)

are implemented.

*Strategic Housing:* Comments 02.02.17 as follows:

- I would be concerned that this site is not an appropriate location for affordable housing due to the distances from main centres. With respect to the main proposal for care home and assisted accommodation this would not be a suitable site due to the lack of services – GP's, shops, facilities etc.

*Tree Officer* – Latest comments dated 26.04.18 state no objections following receipt of amended plans on the basis that:

- There is no new encroachment into what should be a wholly wooded area.
- Woodlands should get a woodland management plan as part of a planning permission so that it is (a) restored to its 1965 footprint so far as possible and (b) restocked where mature trees have died. This is noted in the 2016 tree survey.
- Woodland should be managed not so much for human recreation but for biodiversity. Some retention of habitat features is desirable, balanced against sensible tree risk management.
- Re-stocking of the once-wooded open grassed area, which because it lies quite wet, should be slanted towards adapted species – white willows, alders, birches.
- Habitat creation – bird and bat boxes.
- Internally, the bunds could be improved with more planting to screen and sequester the development. This needs to be with pioneer species that will tolerate made ground.
- Physical tree protection (i.e. HERAS placed at RPAs) seems not an issue given the standoff between woodland and the proposal.

*United Utilities:*

- The site should be drained on separate systems for foul and surface water disposal. The NPPG sets out the hierarchy to be considered by developers when preparing a surface water drainage strategy. This hierarchy states a preference for surface water drainage as follows: (1) soakaways; (2) a surface water body; and (3) a sewer.
- Conditions should be attached to any permission granted requiring: (i) the site to be drained in accordance with the principles set out in the FRA, with no surface water to drain directly or indirectly to the public sewer; (ii) a scheme for the management and maintenance of sustainable drainage systems.

### **Neighbour Observations**

<b>Neighbours notified:</b>	13 January 2017
<b>Site notice posted:</b>	2 February 2017
<b>Press notice:</b>	26 January 2017
<b>Amended plans notified:</b>	16.02.18 & 16.05.18
<b>No. Of Responses Received:</b>	7
<b>Nature of comments made:</b>	7 objections

The appropriate neighbouring properties were notified of the application by letter on 13 January 2017. In addition, as the application involves major development notices have been posted on site and in the local press. Additional notification letters were sent out to neighbouring residents and interested parties on 16 February 2018 and 16 May 2018 following the receipt of amended plans, giving a further 21 day period for additional comments. A total of six letters have been received in objection to the application. The points made in the letters are summarised as follows:

***Principle of development:***

- Previous applications for development at Great Birchwood have been refused. This application proposes a form of development which is more harmful than those previous applications and, accordingly, should also be refused.
- The level of housing growth which has been permitted in Warton will transform the village and result in an unsustainable pattern of growth which would be made worse by this development.

***Amenity impacts:***

- The rectangular building to the northern end of the site which is located adjacent to the proposed care home is used as a gun club where real guns (not air rifles or similar) are fired in a shooting range. The gun club building is used independently of the Great Birchwood site and is in active daily use, including in the evening and at weekends. Given its proximity to the proposed care home and assisted living units, this use will generate a significant and very loud noise nuisance for future occupiers. Therefore, the siting of residential uses in such close proximity to the gun club would result in substandard living conditions for future occupiers.
- The site is located adjacent to a poultry farm which generates frequent, unpleasant smells. The proximity of the development to this farm would result in an odour nuisance to future occupiers.
- Farming operations on surrounding fields include the spreading of fertilisers. This covers Great Birchwood with a white powder which would cause a significant nuisance to future occupiers.
- The supporting documentation does not include any mention of noise from jets at BAE.

***Highways:***

- The entrance to the site opens onto a bend in the road where a 50mph speed limit is in place, though this is frequently exceeded. The speed of the road, combined with the restricted visibility at the access, would increase the risk of accidents at the junction.
- A number of accidents, at least 2 of which have been serious, have occurred on this stretch of Lytham Road in the last 3 years. Adding further traffic would only exacerbate matters.
- When considered in combination with the level of traffic generated by other permitted developments in Warton, the proposal would have an adverse impact on the capacity of the surrounding highway network.
- The speed limit on Lytham Road should be reduced from 50mph, ideally to 30mph, along this stretch as a result of this development.

***Ecology:***

- The redevelopment of the site would have adverse ecological effects by disturbing habitats and species on the site (e.g. trees and ponds).

**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. At present, the statutory adopted development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (As Altered) 2005 (the 'FBLP'). The Bryning with Warton Neighbourhood Development Plan (the 'BWNP') was adopted by the Council on 26 May 2017. The application site falls within the neighbourhood plan area shown in Figure 1 of the BWNP and, accordingly, this document also forms part of the statutory Development Plan in respect of this application.

Fylde Borough Council submitted the “Fylde Council Local Plan to 2032” – the Emerging Local Plan (referred to hereafter as the ‘Submission Local Plan’ or ‘SLP’) – to the Secretary of State for examination on 9 December 2016. An Inspector appointed to undertake an independent examination into the soundness of the SLP held three sessions of examination hearings in March, June and December 2017. The Inspector confirmed that the Stage 3 hearings formally closed on 11 January 2018. Following those hearings a ‘Schedule of Proposed Main Modifications for Consultation’ was produced and the Council consulted on the “Fylde Local Plan to 2032 - Schedule of Proposed Main Modifications” between 8 February and 22 March 2018. This consultation also included a number of Additional Modifications to the SLP. These do not concern the Plan’s policies or affect the soundness of SLP, but are factual updates of the supporting text. A Schedule of Proposed Policies Map modifications was also consulted on for clarity with respect to some of the main modifications. The consultation period on the modifications has now ended and the Inspector’s report is awaited to determine whether the SLP can be progressed (as altered) for adoption.

As the SLP has not yet been found sound or been formally adopted by the Council it does not form part of the statutory development plan for Fylde. Nevertheless, in accordance with the provisions of paragraph 216 of the NPPF, it is considered that the SLP should be afforded significant weight in the decision making process due to its advanced stage of preparation and the fact that the Local Plan Examination hearings and consultation on main modifications has now closed without any indication from the Inspector that the Examination in Public is to be re-opened.

#### **National Policy:**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

#### **Fylde Borough Local Plan:**

SP03	Development in green belt
HL02	Development control criteria for new housing proposals
CF05	Residential care facilities
TR10	Car park design
SH15	Small scale out of centre retail development
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP15	Protection of European wildlife sites
EP16	Development in or near SSSI's
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP25	Development and waste water
EP26	Air pollution
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains

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

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde

GD2	Green Belt
GD6	Promoting Mixed Use Development
GD7	Achieving Good Design in Development
GD9	Contaminated Land
EC5	Vibrant Town, District and Local Centres
EC6	Leisure, Culture and Tourism Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF2	Developer Contributions
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

### **Bryning with Warton Neighbourhood Development Plan (BWNP):**

BWLC1 – Shops and Services

BWLC2 – Community, Leisure Facilities and Open Spaces

BWNE1 – Protecting and Enhancing Local Wildlife and Habitats

BWNE2 – Protecting and Enhancing Local Character and Landscape

BWNE3 – Design to Reduce Surface Water Run Off

### **Site Constraints**

Within Green Belt

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – specifically category 10 (b) relating to “urban development projects”. As the site area exceeds one of the thresholds (being over 5 hectares in area) identified in Column 2 of the table relating to category 10 (b) developments, it is Schedule 2 development for the purposes of the Regulations.

However, as the development is not to be carried out within a “sensitive area” as defined by the EIA Regulations, and given that the buildings and associated external spaces would occupy a relatively small proportion of the overall site (*circa* 3.5 hectares), it is not considered that the characteristics of the development, location of the development or the characteristics of the potential impact would be such that the scheme would constitute EIA development which would require the submission of an Environmental Statement.

### **Comment and Analysis**

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

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (As Altered) (2005). Policies within the BWNP are also relevant as this forms part of the Development Plan for this area of the Borough. In addition, for the reasons set out

above, it is also considered that significant weight should be given to the emerging policies in the SLP due to its advanced stage of preparation.

As outlined at paragraph 14, the underpinning principle embedded within the NPPF is a presumption in favour of sustainable development. In terms of decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - 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; or
  - specific policies in [the] Framework indicate development should be restricted.

The whole of the application site is located within the Green Belt. With respect to the second subcategory to the second bullet point, footnote 9 to paragraph 14 makes clear that these circumstances include “those policies relating to [...] land designated as Green Belt”. Accordingly, the ‘tilted balance’ in paragraph 14 which sets out a presumption in favour of granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits is not engaged in this case as the exception in the second subcategory is applicable.

The application is submitted in outline with access being the only detailed matter applied for. Notwithstanding this, the submission is accompanied by illustrative layout and parameters plans which include limitations with respect to the siting (developable areas), number, volume and scale of buildings and associated external spaces connected with each use. These parameters are to be taken into account as part of the decision-making process and can be fixed through the imposition of appropriate planning conditions, albeit that detailed matters concerning the development’s layout, scale, appearance and landscaping are reserved for later consideration.

Having regard to the relevant national and local planning policies, the site’s history and designation within the adopted and emerging Local Plans and the nature of the development applied for, it is considered that the main issues in this case are:

- The principle of development.
- Whether the proposal represents inappropriate development in the Green Belt having regard to the restrictions applicable within that designation, including its impact on openness, and, if so, whether the harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.
- The development’s impact on the vitality and viability of neighbouring town centres and whether the sequential test for main town centre uses has been satisfied.
- The development’s effects on the character and appearance of the area.
- The development’s impact on the amenity of surrounding occupiers and whether it would achieve satisfactorily living conditions for future occupiers.
- The development’s effects on the surrounding highway network.
- Other material considerations relating to loss of agricultural land, ecology, trees, flood risk and contamination.

#### Principle of development:

The site occupies a broadly central location within an area of Green Belt which divides the settlements of Lytham and Warton. The settlement boundary of Warton lies *circa* 0.9km to the east,

with the boundary of Lytham located approximately 1.3km to the west (via Lytham Road).

The application seeks permission for a mixed use development involving the erection of buildings and associated hardstandings in connection with the following uses:

- A care home and up to 33 assisted living units to the northern end of the site – use class C2 (residential institutions).
- A mixed use leisure/café facility with an ancillary retail shop to the southeast corner – use classes D2 (assembly and leisure), A3 (restaurants and cafes) and A1 (shops).
- Two replacement dwellings to the southern end of the site – use class C3 (dwelling houses).

*Background and classification of uses:*

The main residential components of the development include a care home and up to 33 assisted living units. The applicant has, however, indicated that these uses would fall within use class C2 (residential institutions) rather than C3 (dwelling houses). A C2 use is defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) as *“residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses) [including nursing homes]”*. The applicant has indicated that the care home and assisted living units are intended to provide specialist accommodation for elderly people and that the accommodation would only be offered to qualifying occupants where at least one of the residents is aged 55 or over.

With respect to care homes and assisted living developments, the distinction between C2 and C3 uses has been addressed in recent appeal decisions (e.g. APP/M2270/W/16/3161379 & APP/J0405/W/17/3181140). In both the aforementioned cases, the respective Inspectors concluded that an age restriction (minimum over 55's) in combination with residents being subject to “a care package of a minimum of 1.5 hours a week available 24 hours a day every day”, the registration of the “domiciliary care business with the Care Quality Commission”, the provision of purpose built communal facilities and the service charges applicable to accommodation where care is provided would distinguish this from a C3 use by providing institutional accommodation characteristic of “a tightly knit community unified by access to a dedicated enterprise of specialist care and security for the elderly.” In concluding that the assisted living units fell within use class C2, the Inspectors also opined that the C2 classification of the uses meant that contributions normally applicable to residential development (specifically affordable housing) were not applicable and, moreover, that policies relating to the supply of housing are not directly applicable to these uses.

In appeal 3181140, the Inspector noted that *“the completed UU [Unilateral Undertaking] would secure the occupation age limit and requirement of care, therefore, ensuring occupation as a C2 Use Class.”* However, the Inspector in appeal 3161379 noted that similar age and care requirement restrictions could be secured through the use of a planning condition. The applicant here has indicated that the age restriction requiring at least one of the future occupiers to be aged 55 or over can be secured through condition. Having regard to the abovementioned appeal decisions, and in order to ensure that the care home and assisted living units fall properly within use class C2, it is considered that the scope of any condition restricting the future occupation of this accommodation should be extended in order that the units can also only be occupied by a qualifying occupant(s) with a minimum care requirement of 1.5 hours per week.

Notwithstanding the above, it is recognised that the development also includes the erection of two replacement dwellings which would fall within use class C3. Although policies relating to the supply of housing (along with more general criteria for residential development) will be applicable to these dwellings, this aspect of the development must also be considered in the context of the established C3 uses on the site (i.e. that the two proposed dwellings are *replacement* houses).



The scheme includes the provision of a mixed use leisure (D2), café (A3) and retail (A1) building to the southeast corner of the site. Whilst the applicant has made clear that this building will be open to the general public (i.e. its use is not restricted to future occupiers of the residential accommodation proposed by the development), it is also likely to be the case that the facility (including its associated bowling green) will be most frequently used by occupiers of the development, particularly in the context of the development providing a tightly knit community unified by access to communal facilities. Although the end user of the facility is unknown at this stage, the applicant has indicated that the D2 (leisure) element of the building is likely to include a “small gym/spa” and “a small farm shop associated with the café”. The applicant has indicated that the floorspace of the shop could be restricted by imposing a condition stipulating that no more than 15% of the building’s overall floorspace should be used for retail purposes.

There are separate policy implications for each of the proposed uses which are assessed in greater detail later in the report. However, the common considerations which apply to all uses across the site relate to the suitability of the site’s location to support the mix of uses proposed and whether the scheme falls within any of the categories where it would not be inappropriate development in the Green Belt.

#### *Suitability of location:*

The eleventh bullet point to paragraph 17 of the NPPF identifies that one of the core principles of the planning system is to:

- “Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

Similarly, paragraph 29 of the Framework indicates that:

- “The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

Insofar as it is applicable to the two proposed C3 dwellings, criterion (7) of FBLP policy HL2 states that planning applications for housing will be permitted where they are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities.

SLP policy H1 sets out the Council’s overarching approach to housing delivery and the allocation of housing land. Criterion (c) of the policy indicates that housing developments will be directed towards locations which accord with the development strategy set out in policy DLF1 and should provide a range and mix of house types. Warton is identified as a Local Service Centre in the settlement hierarchy to SLP policy S1. The development strategy set out in SLP policy DLF1 seeks to direct the majority of future growth to the most sustainable locations – with Warton identified as being one of four Strategic Locations.

SLP policy H2 indicates that developments to provide 100% specialist accommodation for the elderly, including residential care homes (as, for the aforementioned reasons, is the case here in respect of the proposed C2 uses), will be permitted providing that:

- It is situated to provide easy access to regular public transport. Within larger development sites, the part of the site in closest proximity to bus stops with a regular service should be

chosen for this type of accommodation.

- The development complies with the development strategy.

Although Warton is identified as a Local Service Centre and a Strategic Location for Development in policies S1 and DLF1 of the SLP, the application site lies within the Green Belt a minimum of *circa* 0.9km from the settlement boundary of Warton (as extended in the SLP). It does not, however, follow that this separation from the urban edge of the settlement automatically results in the development being an unsustainable location for the specific mix of uses proposed by this application given the above policy context.

In particular, SLP policy H2 does not require developments providing specialist accommodation for the elderly to be located within settlement boundaries, but only to be situated in locations which provide easy access to regular public transport. In addition, FBLP policy CF5 relating to residential care facilities does not include any specific locational requirements for such developments. As the new C3 dwellings would replace two existing bungalows in the same location on the site, there would be no net increase in the number of dwellings as a result of the scheme and, accordingly, the replacement dwellings would be subject to the same accessibility credentials.

Despite the site's physical separation from the settlement boundary of Warton, its frontage onto the A584 (Lytham Road) provides a prominent public transport link with Warton (a Local Service Centre in SLP policy S1) to the east and Lytham (a Key Service Centre in SLP policy S1) to the west along this thoroughfare. In particular, there are two bus stops (eastbound and westbound) located within 100m of the junction of the site access onto Lytham Road. These stops are frequented by bus services heading towards Preston, Wesham, Lytham St Annes and Blackpool (bus nos. 68, 78 and 76), with timetables for these stops indicating a total of between 6 and 7 visits per hour to each stop across all services. Accordingly, the site would be well connected to the settlements of Warton and Lytham/St Annes (and beyond) by public transport. In addition, it is noted that pedestrian connections between the site and these bus stops (particularly on the westbound carriageway) would be enhanced through the provision of a pedestrian refuge on Lytham Road and the upgrading of both bus stops for accessibility impaired users.

Given the nature of the uses proposed – having particular regard to the principal C2 use – the development will have an element of self-containment and the characteristics of a close-knit community where future residents are, unlike C3 housing, more likely to rely on communal facilities provided as part of the development. This is reflected by the inclusion of a purpose-built leisure/café/shop building and bowling green. Nevertheless, the site would also benefit from good public transport links to neighbouring settlements that provide a range of shops and services to meet everyday needs via regular bus services. Accordingly, it is considered that these public transport connections would be sufficient to serve the mix of uses proposed for the purposes of FBLP policy HL2 and SLP policy H2, having particular regard to the C2 nature of the residential use and the fact that there would be no net increase in the number of C3 dwellings arising as a result of the scheme.

#### *Green Belt implications:*

FBLP policy SP3 sets out the categories of development which will be permitted in the areas of Green Belt shown on the Proposals Map. However, as the drafting of this policy pre-dates the NPPF, it was informed by guidance set out in Planning Policy Guidance 2 which has since been superseded by the Framework. SLP GD2 relates to development within the Green Belt and simply states that “national policy for development in the Green Belt will be applied” within these areas. Accordingly, the principal considerations relating to development's impact on the Green Belt are those set out in

chapter 9 of the NPPF.

Paragraph 79 of the NPPF indicates that the fundamental aim of Green Belt policy is “to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

The five purposes of including land in the Green Belt are identified in paragraph 80 of the NPPF as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 of the NPPF makes clear that “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Paragraph 89 of the NPPF states that the local planning authority should regard the construction of new buildings as inappropriate in Green Belt subject to six exceptions. Given the characteristics of the site and nature of the development proposed in this case, the exceptions in the fourth and sixth bullet points are of greatest relevance in this case and refer to:

- “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;”
- “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

In addition, paragraph 90 of the Framework indicates that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The second bullet point to paragraph 90 identifies one of these forms of development as “engineering operations”.

The main elements of the development within the Green Belt include: (a) the erection of up to 33 single storey assisted living units and a two storey care home (use class C2); (b) the erection of a mixed use leisure/café/shop (use class D1/A3/A1) facility; (c) the replacement of two single storey dwellings with two 1.5 storey dwellings (use class C3); (d) the formation of a bowling green; and (e) the reconfiguration of internal access roads and provision of hardstanding parking areas for each use. Soft landscaping works are proposed to bolster tree planting around and within the site, though this planting is not, in itself, development requiring planning permission.

The abovementioned works summarised in points (a), (b) and (c) involve the construction of new buildings and, accordingly, fall to be assessed against paragraph 89 of the NPPF. The remaining works summarised in (d) and (e) are engineering operations for the purposes of paragraph 90.

The fourth bullet point to paragraph 89 allows the replacement of a building (including dwellings), provided the new building is in the same use and not materially larger than the one it replaces. This exception would be applicable to the two replacement dwellings referred to in (c) above. Therefore,

providing that the tests of use and size are satisfied, this component of the development is not inappropriate in the Green Belt for the purposes of paragraph 89.

Although several of the other proposed buildings described in (a) and (b) would replace existing permanent structures, they would not be in the same use and, accordingly, do not fall to be considered under the exception in the fourth bullet point. Instead, the sixth bullet point to paragraph 89 allows the construction of new buildings involving the partial or complete redevelopment of previously developed sites where this would not have a greater impact on the openness of the Green Belt and the purposes of including land within it when compared with existing development. "Previously Developed Land" (PDL) is defined in Annex 2 of the NPPF as follows:

- Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The existing parts of the site which are occupied by permanent structures (including the curtilage of the developed land) and fixed surface infrastructure (e.g. hardstandings) associated them meet the definition of PDL contained in Annex 2 of the NPPF. In this case, this includes the existing hanger and stables to the southeast corner of the site; the two dwellings to the southern end; the timber-clad amenity and clubhouse buildings to the northwest of the site; and the permanent lodges to the northeast corner of the site (including the parts of their curtilage which comprise fixed surface infrastructure). For the avoidance of doubt, as the static and touring caravans (and their associated fixed surface infrastructure) to the northeast and east of the site are temporary structures they are not PDL for the purposes of the definition above.

The application is accompanied by a plan which shows the oppositions of the proposed buildings overlaid on top of the existing buildings and caravan pitches. The overlay plan shows that the proposed care home would occupy the same area of the site (including the building, its curtilage and associated fixed surface infrastructure) as the clubhouse to the northwest corner, the leisure/café/shop facility would replace the stables and hanger to the southeast corner and the two new dwellings would replace those to the southern end of the site within the same curtilage. Accordingly, these three components of the scheme would be located upon the parts of the site which are previously developed and, accordingly, it follows that they are capable of satisfying the exception in the sixth bullet point of paragraph 89 which allows for the redevelopment of previously developed sites for other uses providing that they would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. These tests are addressed in more detail below. It is, however, the case that these elements of the scheme do not, in principle, represent inappropriate development in the Green Belt. Similarly, as the proposed bowling green and provision of hardstandings to allow the reconfiguration of internal access roads and formation of parking areas involve engineering operations for the purposes of the second bullet point to paragraph 90, they are also not inappropriate development in the Green Belt as a matter of principle.

In contrast, while approximately nine of the proposed assisted living units would be located on parts of the site that are presently occupied by permanent structures (and, accordingly, are PDL) – such as

those replacing the apartment building to the south of the clubhouse and those replacing the lodges to the northeast of the site – it is also the case that the remaining 24 units would be positioned on those parts of the site which are either presently or have an extant permission to be used as static and touring caravan pitches. As these parts of the site do not comprise PDL, their redevelopment for the assisted living units proposed within them does not satisfy any of the exceptions in paragraph 89 of the NPPF and, accordingly, very special circumstances would be required to allow the construction of buildings on these parts of the site. The implications of very special circumstances are addressed in details below.

#### Impacts on Green Belt and very special circumstances:

For the reasons set out above, the proposed care home, erection of 9 of the assisted living units, mixed use leisure/café/shop building, replacement dwellings, bowling green and associated provision of hardstandings to form access and parking areas would, in principle, fall within a category of development which is not inappropriate in the Green Belt as defined in paragraphs 89 and 90 of the NPPF provided that:

- (i) In respect of the proposed buildings, they would not be materially larger than those they replace (in respect of the replacement dwellings) or would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (with respect to the other components on PDL mentioned above); and
- (ii) In respect of the engineering operations, they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

If it was found that these components of the development would fail either of the above tests then they would be inappropriate development and the applicant would need to demonstrate the presence of “very special circumstances” to justify them (along with those required for the remaining 24 assisted living units that have already been found to be inappropriate development). Paragraph 88 of the NPPF refers to very special circumstances and makes clear that:

- When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

#### *Buildings and test (i):*

The applicant’s submission includes a survey of 20 existing buildings on the site which are to be demolished as part of the scheme. The survey indicates that these buildings have a combined volume of 16,125 m<sup>3</sup>. However, as two of the buildings surveyed include a toilet/shower block (buildings 19 and 20 in the survey) which are temporary, prefabricated units, these are not considered to be “permanent structures” and so their cubic content has been omitted to give a total existing building volume of 16,008 m<sup>3</sup> across the site. The applicant opines that this is an overly conservative figure as it does not include the pitched/sloping roofs of several buildings and suggests that a 15% uplift should be applied to account for roof volume. It is considered that this is a reasonable allowance given that buildings on the site with pitched roofs are generally of a larger scale than those with flat roofs. When the 15% allowance is applied, this gives an overall existing building volume of 18,409 m<sup>3</sup> across the site for the purposes of benchmarking.

As the existing/replacement dwellings are to be considered under a separate category to paragraph 89 (bullet point 4), their volumes are also to be considered separately. The submitted building survey gives the existing dwellings a cumulative volume of 718 m<sup>3</sup>. Accordingly, the total existing building

volume has been adjusted down to 17,691 m<sup>3</sup> to account for this.

As identified in Table 1, the submitted parameters plan provides maximum volume parameters for each of the proposed buildings to allow a comparison of scale and massing between the existing and proposed buildings. The figures given in Table 1 indicate that the proposed buildings would have a cumulative volume of 28,500 m<sup>3</sup>. However, as only 9 of the assisted living units would be located on PDL, the cumulative volume of the proposed buildings has been reduced proportionately, with the effects of the remaining 24 assisted living units being considered separately under the test of 'very special circumstances'. The 800 m<sup>3</sup> volume of the replacement dwellings is also shown separately to the 'overall' figure. The above scenarios and respective volume comparisons for each are summarised in Table 2 below.

<b>Volume comparison within previously developed areas (discounting replacement dwellings)</b>			
<b>Existing building volume (m<sup>3</sup>)</b>	<b>Proposed building volume (m<sup>3</sup>)</b>	<b>Variance (m<sup>3</sup>)</b>	<b>Variance (%)</b>
17,691	20,135	+ 2,444	+ 13.8
<b>Replacement dwellings volume comparison</b>			
<b>Existing combined dwelling volume (m<sup>3</sup>)</b>	<b>Proposed combined dwelling volume (m<sup>3</sup>)</b>	<b>Variance (m<sup>3</sup>)</b>	<b>Variance (%)</b>
718	800	+82	+11.4

**Table 2 – Comparison of existing and proposed cumulative building volumes (PDL only).**

As set out in Table 2, the proposed development would result in a 13.8% increase in the overall volume of built development across the previously developed areas of the site. The replacement dwellings would also have a cumulative volume which is 11.4% larger than the existing bungalows.

Table 2 provides a useful means of quantitative building volume comparison and this is particularly relevant to the replacement dwellings as the test in the fourth bullet point to paragraph 89 refers specifically to ensuring that replacement buildings are not "materially larger" than those which they replace. However, with respect to the test in the sixth bullet point to paragraph 89, effects on the openness and purposes of the Green Belt are more qualitative and cannot be gauged solely through a comparison of existing and proposed building volume. Accordingly, it does not necessarily follow that an increase in building volume would automatically result in conflict with the test in the sixth bullet point.

The existing bungalows are of a single storey height and follow rectangular and L-shaped footprints within a separate parcel to the centre of the 'island' at the southern end of the site. The replacement dwellings proposed would be 1.5 storeys (incorporating rooms in the roof) and would have a maximum cumulative volume some 11.4% greater than the existing dwellings. The new dwellings would be in the same use as the buildings they replace and it is not considered that their increased volume of 11.4% would result in them being "materially larger" than the existing buildings. Indeed, the additional volume created would relate principally to the enlargement of the replacement buildings' roof space, though this will still retain their 'bungalow' character and would not result in any significant increase in overall scale or massing. The replacement dwellings would satisfy the test in the fourth bullet point to paragraph 89 of the NPPF and, accordingly, are not inappropriate development in the Green Belt.

In respect of the other components of the development that are located on PDL, the sixth bullet point to paragraph 89 of the Framework permits the “partial or complete redevelopment of previously developed sites [...] which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.” Although the care home, 9 assisted living units and mixed use leisure/café/shop buildings would have a cumulative volume which is 13.8% greater than the buildings they would replace, it is apparent from the submitted overlay plan that their siting and overall coverage would be substantially the same as – or, the case of the mixed use building, less than – the existing clubhouse, stable, hanger, apartment and lodge buildings. Similarly, the storey heights of the replacement buildings would be no greater than the current buildings. It is, however, the case that eaves and ridge heights would vary. Indeed, the 13.8% increase in proposed building volume would be largely associated with the additional roof massing for the replacement buildings – most notably the care home and assisted living units.

As set out in paragraph 79 of the NPPF, the essential characteristics of Green Belts are their openness and their permanence. Openness is derived from the absence of buildings and other forms of development. The site’s historical use as a military base and current use as a holiday park has resulted in the siting of several buildings, caravans and large areas of hardstanding across the site. While planting buffers to the site perimeter and alongside the northern flank of Lytham Road provide a screen from the main public vantage points to the south (with similar intervening screening restricting views from Lodge Lane to the north), existing development on the site impacts on the openness of the Green Belt and the purposes of including land within it by encroaching into the countryside. The development’s impact on the openness and purposes of the Green Belt are to be considered in this context and as an exercise of comparing and balancing the effects of the existing and proposed developments against one another.

In this regard, it is noted that the siting of the care home, 9 assisted living units and mixed use leisure/café/shop buildings would follow that of the existing buildings they would replace, that the storey heights of the replacement buildings would be no greater than the existing and that there would be a relatively modest increase in cumulative building volume across the site without any significant increase in building massing. Furthermore, the scale of the replacement buildings would be similar to those that they replace on each respective part of the site and the replacement buildings described above would not be introduced on areas of the site that are currently open or devoid of built development. In terms of the purposes of the Green Belt, the only applicable circumstance here relates to “safeguarding the countryside from encroachment”. In this case, the boundaries of the site are contained by a landscaped planting buffer to the perimeter and the scheme does not seek to extend or remove these established boundaries. Therefore, in combination with the factors set out above, the proposed development would not result in any added encroachment into the countryside. Accordingly, it is not considered that the redevelopment of the previously developed areas of the site for the uses mentioned above would have a greater impact on the openness of the Green Belt and the purposes of including land within it in comparison to the existing development. As a result, these elements of the scheme are not inappropriate development in the Green Belt as they satisfy the test in the sixth bullet point to paragraph 89 of the NPPF.

#### *Engineering operations and test (ii):*

With respect to each of the engineering operations proposed:

##### *(d) The formation of a bowling green.*

The proposed bowling green would replace an existing hardstanding yard between a pond and the

front of the stables to the southeast corner of the site. Although artificial, as the bowling green would have a grassed surface it would provide a less urbanised finish in comparison to the existing hardstanding yard which would not conflict with the openness or purposes of including land in the Green Belt.

(e) The reconfiguration of internal access roads and provision of hardstanding parking areas for each use.

The applicant's survey of existing development on the site also includes a schedule of current hardstanding areas within the site including roads, concrete bases for caravan pitches and hardstandings associated with the operation of the existing buildings (e.g. vehicle parking/manoeuvring and storage areas). The survey indicates that these hardstandings cover an area of *circa* 25,413 square metres (2.54 hectares).

Although no quantitative figure has been provided with respect to the area of hardstandings proposed as part of this development, it is apparent from the submitted plans (and, in particular, the overlay plan) that the development would result in a significant reduction in the coverage of hardstanding areas across the site by rationalising the existing internal access road, condensing parking areas and returning other hardstandings outside developable areas to soft landscaping. Accordingly, the overall reduction in hardstanding areas arising as a result of the development would ensure that those created as part of the scheme will not detract from the openness of the Green Belt.

Given the above, it is considered that the scope of the proposed engineering operations would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Accordingly, these elements of the scheme satisfy the provisions set out in the second bullet point to paragraph 90 of the NPPF and are also not inappropriate development in the Green Belt.

*Very special circumstances:*

For the reasons set out above, the proposed care home, 9 of the assisted living units, the mixed use leisure/café/retail building, two replacement dwellings, bowling green and associated hard landscaping works are not inappropriate development in the Green Belt. It is, however, considered that the remaining 24 assisted living units which would be located on parts of the site that are not presently occupied by permanent structures (and, accordingly, are not previously developed) do not fall within any of the categories identified in paragraph 89 – having particular regard to the fact that the sixth bullet point includes a specific exclusion for “temporary buildings” – and, accordingly, represent inappropriate development in the Green Belt.

Paragraph 87 of the Framework makes clear that inappropriate development is, by definition, harmful to the Green belt and should only be approved in “very special circumstances”. In addition, paragraph 88 of the Framework indicates that:

- “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

The site has a legacy of historical use as a military base. Its present use as a leisure park was permitted in the early 1990s pursuant to planning permission 91/0890 which included the erection of a series of buildings that have subsequently been extended (planning permissions 96/0441 and



01/0171). Applications involving the site's redevelopment for a 66 bed hotel and 61 holiday chalets (references 07/0973 and 08/0624) were withdrawn and refused due to the impact of that development on the Green Belt. Subsequently, however, planning permission was granted for the extension and reorganisation of static/touring caravan pitches to provide a total of 49 touring caravan plots and 46 static caravan plots pursuant to application 09/0587. This permission has been implemented, though approximately 8 of the static caravans permitted have since been replaced with lodges which are considered to be "permanent structures", principally along the northeast boundary.

The 24 assisted living units proposed outside the site's previously developed areas would be located on parts of the site that are either presently occupied, or have an extant permission to be occupied, by static and touring caravans pursuant to planning permission 09/0587. In essence, therefore (and factoring in the replacement of some 8 permitted statics with permanent lodges), the 24 assisted living units in question would replace 38 static caravans and 49 touring caravans. Although the site is not presently occupied at the capacity permitted by application 09/0587, this permission has been implemented and remains extant. Accordingly, it provides an established 'fallback' position for the applicant should this application be refused.

The applicant makes reference to an appeal in similar circumstances (reference APP/P2935/A/14/3000634) which allowed a development of 16 dwellings on a site in the Green Belt where permission had previously been granted for 41 caravans, on the basis that "the impact on openness of the fallback position [provided by the permitted caravan development] would be greater than the proposed [residential] development", thus triggering the very special circumstances required to allow inappropriate development. Whilst this appeal relates to an unrelated site in another authority's area where the specific details of the case were different to those applicable here, the Inspector's interpretation of Green Belt policy and the nature of the developments involved are, nonetheless, comparable.

In this case, the applicant's fallback position would be to re-introduce the 38 static caravans and 49 touring caravans (87 in total) permitted on the northern and central areas of the site and, accordingly, the impact of the 24 assisted living units now proposed in those same areas must be considered in comparison to that fallback position with respect to their impact on the openness and purposes of the Green Belt in order to establish whether "very special circumstances" are present.

The applicant's supporting statement indicates that each of the static caravans permitted under application 09/0587 would have a volume of approximately 134 m<sup>3</sup>. Accordingly, the combined volume of 38 static caravans would be 5,092 m<sup>3</sup>. Application 09/0587 allowed the siting of static caravans to the northeast corner of the site (north of the clubhouse) and along the eastern boundary opposite the clubhouse. A total of 49 touring caravans were permitted within a central parcel opposite and to the south of the clubhouse, extending in a southerly direction beyond the apartment block and up to the junction with the circular access road and 'island'.

The 24 assisted living units would, in effect, replace the 87 caravans permitted on the same areas of the site. Applying the overall volume of the assisted living units proportionately to the 24 located outside previously developed areas gives a cumulative volume of 7,565 m<sup>3</sup>. Therefore, the assisted living units would introduce an additional 2,473 m<sup>3</sup> of massing to the site in comparison to the static caravans – a volume increase of 48.6%. This uplift is, however, to be balanced against the effects of the 49 touring caravan pitches. It is noted that, due to their lesser number, the overall coverage and land take of the assisted living units would be significantly less than that of the permitted caravans, that their siting would not extend as far south, that their height would be limited to a single storey and that there would be an increased spacing between. When considered in combination, these factors would result in the 24 assisted living units occupying less of the site in a more spacious layout

that would involve a lesser degree of encroachment into the countryside without any significant increase in building height, scale or massing occurring. Similarly, the increased volume of the assisted living units in comparison to the statics would be tempered by their condensed land take, restricted height and the fact that 49 tightly-packed touring caravans are more likely to have a greater impact on openness than the 2,473 m<sup>3</sup> uplift in massing.

Paragraph 88 of the NPPF makes clear that ‘very special circumstances’ will only exist where the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight must be given to the harm the development would cause to the Green Belt by reason of its inappropriateness and its impact on openness. However, for the reasons set out above it is considered that, on balance and taken as a whole, the effects of the fallback position which would allow the siting of 87 caravans over a larger area of the site would be more harmful to the openness and purposes of the Green Belt than those associated within the 24 single storey assisted living units laid out in the areas and distribution as shown on the submitted plans. As set out in the remainder of this report, satisfactory measures can be put in place to mitigate any “other harm” arising and so it is concluded that the specific considerations in this case are sufficient to clearly outweigh the development’s potential harm to the Green Belt (and any other harm) such that very special circumstances exist to justify it in accordance with FBLP policy SP3, SLP policy GD2 and the NPPF.

#### Impact on town centres:

The application includes a mixed use leisure/café/retail building to the southeast corner of the site. The parameters plan limits this building to a single storey height with a maximum combined volume of 2,600 m<sup>3</sup>. The floorspace for the building shown on the masterplan is *circa* 465 sqm. While the end user of the facility is unknown at this stage, the applicant has indicated that this building would be intended to provide “a gym, small pool, hydrotherapy rooms, café [and] farm shop”. With respect to the retail element, the applicant has agreed that a condition could be imposed to limit the floorspace of the shop to a maximum of 15% of the building’s overall floor area (up to 70 sqm based on the footprint shown on the masterplan) in order that it remains ancillary to the principal leisure/café use.

The leisure, café (restaurant) and retail uses proposed within this building are all “main town centre uses” for the purposes of the definition in Annex 2 of the NPPF. It is, however, the case that the floor area of the building – at a maximum of 465 sqm – would be below the threshold for impact assessment as identified in the SLP (750 sqm) and paragraph 26 of the NPPF (2,500 sqm). The sequential test applicable to main town centre uses is, however, applicable as set out below.

FBLP policy SH15 states that small scale retail uses (such as the maximum 70 sqm shop proposed in this case) will not be permitted in locations outside existing retail centres unless the proposed use has special locational requirements such that it would not be appropriately sited within an existing retail centre or would provide small scale local shopping in an area deficient in such facilities or would otherwise help to diversify the rural economy.

SLP policy GD6 indicates that mixed use developments, including local retail centres, employment, commercial, leisure, community and recreational uses alongside residential, will be encouraged providing that it does not undermine housing delivery and where residential and commercial uses can be successfully integrated based on their scale and character.

SLP policy EC5 sets out the hierarchy of town, district and local centres within Fylde and, in conjunction with the Policies Map, identifies 12 centres, including 3 which are to be introduced

through the new Local Plan. This includes a proposed local centre in Warton. Policy EC5 states that main town centre uses will be encouraged within the defined centres and that proposal for retail and leisure development in 'edge of centre' or 'out-of-centre' locations will be "considered in line with the Framework, bearing in mind the impacts on existing centres".

While not directly applicable to the scale of the proposed use (at a maximum of 465 sqm), SLP policy EC5 includes a locally set threshold for impact assessment by indicating that "when assessing proposals for retail, leisure and office development outside of centres, a local threshold of any development more than 750 square metres, will apply in terms of requiring a retail impact assessment". The policy also refers to the need for the sequential test to be satisfied for edge and out of centre locations.

Criterion (e) of SLP policy EC6 states that the Council will plan for leisure developments by encouraging daytime and evening facilities, such as hotels, restaurants, cinemas, theatres, museums, swimming pools and leisure centres within town centres in Key Service Centres and in Local Service Centres.

BWNP policy BWLC1 states that to improve the range of and access to shopping and community facilities within Warton the following principles will apply:

- The development of new shopping and local service facilities will be supported within the Principal Village Centre (defined in Figure 4 of the plan).
- Proposals for local needs retail or local service uses will be supported within the settlement boundary.

BWNP policy BWLC2 indicates that proposals for the provision of "centrally located community facilities will be supported".

Paragraph 24 of the NPPF refers to the sequential test for main town centre uses as follows:

- "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

While the proposed mixed use building would, by virtue of its siting in relation to the proposed C2 uses and the range of facilities it is intended to offer, be linked to the provision of care accommodation on the site, it would not be for the exclusive use of these residents and, accordingly, would be open to the general public as with any other leisure, café and retail premises. Therefore, while the building would provide a useful facility in close proximity for residents, it does not have "special locational requirements", nor does it comprise "local needs retail or local service uses" for the purposes of FBLP policy SH15 or BWNP policy BWLC2. The limited scale of the residential use is also such that there would be no justification to incorporate such a facility within the site for the purposes of SLP policy GD6 which encourages the provision of a mix of uses alongside new, large scale residential developments.

The application site lies approximately 1.7km from the local centre of Warton as defined in the BWNP and the SLP Policies Map. In addition, Lytham Town Centre is located *circa* 2.8km to the west and Freckleton Local Centre lies approximately 3.6km to the east. Accordingly, the site is an "out of

centre” location for the purposes of the definition in Annex 2 of the NPPF and the sequential test would need to be satisfied in order to permit this component of the development.

The applicant has submitted an assessment which considers sites that would be sequentially preferable within and on the edge of the three centres mentioned above. When considering whether a site is sequentially preferable, it is an established principle that it must be of a sufficient size to accommodate the development being proposed and should not require an applicant to disaggregate it into separate components in order to fit onto a smaller site. The test to be applied is, therefore, whether the 465 sqm building proposed could be sited in a more sequentially preferable location that it better connected to the abovementioned centres.

The applicant’s sequential assessment considers a total of 8 alternative sites in Warton, 12 in Lytham and 7 in Freckleton based on the allocations in the adopted and emerging local plans. While some of the sites mentioned in the assessment would be too small to accommodate the proposed building (and, accordingly, are mentioned only for reference as having been discounted), the sequential test identifies a lack of suitable, available sites within or on the edge of these centres due to those that are of a sufficient size already being occupied by other uses or having a configuration/floorspace that is unsuitable and/or oversized to accommodate the proposed mixed use facility. With particular reference to the nature of these centres, and in addition to their being a lack of suitably sized sites within them, the sequential test identifies that edge of centre locations are limited due to these centres being “tightly surrounded by well-established residential development, with no available sites to accommodate the leisure facility”.

Having regard to the allocations on the adopted and emerging local plan proposals/policies map (including that in Figure 4 of the BWNP), along with the lack of available vacant sites to accommodate the facility in locations on the edge of these centres, there is no reason to arrive at a different conclusion to that in the applicant’s sequential assessment. In respect of out of centre locations, it is, however, the case that preference should be given to “accessible sites that are well connected to the town centre” (NPPF paragraph 24).

The site’s accessibility credentials and its relationship with public transport facilities have been addressed earlier in the report when considering the principle of development. As identified, there are two bus stops located in close proximity (within 100m) to the junction of the site access with Lytham Road and these are visited by frequent bus services. Accordingly, despite being out of centre, the site has good connections with all 3 of the abovementioned centres by public transport. As any other out of centre locations in closer proximity to the centres in question would have no better or – depending on their proximity to bus stops – worse connectivity to these centres by public transport, it is not considered that there are any sequentially preferable out of centre sites to accommodate the mixed use building.

Given the above, it is considered that the sequential test identified in paragraph 24 of the NPPF is met in this case. While the size of the building is below the locally and nationally set threshold for impact assessment, it is considered expedient to impose conditions to limit the overall floorspace of the building to that shown on the illustrative masterplan (465 sqm) to ensure that this remains the case, and to limit the scale of the retail use in order that it remains ancillary to the principal leisure and café uses as suggested by the applicant. Subject to these restrictions, there is no reason to conclude that the development would have a harmful impact on the vitality and viability of nearby centres by diverting trade away from them.

Impact on character and appearance:

Although the layout, scale, landscaping and external appearance of the development are reserved at this stage, the submitted plans include indicative details and parameters relevant to the former three matters.

Criteria (2), (3) and (5) of FBLP policy CF5 state that the development of residential care facilities will be permitted provided that:

- The development in conjunction with other similar uses does not alter or adversely affect the character of the area.
- The development is acceptable in terms of its scale, design and appearance and effect on the street scene.
- A satisfactory standard of landscaping can be achieved.

SLP policy ENV1 requires that development has regard to its visual impact within its landscape context and the landscape type in which it is situated. Criteria (a) to (e) of the policy require developments to conserve and enhance landscaped areas and features by introducing and strengthening landscaped buffers in order to limit a development's visual impact. These sentiments are echoed in FBLP policies EP10 and EP11 which require new developments in rural areas to be in keeping with the distinct landscape character types identifies in the Landscape Strategy for Lancashire and to reflect the local vernacular through their scale, features and building materials. In addition, policy EP14 requires that new developments incorporate suitable landscaping.

SLP policy GD7 requires that development proposals facilitate good design in accordance with 13 guiding principles. Criteria (d), (h), (i) and (k) 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.
- 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.

BWNP policy BWNE2 states that developments should demonstrate good design, respect local character and where possible, reinforce local distinctiveness.

In addition, paragraph 58 of the NPPF encourages good design by stipulating that planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- are visually attractive as a result of good architecture and appropriate landscaping.

The development's effects on the openness of the Green Belt are addressed in detail earlier in the report. In landscape terms, the site is classified as a "mossland" landscape type under subcategory 16b "south Fylde Mosses" in the Lancashire Landscape Strategy (2000). The Strategy identifies one of the key characteristics of this landscape type as a "low lying flat landscape, which provides extensive uninterrupted views for great distances". The Strategy also identifies one of the "local forces for change and their landscape implications" as "pressure for suburbanisation and the expansion of settlements" with the strategy noting that "new development, particularly that containing vertical elements such as pylons, will often be visually dominant in this flat, open landscape."

Although the application site exhibits some of the characteristics of the "south Fylde Mosses" landscape referred to in the Lancashire Landscape Strategy with respect to its flat topography between wider expanses of open agricultural land, long ranging views within the surrounding landscape and, in particular, from public vantage points on Lytham Road to the south and West End Lane/Lodge Lane to the east, north and west are restricted by an existing planting buffer to the perimeter of the site. While lapsed in places, the TPO woodland to the northern/western boundary provides a particularly dense shelterbelt which screens views from Lytham Road, along with a thinner tree belt to the southern edge and hedgerow planting flanking the A584. Although narrower, linear planting borders to the eastern and northern perimeters screen views from vantage points on West End Lane and Lodge Lane to the east and north. The effect of the existing landscaped borders to Great Birchwood mean that the seen is seen as being 'contained' from surrounding open field. Indeed, the adjacent poultry farm to the southeast and buildings associated with the golf driving range to the southwest form the most prominent features to the roadside, with the country park appearing relatively inconspicuous behind.

While the proposal may result in an overall increase in the volume of buildings across the site, their coverage will be less than that of existing (or permitted) buildings, caravans and hardstandings. The replacement buildings will also occupy substantially the same positions as existing development and their storey heights would be no greater than the existing buildings. In addition, the development would result in a reduction in hardstanding areas and an increase in the proportion of greenspace across the site, along with strengthening of planting buffers, both internally and to the site perimeter. When considered in combination, and given the 'contained' nature of the site in the surrounding landscape and the specific characteristics of the development, the proposal would not result in any additional harm to the character and appearance of the area in comparison to the current use.

#### Amenity impacts:

Criteria (1) and (4) of FBLP policy CF5 state that the development of residential care facilities will be permitted provided that:

- The development will not have any detrimental effect on the amenities of neighbouring properties.
- Adequate private garden space is available.

FBLP policy EP27 indicates that development which would result in unacceptable harm by way of noise pollution will not be permitted.

SLP policy GD7 requires that development proposals facilitate good design in accordance with 13 guiding principles. Criterion (b) of the policy requires development to ensure that "amenity will not be adversely affected by neighbouring uses, both existing and proposed".

The fourth bullet point to paragraph 17 of the NPPF identifies one of the core planning principles of the planning system is to:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

In addition, paragraph 123 of the NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The site is bordered by open agricultural land to the north and east which extends up to Lodge Lane and West End Lane. A single storey, rectangular building to the far northern end of the site – outside the red line boundary – is used by Blackpool and Fylde Fullbore Pistol and Rifle Club (referred to hereafter as the ‘gun club’). A poultry farm (Brook Bridge) is located to the southeast of the site adjacent to the access and a golf driving range at Lytham Gold Academy falls to the west. Aside from the two bungalows within the site, the closest dwellings are located on the eastern side of West End Lane *circa* 350m to the east; at Brook Cottage some 140m to the south on the opposite side of Lytham Road; and a collection of dwellings at the junction with Lodge Lane approximately 500m to the west.

#### *Effects on neighbouring uses:*

With the exception of the mixed use leisure/café/retail building, the nature of the proposed uses are inherently residential in character. When compared to the site’s existing use as a holiday park (along with the fact that this could be used more intensively than the proposed C2 uses), it is likely that the care home and assisted living units would generate less noise and disturbance in comparison to the current use of the site by holiday makers. While the proposed mixed use building has the potential to generate more disturbance from customer comings and goings (including those from non-residents), any adverse effects in this regard could be mitigated by restricting the opening hours of that facility. The applicant agrees that opening hours allowing the mixed use building to operate between 08:00 and 22:00 Monday – Saturday, and between 09:00 and 20:00 on Sundays would be appropriate in order to avoid any potential for disturbance to neighbouring occupiers and future occupiers of both the C2 uses and the replacement dwellings opposite this building at unsocial hours.

Land uses immediately adjacent to the site are noise-generating rather than noise-sensitive uses and do not include residential elements. Accordingly, the proposed development would not generate any unacceptable nuisances to these uses, nor would the siting of the proposed residential elements of the scheme in relation to them affect the way they function.

Given the site’s separation and relationship with neighbouring dwellings, along with the fact that background noise levels near the mixed use building are likely to be elevated due to passing road traffic along the A584, it is not considered that the scale, siting or characteristics of the proposed uses would have any adverse effects on the amenity of surrounding occupiers.

### *Effects on future occupiers:*

Objectors have raised concerns regarding the impact of surrounding land uses on the amenity of future residents of the C2 uses. In particular, concerns have been raised in relation to noise from the gun club, odours from the poultry farm and dust from farming practices on adjoining fields.

The gun club is located within a rectangular building to the northern end of (but outside) the application site. It is apparent from the submitted plans that the care home and several of the assisted living units would be located in close proximity to the gun club's building. The gun club's website (<http://fylderifles.org/membership-info/>) indicates that its opening times include shooting range sessions on Mondays at 7.30pm, and Tuesdays and Wednesdays at 7pm. All sessions take place within the building which includes 6 lanes. Any outdoor shooting practice/competitions take at Weeton "on the last Sunday of each month starting at 1pm". While it is acknowledged that shooting practices at the gun club have the potential to cause noise and disturbance for future occupiers of the C2 units by virtue of their proximity, it is apparent that the infrequent operation of the gun club and its restricted evening opening hours would limit any such disturbance to relatively short periods outside unsocial hours. Moreover, the indoor nature of the shooting range would limit the degree of potential noise breakout. When considered in combination, these factors would ensure that the gun club will not have a sustained or unacceptable impact on the amenity of future occupiers by reason of noise and disturbance, nor would the gun club be required to alter its current practices as a result of the scheme.

As identified by the Council's EHO, the poultry farm to the southeast has the potential to generate unpleasant odours in close proximity to the site. This resulted in the submission of amended plans to relocate the proposed C2 uses to the northern end of the site and to replace the hanger/stable buildings with the mixed use leisure/café/shop building and bowling green which have a lesser sensitivity to nuisance from odours. The submitted plans indicate that, at their closest point, the proposed C2 uses would achieve a minimum separate of *circa* 180m with the poultry farm. The Council's EHO is satisfied that this level of separation would be sufficient to avoid future occupiers suffering any significant effects from odours.

While it is recognised that farming practices such as the spreading of fertilisers are likely to cause a degree of nuisance for uses bordering agricultural fields, such relationships with residential uses are common on edge of settlement sites bounding farmland. Any nuisances in this respect are, however, likely to be short-lived and expected in rural settings. Accordingly, it is not considered that this would result in substandard living conditions for future occupiers in amenity terms.

The golf driving range to the west includes a single storey building with 18 hitting bays opening onto a green running in a north-south direction along its western boundary. The range is open between 10am and 8pm Monday – Friday and between 10am and 6pm at weekends. Lytham Golf Academy is separated from Great Birchwood by the intervening TPO woodland and the driving range building is located approximately 115m from the closest development parcel. Accordingly, the development's spacing with the driving range, combined with the opening hours of that facility, would ensure that this use has no undue effects on the amenity of future occupiers through noise and disturbance.

The illustrative masterplan shows that the care home would be bordered by communal gardens, with the largest area of outdoor space being located at the rear. Each of the assisted living units would be set within their own plots with separate gardens. Additional public open space would be available within substantial landscaped grounds to the southern areas of the site. Accordingly, sufficient garden space would be provided for the C2 uses in accordance with FBLP policy CF5.



## Highways

Criteria (6) and (7) of FBLP policy CF5 state that the development of residential care facilities will be permitted provided that:

- Satisfactory access and parking requirements can be met;
- The provision of parking facilities would not unduly affect the residential character of the area by involving the significant loss of garden areas or trees of townscape value.

SLP policy GD7 (j) indicates 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.”

In addition, SLP policy H2 indicates that developments to provide 100% specialist accommodation for the elderly, including residential care homes, will be permitted providing that:

- Convenient access arrangements are provided for vehicles providing hospital transport.

Para 32 NPPF states that planning decisions should take account of whether:

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### *Access:*

Vehicle access to the development is proposed via the existing priority (give way) junction into the site from the right hand turn lane on the A584 with minor modifications to kerb alignment and the repositioning of an existing wall to provide a 2m wide footway to both sides of the access road. The width of this access allows two way traffic flow and sufficient kerb radius for the manoeuvring of larger vehicles (including servicing and emergency vehicles). Visibility splays of 2.4m x 150m would be available in both directions at the junction of the site access with the A584 which is subject to a speed limit of 50mph along this stretch.

The Local Highway Authority (LHA) have indicated that, subject to a condition requiring the introduction of a pedestrian refuge on the A584 to facilitate pedestrian access over Lytham Road to the bus stop on the southern side of the A584 near the site access, the proposed access strategy is acceptable to serve a development of the scale proposed.

### *Traffic generation:*

The application is accompanied by a Transport Statement (TS) dated December 2016 and a supplementary Technical Note (TN) dated 25.05.17, both of which consider the development's effects on the capacity of the surrounding highway network. In particular, the TN gives specific consideration to the development's effects on the Lytham Road/Church Road/Highgate Lane signalised junction. It should be noted that the figures and conclusions in the TS and TN are based on a different mix of uses to those now proposed under the amended scheme. Specifically, the TS and TN relate to a development involving up to 20 dwellings; a 75 bed care home and 10 assisted living units; and 54 holiday lodges. While the mix of uses has changed under the revised scheme, it is apparent that the overall quantum of development has been reduced and, accordingly, the TS and TN are considered to be robust as they present a 'worst-case scenario'.

The TS and TN indicate that flows for the existing, observed use of the site (November 2016) showed there were 4 two-way vehicle trips in the peak am period (8am – 9am) and 8 two-way vehicle trips in the peak pm period (4pm – 5pm). With reference to the TRICS database, the TN estimates that the development generate 30 two-way vehicle movements in the peak am period and 31 two-way trips in the peak pm period, a net increase of 26 and 23 trips in the peak am and pm periods in comparison to the current use.

As requested by the LHA, the TN assumes an equal split between traffic leaving the site in westbound and eastbound directions onto Lytham Road. The LHA are particularly concerned with additional vehicles travelling through the Lytham Road/Church Road/Highgate Lane signalised junction due to capacity issues with this junction. The TN indicates that the trip rates and traffic assignment data for the proposed development would result in “1 ‘new’ vehicle trip circa every 10 minutes passing through the junction in one direction [which] would have an immaterial impact on the junction [and] wider highway network”.

Following the submission of the TN, the LHA accept that the developer has demonstrated that their scheme “would have little impact” on the capacity of the Lytham Road/Church Road/Highgate Lane signalised junction. In addition, and with respect to cumulative effects with other developments, the LHA note that “the modelling of junctions [in previous Transport Assessments for applications in Warton] is based on traffic count data that was undertaken when this site was busier than current traffic data shows”. When considering allowances for background traffic growth and traffic from committed developments in tandem with the “relatively low number of predicted trips” from this development that will impact on the Lytham Road/Church Road/Highgate Lane junction, the LHA opine that they “cannot state with certainty that this proposal would have an unacceptable impact on the highway network and as such are not in a position to oppose this proposal on its impact at this junction”. In addition, the injury accident data for the latest five year period identifies only 4 ‘slight’ injury accidents with common causation factors that would not be exacerbated by this development.

The LHA conclude that, subject to conditions concerning the construction of the access; the provision of a pedestrian refuge on the A584 to the west of site access; upgrading of the nearest east and west bound bus stops; submission of a travel plan; and a construction method statement, there is no reason to conclude that the development would have a severe residual cumulative impact on the capacity or safety of the surrounding highway network.

#### *Parking:*

While layout is a reserved matter, the submitted illustrative masterplan indicates that car parks for the care home (27 spaces) and mixed use leisure/café/retail building (20 spaces) would provide a total of 47 parking spaces for those uses within the site. Individual parking spaces would be provided for each assisted living unit. Although the precise level of parking provision will be assessed by the LHA in more detail at reserved matters stage, the illustrative masterplan demonstrates that sufficient space is available within the site to cater for this.

#### Other matters:

##### *Developer contributions:*

Applications for residential development involving 11 or more dwellings are normally required to make contributions towards public open space, affordable housing and education pursuant to planning policies in the adopted and emerging local plans. However, SLP policy H2 makes clear that

“on sites where 100% specialist accommodation for the elderly is proposed as defined above, affordable housing contributions will not be sought.” The same would be true for public open space provision and education contributions as they are only applicable to residential developments falling within use class C3. Moreover, the age-restricted nature of the C2 accommodation would avoid any demand for new school places being generated by the development.

In this case, as the proposed care home and assisted living units are to be used for C2 purposes rather than as C3 dwellings, the only residential element of the scheme relates to the two replacement dwellings to the southern end of the site. As these would replace existing dwellings without any net increase occurring, the number of C3 dwellings would not meet the thresholds in the relevant adopted and emerging local plan policies where developer contributions are required. Accordingly, no contributions towards affordable housing, open space or education are necessary to make the development acceptable in this instance.

#### *Loss of agricultural land:*

A small (under 1 hectare) area to the southern end of the site is designated as grade 2 (very good quality) agricultural land on the Agricultural Land Classification Map. The map categorises the remainder of the site as “urban”. Paragraph 112 of the NPPF indicates that “local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

In addition, FBLP policy EP22 states that development will not be permitted if it would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the Borough, with Grades 2 and 3a therefore considered the best and most versatile (BMV).

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. This map is not sufficiently accurate for use in the assessment of individual sites. In this case, the part of the site which is classified as grade 2 land is occupied by a playing pitch, part of the circular access road (including the junction onto Lytham Road) and open amenity greenspace. Accordingly, this area of the site is already in use for non-agricultural purposes and, in combination with its small size, it could not be utilised for any beneficial agricultural use. Therefore, the proposed development would not result in the permanent loss of the BMV agricultural land within the Borough and would not conflict with the objectives of FBLP policy EP22 or paragraph 112 of the NPPF.

#### *Ecology:*

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 indicates that local planning authorities should aim to conserve and enhance biodiversity, refusing consent if significant harm resulting from a development cannot be avoided.

FBLP policy EP15 states that development proposals affecting European nature conservation sites will be subject to rigorous examination and that where they would affect the integrity of these sites,

they will only be permitted where (1) there is no alternative solution; and (2) there are imperative reasons of over-riding public interest for the development.

FBLP policy EP16 indicates that proposals within or likely to affect SSSIs will be subject to special scrutiny and that schemes likely to prejudicially affect SSSIs will only be permitted where any damaging impacts can be prevented or the reasons for the development clearly outweigh the nature conservation value of the SSSI.

FBLP policy EP18 encourages the retention/replacement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements, while policy EP19 indicates that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted.

The sentiments of FBLP policies EP15, 16, 18 and 19 are reiterated in SLP policy ENV2, which makes specific reference to the Ribble and Alt Estuaries SPA/Ramsar site as being of international importance.

In addition, BWNP policy BWNE1 indicates that developments which impact on local wildlife and habitats should demonstrate how biodiversity will be protected and enhanced, with an emphasis on retaining and enhancing natural features and creating new habitats and linkages.

Although the site is not within the internationally important Ribble and Alt Estuaries SSSI/SPA/Ramsar site, it is located *circa* 220m from this designated nature conservation site and, accordingly, has the potential to affect land that is 'functionally linked' to it. As the proposal is not necessary for the management of a European Site, the LPA is required to undertake a Habitat Regulations Assessment (HRA) in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017. The purpose of the HRA is to determine whether the proposal is likely to have a significant effect on any European site alone or in combination with other plans and projects, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

As the HRA is to be based on information provided to the LPA by the applicant, the applicant's ecologist has prepared a 'shadow' Habitat Regulations Assessment (HRA) which could be adopted by the LPA in order to fulfil its duty as a competent authority. The latest version of the shadow HRA (Issue 3 – dated 03.06.18) is intended to address Natural England's response (dated 09.03.18) which indicates that additional information concerning: (i) desktop studies for SPA bird species with a focus on fields surrounding the application site; (ii) further assessment of noise disturbances; (iii) further information about construction works; and (iv) in-combination assessment was required in order for the shadow HRA to provide a robust assessment of the development's effects on the designated site.

Issue 3 of the shadow HRA concludes, following a screening process, that the proposed development is "not likely to have a significant effect on the Ribble and Alt Estuaries [SPA/Ramsar/MPA] site either alone or in combination with other plans or projects". Accordingly, the shadow HRA indicates that that "no adverse affect on the integrity of the European sites is likely to occur as a result of the proposal" and that "no 'appropriate assessment' is required". Following the release of the Issue 3 shadow HRA, Natural England issued a separate response dated 04.06.18 indicating that they are satisfied with the changes in the latest version of the shadow HRA subject to certain amendments and further consideration of in-combination effects. The comments also refer to suggested planning conditions set out Natural England's earlier response concerning mitigation measures.

Subject to further assessment of in-combination effects as set out in their response dated 04.06.18, Natural England consider that the development's site-specific impacts are unlikely to have any significant effects on SPA bird species linked to the Ribble and Alt Estuaries SSSI/SPA/Ramsar site. It is, however, apparent that the Issue 3 shadow HRA will need to be updated before it can be adopted by the LPA in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017, and only when its contents is agreed with Natural England could it then be considered robust for adoption by the LPA. As the LPA needs to satisfy itself that the HRA process has been followed correctly before any planning permission is granted, it is recommended that members of the Planning Committee resolve to grant planning permission subject to the subsequent revision of the HRA to address the points raised by Natural England in their responses dated 09.03.18 and 04.06.18, including their confirmation of the same. Works to secure the completion of the HRA are to be delegated to the Head of Planning and Regeneration and its conclusions agreed with Natural England before any decision can be issued.

In addition to consideration of the development's effects on the Ribble and Alt Estuaries SSSI/SPA/Ramsar site, the application is accompanied by an extended phase 1 habitat survey and supplementary bat, newt, badger, water vole and reptile surveys which assesses site-specific implications associated with the value of existing habitats and ecological features both within and surrounding the site. The surveys also consider the potential for the presence of protected species. The following conclusions are made in this regard:

- **Bats** – Following a series of emergence and activity surveys undertaken in May, June and July 2017, a maternity roost of common pipistrelle bats was found within building 'B10' (the apartment block) and a day roost of the same species was found within building 'B11' (the clubhouse). Accordingly, a European Protected Species Mitigation Licence (EPSML) will be required from Natural England to allow a lawful commencement of works to buildings B10 and B11 and to ensure the favourable conservation status of the species in their natural range is secured through habitat mitigation and compensation. Table 9 of the bat survey identifies a series of recommendations and mitigation measures to achieve this. No bat roosts were found in any of the other buildings or trees within the site.
- **Newts** – No great crested newts (GCN) were identified in ponds on or within 250m of the site. GCN were found in a pond to the northwest located within a 500m radius of the site (pond 1). However, as GCN are not likely to travel more than 250m from ponds where suitable foraging and hibernation habitat exists the site comprises 'distant terrestrial habitat' for GCN and would not result in habitat fragmentation. Accordingly, the risk of impacting upon GCN is highly unlikely due to the suitability of habitats surrounding pond 1 and no specific mitigation measures are required.
- **Badgers** – The site has no setts or foraging signs. There is no evidence of badgers on or around the site and no records within 2km.
- **Water Vole** – Field signs of a small water vole population were observed around two ponds (6 and 7) falling within the adjacent golf club and to the western edge of the site. The habitat on/around the site is, however, sub-optimal for water voles due to a lack of habitat connectivity and ditches drying up throughout the year. None of the water bodies within the site are to be removed or affected by the development and any indirect impacts are most likely to be experienced during the construction phase. This could be mitigated by protecting existing ponds from intrusion through the erection of a barrier during the construction phase and appropriate biodiversity enhancements introduced as part of the development.
- **Reptiles** – There are no historical or desktop records of reptiles within 2km of the site and no field signs were detected during the surveys. Accordingly, reptiles are likely to be absent from the site. Mitigation measures with respect to vegetation clearance and subsequent biodiversity enhancement measures should be implemented.

GMEU have commented on the conclusions set out in the phase 1 habitat and protected species surveys and do not contest the conclusions in the surveys summarised above. Although bat roosts have been detected within two of the buildings GMEU advise that, providing the mitigation measures set out in Table 9 of the bat survey are implemented in full, the favourable conservation status of bats would be maintained at the site. A condition is recommended requiring that a copy of the licence (or confirmation that one is not required from the licencing body) is supplied to the LPA before any works affecting buildings B10 and B11 commence. A condition requiring a Construction Environmental Management Plan for Biodiversity is recommended to ensure appropriate mitigation is put in place during construction, as are conditions concerning site clearance during the bird nesting season and requiring a scheme of ecological enhancement measures as part of any reserved matters submission. Accordingly, the implementation of appropriate mitigation measures as set out in the ecology appraisal can be dealt with through the imposition of appropriate conditions.

#### *Derogation tests for bats:*

In circumstances where development has the potential to harm a European Protected Species identified in the Habitats Directive (92/43/EEC), the Local Planning Authority has a duty to consider the likelihood of a licence being granted for the carrying out of those operations in accordance with Regulation 55 of the Conservation of Habitats and Species Regulations 2017. This assessment is made through the application of three derogation tests as set out in 55(2)(e) and 55(9) of the Regulations. The Local Planning Authority should only grant permission where it is satisfied that the development is capable of meeting the following tests:

- (i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
- (ii) That there is “no satisfactory alternative”;
- (iii) That the “action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

With respect to the first test, although the development is not in the interest of public health and safety, social and economic benefits would arise in this case through the provision of additional dedicated residential accommodation for the elderly and other appropriate uses on a suitable site. Therefore, the first test is satisfied.

Although buildings B10 and B11 are of a permanent and substantial construction, their character and method of construction does not lend itself readily to conversion without the need for major works of reconstruction and extension. Therefore, works required to ‘convert’ the buildings would be tantamount to a demolition and rebuild which would have the same effects on roosting bats. The alternative to developing the site in the manner proposed would be to ‘do nothing’. Therefore, there is no satisfactory alternative and the second test is satisfied.

The submitted bat survey has detected a maternity roost in B10 and a day roost in B11. Table 9 of the survey sets out a series of recommendations for habitat mitigation, compensation and creation to be implemented prior to, during and after the buildings are demolished and when the new development is carried out. As advised by GMEU, these measures can be secured through the imposition of an appropriate condition and will ensure that the favourable conservation status of the species in question is maintained in their natural range as part of the development. Accordingly, the third test is satisfied.

### *Trees:*

There are a number of trees within the site which afford significant amenity value to the area. In particular, the dense woodland buffer to the north-western fringe is protected by TPO. Narrower planting buffers to the remainder of the site perimeter are not specifically protected, but provide valuable screening in the wider landscape.

FBLP policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. In addition, SLP policy GD7 (m) and policy ENV1 seek to protect existing landscape features, including trees and woodlands.

The application is accompanied by a tree survey which assesses the condition of existing trees on the site and includes a protection plan showing the extent of their root protection areas. The Council's Tree Officer raised concerns with the initial scheme due to the encroachment of holiday lodges into the area of TPO woodland to the rear of the clubhouse at the northwest corner of the site. These issues, have, however, been overcome through the revisions to the siting and quantum of development. In particular, the holiday lodges have now been removed and the standoff of the care home building with the adjacent TPO woodland has been increased significantly to avoid any encroachment into this area.

Subject to conditions requiring a woodland management plan for the TPO woodland, tree/hedgerow protection, biodiversity enhancements and a landscaping scheme, the development's effects on existing trees can be mitigated and the landscaping improved as part of the development.

### *Flood risk:*

FBLP policy EP25 requires that foul sewers and sewerage treatment facilities should be of adequate design and capacity to meet additional demand or their provision can be secured as part of the development. In addition policy EP30 states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere. Similar requirements are set out in SLP policies CL1 and CL2, which also encourage the use of sustainable drainage systems.

In addition, paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere". This is to be achieved through the application of the sequential and, where necessary, exception tests set out in paragraphs 101 and 102 of the Framework.

The site is shown to fall within a mixture of flood zones 1, 2 and 3 as defined on the Environment Agency's Flood Map for Planning. This is due principally to the presence of Wrea Brook and an associated tributary watercourse running to the north, east and south of the site. The Environment Agency (EA) submitted an objection to the application on 02.02.17 due to several deficiencies within the original Flood Risk Assessment (FRA) and the development's failure to meet the exception test.

Subsequent to this, the applicant's drainage consultant has undertaken site-specific hydraulic modelling of Wrea Brook and its tributary. This is because the flood zone extents plotted on the EA's Flood Map for Planning are based on a national generic modelling technique and do not account for site-specific channel surveys and hydrology. The latest versions of the Hydraulic Modelling Report and FRA (both dated January 2018) from the applicant's drainage consultant conclude as follows:

- Detailed hydraulic modelling of Wrea Brook and its tributary has been undertaken by

Waterco Consultants and shows the site to be flood free during all events, including the 1% AEP plus 70% climate change (CC) event, and when accounting for a 100% blockage of the Lytham Road culvert.

- Based on the detailed hydraulic modelling, the site is not shown to be at risk of fluvial flooding during the extreme 0.1% AEP event, placing the site outside of the fluvial Flood Zone 2 and 3 extents and therefore wholly within Flood Zone 1.
- Tidal flooding during an undefended event is therefore considered to be the main source of flood risk to the site. However, this is considered an extreme, worst case scenario. The site is considered at low risk of flooding from surface water, sewers, groundwater and artificial sources. All ground above 6.61m AOD is considered to be at very low risk of tidal flooding when accounting for future climate change.
- The proposed development will introduce impermeable drainage area in the form of buildings and access roads. In order to ensure any increase in surface water runoff generated by additional impermeable areas will not increase flood risk elsewhere, flow control will be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event.
- All methods of surface water discharge have been assessed. Where soakaways are not possible, discharge of surface water to Wrea Brook at a greenfield rate of 38.7 l/s appears to be the most practical option. There is also potential for the use of permeable surfaces subject to infiltration testing.
- Attenuation storage will be required on site in order to restrict surface water discharge to 38.7 l/s. Attenuation could be provided in the form of an above ground attenuation feature (ponds, basins and swales), within below ground attenuation tanks or oversized pipes and / or within permeable paving sub-grade storage.
- Foul flows should be discharged to the public foul sewer located south-east of the site in Lytham Road. A new connection should be agreed with United Utilities. A gravity connection may not be achieved.

The above conclusions and the recommendations set out in the revised FRA are accepted in the latest response from the EA dated 23.03.18 which indicates that “[the EA] have completed our verification of the revised hydraulic model and reviewed the revised FRA. As we have found the revised hydraulic model and the revised FRA to be acceptable, we are now satisfied that it has been demonstrated that proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that any subsequent development proceeds in accordance with the recommendations of the revised FRA and revised hydraulic model report.”

Accordingly, as the proposed development would be located wholly within flood zone 1 (as re-modelled) the sequential and exception tests are not applicable in this case. As advised by the EA, providing that the development is carried out in accordance with the recommendations in the revised FRA and Hydraulic Modelling Report, the development would not be at an unacceptable risk of flooding itself, nor would it increase flood risk elsewhere.

The LLFA submitted an objection to the application on 11.07.17 due to the FRA’s failure to appropriately consider the requirement for flood emergency evacuation of people for a range of flooding events up to and including the extreme event. Similar concerns are raised in the EA’s objection dated 02.02.17. These comments from the LLFA were, however, made in relation to an FRA that has since been updated (latest version dated January 2018) and the LLFA has failed to provide any further comments on the revised FRA in response to consultations sent on 16.02.18 and 19.04.18. Nevertheless, as the EA have confirmed that the contents of the revised FRA have overcome their previous objections to the scheme (including those relating to flood evacuation



identified in their response of 02.02.17), it is considered that this specific issue (being the only outstanding matter raised in the LLFA's response of 11.07.17) has been overcome through the submission of the revised FRA and can be dealt with through the imposition of an appropriate planning condition.

UU have raised no objections to the scheme subject to conditions to secure an appropriate surface water drainage strategy, including future management and maintenance measures.

#### *Contamination:*

The site has a historical use as a military base. The legacy of this use has the potential to give rise to the release of contamination which would need to be remediated as part of the development in accordance with the requirements of FBLP policy EP29, SLP policy GD9 and paragraph 121 of the NPPF.

In respect of contamination, the Environment Agency's response dated 22.03.18 indicates, with reference to the submitted Phase 1 report prepared by Skeer Environmental Surveying Solutions Ltd, that any risk of contamination to controlled waters can be managed as part of the development subject to further intrusive site investigations to establish the extent of any contamination and the measures required to remediate it before any development takes place. An appropriate condition could be imposed in this regard to ensure that the development does not give rise to any unacceptable pollution of controlled waters.

#### *Referral to Secretary of State:*

For the reasons set out in the sections of this report relating to the development's impact on the Green Belt, certain elements of the scheme – namely 24 of the proposed assisted living units – comprise inappropriate development in the Green Belt. Whilst it is considered that there are "very special circumstances" to allow this inappropriate development, the Town and Country Planning (Consultation) (England) Direction 2009 requires local planning authorities to refer "Green Belt Development" to the Secretary of State in order to give them an opportunity to consider whether to exercise their call in powers under section 77 of the Town and Country Planning Act 1990.

"Green Belt Development" is defined in paragraph 4 of the Direction as "development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt."

Based on their dimensions shown on the submitted illustrative masterplan (which has been used to inform the volume parameters set out in Table 1), the 24 assisted living units in question would have a combined floorspace of approximately 2,016 square metres. Accordingly, as the 1,000 square metre threshold in paragraph 4 is exceeded, the trigger for referral in criterion (a) is met.

#### **Conclusion**

The application relates to the site of Great Birchwood Country Park which covers an

irregularly-shaped area of land extending to *circa* 8.19 hectares on the northern side of the A584 (Lytham Road), Warton. The site falls wholly within an area of Green Belt as defined on the Fylde Borough Local Plan (As Altered) October 2005 Proposals Map, but is presently occupied by a series of buildings, lodges, static/touring caravan pitches, two dwellings and associated hardstanding access roads and parking areas which serve its established use as holiday leisure park. Accordingly, parts of the site comprise previously developed land for the purposes of the definition in Annex 2 of the NPPF.

The proposal seeks outline planning permission (with access being the only detailed matter) to redevelop the site for a mixed use scheme comprising: (i) a two storey care home and up to 33 assisted living units falling within use class C2 (residential institutions); (ii) a mixed use leisure/café (use class D2/A3) building with an ancillary retail shop (use class A1); (iii) the provision of a bowling green; (iv) the replacement of two existing bungalows with two 1.5 storey dwellings falling within use class C3 (dwelling houses); and (v) associated changes to existing internal access routes and landscaped areas.

As the whole of the site falls within the Green Belt there is a presumption against the construction of new buildings, except in certain circumstances where development is not inappropriate. The two C3 dwellings would replace existing bungalows that are in the same use and would not be materially larger than the existing buildings. The care home and 9 of the assisted living units (C2 uses), along with the mixed use leisure/café/shop facility, would be located on parts of the site that are previously developed and would not have a greater impact on the openness of the Green Belt and the purposes of including land within it in comparison to existing development in these areas. The bowling green and hard landscaping works associated with the reconfiguration of the access road and provision of parking areas are engineering operations that would also preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Accordingly, these components of the development are not inappropriate in the Green Belt for the purposes of paragraphs 89 and 90 of the NPPF.

In contrast, 24 of the assisted living units would be located on areas of the site which are (or have an extant permission to be) occupied by a combination of static and touring caravans. As caravans are not permanent structures, these parts of the site do not comprise previously developed land. Accordingly, this aspect of the development does not fall within any of the categories identified in paragraph 89 of the NPPF and is inappropriate development in the Green Belt which should only be allowed in very special circumstances. The 24 assisted living units would replace a total of 87 caravans (38 statics and 49 tourers) permitted on the same areas of the site though an extant (implemented) planning permission. On balance, and when the effects of these assisted living units are considered in comparison to the permitted 'fallback' position provided by the caravan use, it is considered that the effects of the fallback position would be more harmful to the openness and purposes of the Green Belt than those associated within the 24 single storey assisted living units laid out in the areas and distribution as shown on the illustrative plans. Therefore, it is concluded that specific considerations in this case are sufficient to clearly outweigh the development's potential harm to the Green Belt, and any other harm, such that very special circumstances exist to justify this element of inappropriate development.

The principal component of the development is associated with the delivery of residential care accommodation for more elderly occupiers (aged 55 and over) who are in need of care – a C2 (residential institution) use. Despite its distance from the settlement boundary of Warton, the site benefits from good public transport links to neighbouring settlements that provide a range of shops and services to meet everyday needs via regular bus services. Accordingly, it is considered that these public transport connections would be sufficient to serve the specific mix of uses proposed, having

particular regard to the C2 nature of the residential use and the fact that there would be no net increase in the number of C3 dwellings arising as a result of the scheme.

The applicant has demonstrated that there are no sequentially suitable sites within, on the edge of or out of town centres which are preferentially located or better connected to nearby town centres and capable of accommodating the mixed use leisure/café/retail facility (a main town centre use). While available to the general public, the mixed use building would also provide a valuable asset to future occupiers of the residential care accommodation in conjunction with the wider mix of uses on the site and its scale is below the threshold for impact assessment. Accordingly, this component of the development would not have any significant adverse effects on the vitality and viability of other centres.

The proposed buildings will occupy substantially the same positions as existing development within the site and their storey heights would be no greater. In addition, the development would result in a reduction in hardstanding areas and an increase in the proportion of greenspace across the site, along with strengthening of planting buffers, both internally and to the site perimeter. When considered in combination, and given the 'contained' nature of the site in the surrounding landscape, the proposal would not result in any additional harm to the character and appearance of the area in comparison to the current use. The development would not have any adverse effects on the amenity of surrounding occupiers by reason of the scale, mix, siting and operation of the proposed uses and would provide suitable living conditions for future occupiers with respect to impacts from noise and odour associated with neighbouring land uses.

The proposal would provide a safe and suitable means of access for all users via the existing site entrance off Lytham Road (as modified) which benefits from a dedicated right hand turn lane and ghost island approach. Improvements to pedestrian and public transport infrastructure in the vicinity of the access would also ensure that opportunities for sustainable transport modes are maximised. The development would not result in a level of additional traffic generation in comparison to the site's current use such that that would have a severe residual cumulative impact on the capacity of the surrounding highway network and nearby junctions.

Other impacts associated with the loss of agricultural land, ecology, flood risk, trees and contamination can be satisfactorily mitigated through the imposition of appropriate planning conditions. Therefore, the proposal is considered to represent sustainable development in accordance with relevant adopted and emerging policies contained within the FBLP and SLP, and the NPPF.

### **Recommendation**

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

- (i) the completion of a suitable Habitat Regulations Assessment in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 to demonstrate that the development is not likely to have significant effects on the integrity of the Ribble and Alt Estuaries SPA/Ramsar site either alone or in combination with other plans or projects (including confirmation of the same from Natural England);
- (ii) the referral of the application to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 (and Subject to the Secretary of State not calling the application in); and

(iii) the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Regeneration believes is necessary to make otherwise unacceptable development acceptable);

1. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as the “reserved matters”) before any development takes place:- the layout, scale, appearance and landscaping of the development.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

2. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. This permission relates to the following plans:

- Drawing no. \_MP\_00\_1001 Rev 0 – Site location plan.
- Drawing no. \_MP\_00\_0201 Rev H – Parameters plan.
- Drawing no. 0002 Rev G – Illustrative masterplan.
- Drawing no. 161447-HYD-XX-XX-DR-TP-0100 Rev P 1.1 – Proposed pedestrian access improvements (general arrangement).
- Drawing no. 161447-HYD-XX-XX-DR-TP-0101 Rev P 1.1 – Existing site access visibility splays.

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the details shown on the approved plans insofar as it relates to the site area and the means of access to the development, and shall not exceed the maximum quantum of development for each of the permitted uses.

Reason: The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

5. Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the parameters shown on drawing no. \_MP\_00\_0201 Rev H with respect to:

- The extent and locations of the developable areas for each of the permitted uses.
- The maximum storey heights of the buildings.
- The maximum number and volume of the buildings associated with each permitted use.
- The areas to be laid out as open space and soft landscaping.

Reason: To ensure that any subsequent applications for approval of reserved matters accord with and/or do not exceed the parameters upon which this decision is based, having particular regard

to the need to restrict the layout, scale, appearance and landscaping of the development in order that it does not conflict with the openness of the Green Belt and the purposes of including land within it, and to ensure a satisfactory relationship between existing and proposed land uses to safeguard the amenities of future occupiers of the development in accordance with Fylde Borough Local Plan (As Altered) October 2005 policies SP3, EP26 and CF5, Fylde Council Local Plan to 2032 (Submission Version) policies GD2, H2 and GD7, and the National Planning Policy Framework.

6. Any application which seeks approval for the reserved matter of layout pursuant to condition 1 of this permission shall include a phasing plan for the development. The phasing plan shall include a programme and sequence of works for:

- (i) the demolition of existing buildings and removal of caravans and associated fixed surface infrastructure from the site;
- (ii) the construction of the buildings associated with each of the permitted uses within the site;
- (iii) the provision of highway infrastructure and communal spaces (both within and away from the site) associated with each use; and
- (iv) the laying out of areas of open space and soft landscaping.

The development shall thereafter be carried out in accordance with the duly approved phasing plan.

Reason: To ensure that any phased development of the site takes place in an appropriate sequence and to ensure adequate provision of associated infrastructure to serve the uses in each phase in order that the infrastructure required to support and/or mitigate the impact of each use is delivered concurrently with it, in the interests of proper planning and because no such details have been submitted as part of the application.

7. The residential accommodation within the care home and assisted living units hereby approved shall only be occupied by qualifying occupants where at least one member of the household is aged 55 or above and is in receipt of a minimum of 1.5 hours of care per week, save that such a restriction shall not apply to the continued occupation of the accommodation by a surviving spouse, partner or other member of the household who is under the qualifying age and is not in receipt of care after the death of the member of the household who was of the qualifying age and in receipt of care.

Reason: To ensure that the approved care home and assisted living units fall properly within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, accordingly, that those units of residential accommodation would not attract or be required to make contributions towards affordable housing, public open space or education in accordance with the provisions of policies TREC 17 and CF2 of the Fylde Borough Local Plan (As Altered) October 2005 and policies ENV4, H2, H4 and INF2 of the Fylde Council Local Plan to 2032 (Submission Version), and the National Planning Policy Framework.

8. The following restrictions shall apply to the mixed use leisure/café/retail building hereby approved (labelled 'J' on drawing no. 0002 Rev G):

- The gross internal floor area of the building shall not exceed 465 square metres.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no more than 15% of the building's gross internal floor area shall be used for retail purposes falling within use class A1 of the Town & Country Planning (Use Classes Order) 1987 (as amended).

Reason: To limit the size, scale and floor space of main town centre uses within the site, to ensure that the proposed retail use remains ancillary to the primary function of the building as a leisure and café facility and so that the floor area of the building does not exceed the locally set threshold

where impact assessment would be required in order to avoid the potential for the diversion of trade away from and to preserve the vitality and viability of neighbouring town centres in accordance with the objectives of Fylde Borough Local Plan (As Altered) October 2005 policies SH15, Fylde Council Local Plan to 2032 (Submission Version) policy EC5 and the National Planning Policy Framework.

9. The premises within the mixed use leisure/café/retail building hereby approved (labelled 'J' on drawing no. 0002 Rev G) shall only be open for trade or business (including deliveries) between the hours of 08:00 and 22:00 Monday to Saturday, and between 09:00 and 20:00 on Sundays.

Reason: To limit the potential effects of noise and disturbance arising from the permitted commercial uses on the occupiers of the proposed residential uses and to ensure a suitable relationship between the mix of residential and commercial uses permitted in the interests of safeguarding the amenity of noise-sensitive receptors in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies CF5 and EP27, Fylde Council Local Plan to 2032 (Submission Version) policies GD6 and GD7, and the National Planning Policy Framework.

10. No development for each phase identified in accordance with the requirements of condition 6 of this permission shall take place on the parts of the site relating to that phase until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the parts of the site relating to that phase (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a survey of the extent, scale and nature of contamination;
- (i) an assessment of the potential risks to:
  - (ii) human health;
  - (i) property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - (ii) adjoining land;
    - groundwaters and surface waters;
    - ecological systems; and
    - archaeological sites and ancient monuments.
- an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP29, Fylde Council Local Plan to 2032 (Submission Version) policy GD9 and the National Planning Policy Framework.

11. Any application which seeks approval for the reserved matter of layout pursuant to condition 1 of this permission shall demonstrate compliance with the recommendations and mitigation measures identified in the 'Flood Risk Assessment & Drainage Strategy – Seventh Issue' dated 31 January 2018 by 'Waterco Consultants' and shall set out how these recommendations and mitigation measures (including any variations to them) have been incorporated into the development.

Reason: To ensure that appropriate mitigation measures are incorporated into the development in order that it is not itself at an unacceptable risk of flooding and does not increase flood risk

elsewhere in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP30, Fylde Council Local Plan to 2032 (Submission Version) policy CL1 and the National Planning Policy Framework.

12. No above ground works for each phase identified in accordance with the requirements of condition 6 of this permission shall take place on the parts of the site relating to that phase until a strategy for the disposal of foul and surface water from the development, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:
- a) separate systems for the disposal of foul and surface water;
  - b) information concerning the lifetime of the surface water drainage design for storm periods and intensities during the 1 in 30 and 1 in 100 year events (including a suitable allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities and the methods employed to delay and control surface water discharged from the site which shall demonstrate that the post development rate of surface water run-off will not exceed the greenfield runoff rate;
  - c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - d) measures to be taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
  - e) any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - f) finished floor levels for the buildings in AOD;
  - g) flood water exceedance routes, both on and off site;
  - h) procedures for flood emergency evacuation of people for a range of flooding events up to and including the extreme event;
  - i) water quality controls, where applicable; and
  - j) a timetable for implementation, including any phasing of works.

The drainage strategy shall be implemented and all associated apparatus installed in accordance with the duly approved details before any of the buildings constructed in each associated phase are first occupied.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies EP25 and EP30, policies CL1 and CL2 of the Fylde Council Local Plan to 2032 (Submission Version) and the National Planning Policy Framework.

13. None of the buildings in each phase identified in accordance with the requirements of condition 6 of this permission shall be first occupied until a scheme for the lifetime management and maintenance of the surface water drainage system installed pursuant to condition 12 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) The arrangements for adoption by an appropriate public body, statutory undertaker and/or management and maintenance by a Residents' Management Company.
  - b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as: (a) on-going inspections relating to performance and asset condition assessments; and (b) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
  - c) Means of access for maintenance and easements, where applicable.

The surface water drainage system shall thereafter be managed and maintained in accordance with the duly approved scheme.

Reason: To ensure that appropriate measures are put in place for the ongoing management and maintenance of the surface water drainage system in order that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies EP25 and EP30, policies CL1 and CL2 of the Fylde Council Local Plan to 2032 (Submission Version) and the National Planning Policy Framework.

14. No development, ground works or vegetation clearance associated with each phase identified in accordance with the requirements of condition 6 of this permission shall take place on the parts of the site relating to that phase until a Construction Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) A risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Pollution prevention measures to avoid contaminated water run-off entering nearby watercourses.

The duly approved CEMP shall be implemented concurrently with the construction of each phase of development and shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on water quality, linked water-dependent nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies EP15, EP16, EP18 and EP19, Fylde Council Local Plan to 2032 (Submission Version) policy ENV2 and the National Planning Policy Framework.

15. None of the buildings in any phase identified in accordance with the requirements of condition 6 of this permission shall be first occupied until a scheme for the distribution of information packs and the erection of information boards at the site to inform new residents and visitors of the development of the importance of surrounding designated nature conservation sites has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) A copy of the information pack and details of when, how and to whom these will be distributed (including provisions for future residents/visitors).
- b) Details of the number, location, size, materials and design of information boards to be displayed within the site and the text/images to be displayed on them.

The information packs and information boards shall be distributed and erected in accordance with the duly approved scheme, and shall be maintained as such thereafter.



Reason: To ensure that future residents and visitors to the development are made aware of the importance of and their potential to affect the integrity of nearby designated nature conservation sites – particularly the Ribble and Alt Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar site and land which is functionally linked to the SPA – and to ensure appropriate measures are introduced are taken to mitigate the development's potential effects on designated nature conservation sites in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies EP15 and EP16, Fylde Council Local Plan to 2032 (Submission Version) policy ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

16. No development associated with the demolition of buildings 'B10' and 'B11' (as identified in Appendix 1 of the document titled 'Bat Survey – Emergence and Activity Surveys' Issue 2.1 by 'Arbtech' dated 19.07.2017) shall take place unless and until the Local Planning Authority has been provided with one of the following:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
- b) A written statement from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Thereafter, the demolition of buildings B10 and B11 shall be carried out in strict accordance with the recommendations, mitigation, compensation and enhancement measures and the timing for the introduction of these measures identified in Table 9 of the document titled 'Bat Survey – Emergence and Activity Surveys' Issue 2.1 by 'Arbtech' dated 19.07.2017 (as amended or succeeded as part of the licencing process). None of the buildings to be erected in place of buildings B10 and B11 shall be first occupied until a report to verify the implementation of the approved mitigation, compensation and enhancement measures has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP19, Fylde Council Local Plan to 2032 (Submission Version) policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

17. No clearance of any vegetation or demolition of buildings (in preparation for or during the course of development) that may be used by nesting birds shall take place during the bird breeding season (1 March to 31 August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation and/or buildings to be cleared are not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation and/or buildings shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP19, Fylde Council Local Plan to 2032 (Submission Version) policy ENV2, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

18. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a scheme for the provision of ecological mitigation and enhancement measures to be provided within the site. The scheme shall include:

- a) Details of the area, siting, size and design of all ecological mitigation and enhancement measures and features to be introduced as part of the development.
- b) Details of how the measures and features in (i) will enhance biodiversity opportunities on the site and to which species these will be targeted.
- c) A timetable and phasing plan for the introduction of the measures and features set out in (i).
- d) Details for the ongoing management and maintenance of the measures and features set out in (i).

The approved ecological mitigation and enhancement measures shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements and mitigation in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP19, Fylde Council Local Plan to 2032 (Submission Version) policy ENV2 and the National Planning Policy Framework.

19. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a detailed soft landscaping scheme which demonstrates compliance with the landscaping strategy shown on drawing nos. \_MP\_00\_0201 Rev H and 0002 Rev G and, and shall include, but not be limited to, the following details:

- a) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
- b) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
- c) the strengthening and/or introduction of landscaping buffers to the site perimeter;
- d) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- e) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after each phase of development (as identified in accordance with the requirements of condition 6 of this permission) is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the development's visual impact on the surrounding countryside, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies EP10, EP12, EP14, EP18 and EP19, Fylde Council Local Plan to 2032 (Submission Version) policies ENV1 and ENV2, and the National Planning Policy Framework.

20. The care home or assisted living units hereby approved shall not be first occupied until a Management Plan for the woodland located to the northwest of the site which is protected by a Tree Preservation Order has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- a) details for the ongoing maintenance of the existing woodland;
- b) provisions for the re-stocking and introduction of new planting within/adjacent to the existing woodland to, as far as practicable, restore this to its 1965 footprint and replace mature trees that are dead, dying, diseased or dangerous.
- c) details of the type, species, siting, planting distances and the programme of planting of trees; and

d) A timetable for implementation.

Development shall thereafter be carried out in full accordance with the details and timetable contained within the Management Plan. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

Reason: To ensure that appropriate measures are put in place to secure the ongoing maintenance and strengthening of the protected woodland within the site, to replenish the woodland following a significant period of neglect and intrusion and to ensure that appropriate screening of the development in the wider landscape is maintained in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies EP12 and EP14, Fylde Council Local Plan to 2032 (Submission Version) policy ENV1 and the National Planning Policy Framework.

21. No development shall take place until a scheme for tree/hedgerow protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees/hedgerows within and/or overhanging the site to be retained.
- (ii) Details of any excavation to take place within the root protection areas of those trees/hedgerows within and/or overhanging the site to be retained.
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees/hedgerows within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies EP12 and EP14, and Fylde Council Local Plan to 2032 (Submission Version) policy ENV1.

22. No above ground works shall take place until a scheme for the design, construction and drainage of the site access (the position of which is shown on drawing nos. 161447-HYD-XX-XX-DR-TP-0100 Rev P1.1 and 161447-HYD-XX-XX-DR-TP-0101 Rev P1.1) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for visibility splays of at least 2.4 metres x 150 metres in both directions at the junction of the site access with the A584 (Lytham Road). The site access shall be constructed in accordance with the duly approved scheme and made available for use before any of the buildings hereby approved are first brought into use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metres in height.

Reason: To ensure a suitable and safe means of access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies CF5 and HL2, Fylde Council Local Plan to 2032 (Submission Version) policy GD7 and the National Planning Policy Framework.

23. No above ground works shall take place until a scheme for the siting, layout, design, construction

and drainage of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- (i) The provision of a pedestrian refuge within the carriageway of the A584 (Lytham Road) in a position to the west of the site access in order to provide a pedestrian crossing to the westbound bus stop located to the southwest of the site access.
- (ii) The upgrading of the two closest existing bus stops on Lytham Road located to the east (for eastbound vehicles) and southwest (for westbound vehicles) of the site access to include provisions for raised boarding areas together with associated road markings and signs.

The off-site highway improvement works in the duly approved scheme shall be implemented and made available for use before any of the buildings hereby approved are first brought into use.

Reason: To secure infrastructure improvements to the highway and public transport network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies CF5, HL2 and TR1, Fylde Council Local Plan to 2032 (Submission Version) policies GD7 and H2, and the National Planning Policy Framework.

24. Notwithstanding any details submitted as part of the application, none of the buildings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall follow the principles set out in the 'Framework Umbrella Travel Plan' by 'Hydrock' (document reference R/C14545/004) dated December 2016 (including updates to the reflect the mix of uses and quantum of development approved by this permission) and shall contain the following details:

- (iii) the appointment of a Travel Plan co-ordinator;
- (i) measures to be introduced to promote a choice of travel modes to and from the site in connection with each of the permitted uses;
- (ii) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- (i) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment – over a minimum period of five consecutive years following the implementation of the Travel Plan – of the effectiveness of the measures introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein.

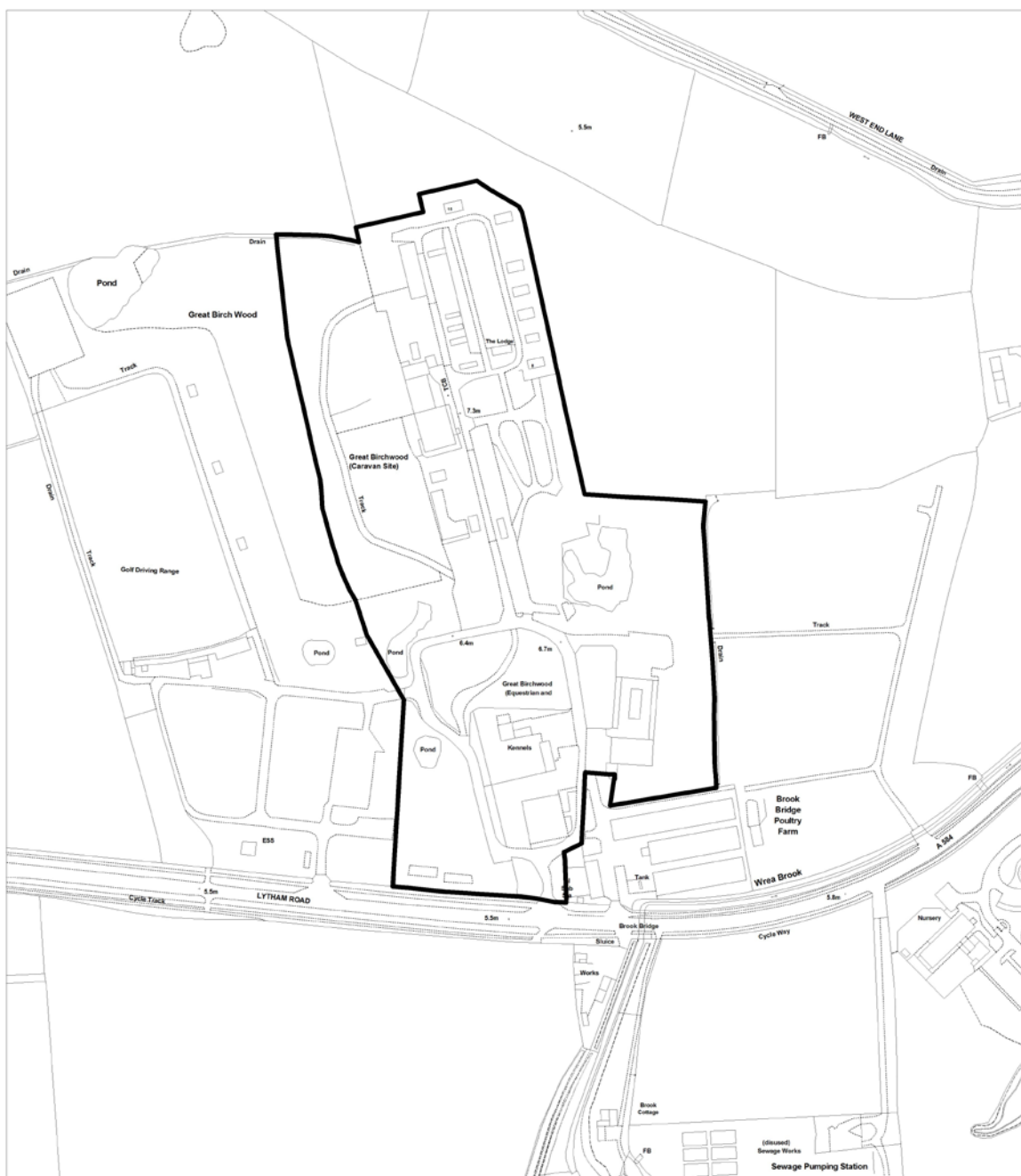
Reason: In order to promote modal shift and increased use of sustainable methods of travel and because the 'Framework Umbrella Travel Plan' initially submitted with the application requires updating to reflect the significant amendments made to the mix of uses and quantum of development since it was prepared in accordance with the objectives of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework.

25. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
  - b) arrangements for the parking of vehicles for site operatives and visitors;
  - c) details of areas designated for the loading, unloading and storage of plant and materials;
  - d) Details for the routing of heavy construction vehicles to the site;
  - e) details of the siting, height and maintenance of security hoarding;

- f) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from construction works; and
- i) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

Reason: To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development, to limit the potential for unacceptable noise and disturbance and in the interests of highway safety in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP27, Fylde Council Local Plan to 2032 (Submission Version) policy GD7 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/16/0992	Address Land at Great Birchwood Country Park, Lytham Road, Warton	Grid Ref. E.3395 : N.4282	Scale 0 15 30 45 60 m 

Item Number: 2

Committee Date: 01 August 2018

<b>Application Reference:</b>	17/0495	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Mrs D Bradbury	<b>Agent :</b>	Jayne Bradbury
<b>Location:</b>	LAND ADJACENT TO STAINING WOOD COTTAGES, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	CHANGE OF USE OF LAND TO MIXED USE OF RESIDENTIAL CARAVAN SITE FOR TWO GYPSY FAMILIES EACH WITH TWO CARAVANS (INCLUDING NO MORE THAN ONE STATIC CARAVAN), AND FOR STABLING OF HORSES. DEVELOPMENT TO INCLUDE ERECTION OF A TIMBER STABLE BUILDING, LAYING OF HARDSTANDING, ERECTION OF 1.2M HIGH FENCING AROUND SITE, AND CONSTRUCTION OF NEW VEHICLE ACCESS DIRECT TO PRESTON NEW ROAD		
<b>Ward:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	54	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.7850288,-2.9537165,351m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

### **Introduction**

This application was presented to Committee for a decision at the 8 November 2017 meeting. Following a debate on the application, Committee resolved to defer a decision with the minutes recording the reason as:

*“To allow further discussions with the applicant in relation to the potential to use alternative access/egress arrangements from Preston New Road to serve the site instead of the currently proposed access via Foxwood Chase.”*

Since that time the scheme has been revised and so this report explains the details of that revision, the consultation views received on it, and the planning considerations raised by the revised proposals.

### **Summary of Officer Recommendation**

The application relates to the use of a rectangular area of land in the Countryside but adjacent to a cluster of residential properties at Staining Wood Farm and Foxwood Chase in Westby. The proposal is to use the land for a mixed use of equestrian use and as two gypsy pitches, with each pitch providing a static caravan and one other caravan.

The equestrian use is clearly one that is acceptable in a countryside location with many other small scale stable blocks of the style proposed here across the borough.

The gypsy and traveller pitch use is specifically examined through Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Submission Version of the Fylde Local Plan to 2032.

These both start by referring to a need for additional pitches to have been identified over the Plan period. This is a matter that has been the subject of revision in recent years as a consequence of changes to the planning definition of gypsy and traveller set out in government guidance and has led to changes in the need for pitches in the Fylde Local Plan as it has proceeded through Examination. The current situation is that the borough has approved sufficient pitches to meet the most recently identified need over the Plan period for Fylde. However, there is an under-provision of pitches to meet the need identified across the Fylde Coast authorities, and there is likely to be an additional unknown need due to the difficulties in accurately confirming the extent of gypsy and traveller pitch need due to the nature of this group's lifestyle.

This is reflected in the revised Policy H5 of the Fylde Local Plan to 2032 which supports the provision of pitches to meet gypsy and traveller needs where they are located and designed to comply with a series of criteria that are listed in that Policy. This approach accords with the guidance set out in Planning Policy for Traveller Sites and the general presumption in favour of sustainable development set out in the NPPF, and is an approach that has been supported in recent appeal decisions in the borough where this type of development has been tested.

The key criteria are the locational qualities of the application site, whether it provides a safe and suitable access, and whether the site will create undue landscape harm. Taking these in turn:

The site is located adjacent to a cluster of existing development and whilst it is not adjacent to a settlement that provides services it is within a reasonable distance to some rural villages that do so, and is on a well-served bus route to other centres, and is on a cycle route. As such it is considered that the location is one that is acceptable in terms of the policy requirements.

The initial proposal was to take access for the site through the adjacent Foxwood Chase development. That has now been revised so that access is now proposed to be direct to Preston New Road through an access point located centrally on the site frontage. The visual impact resulting from the formation of the access and visibility splay is not so harmful to justify a refusal of planning permission.

With the development including the siting of static caravans on a site that is close to the road there is a likelihood that there will be some impact on the rural landscape. However, this impact is minimised by the location of the site against the side of an existing kennel building and behind a well-established roadside hedgerow that is to largely be retained and enhanced through new planning to provide an effective landscape screen. The limited views of the site from other aspects ensure that overall the landscaping impact of the development will be minimal.

Having considered these aspects and all other material considerations it is officer view that the proposal complies with the criteria assessments of modified Policy H5 of the Submission Version Fylde Local Plan to 2032, and of Policy HL8 of the Fylde Borough Local Plan. The application will allow a degraded site to be brought to a productive use and will allow 2 gypsy pitches to be provided in an appropriate location to assist in the supply of such accommodation. Accordingly the application is recommended for approval subject to conditions.



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

As the officer recommendation is for approval and the Parish Council have raised objection then the Scheme of Delegation required that the application was initially presented to the Planning Committee for a decision. This report is an update on matters since the earlier meeting so should also be presented to Committee for a decision on the application.

### **Site Description and Location**

The application site is a rectangular area of rough ground located immediately to the south of Preston New Road in Westby in a location that is generally opposite the Shale Gas exploration site. It is currently used to support the welfare facilities for those involved in policing activities associated with that operation. To the immediate west is the kennels at Staining Wood Cottages and to the west of that are the dwellings at Foxwood Chase which are converted from agricultural buildings associated with Staining Wood Farm. Land to the east and south is in agricultural use with a solar farm erected in 2016 midway between the site and Ballam Road to the south.

The application site is in the Countryside in the adopted Fylde Borough Local Plan and in the emerging Fylde Local Plan to 2032.

### **Details of Proposal**

The application proposes that the site is used for a mixed use of 2 gypsy pitches and equestrian use. This remains the same scale and nature of development as when the application was first presented to Committee. The access arrangements have been revised following the previous consideration of this proposal by Committee.

The initial application proposed that access be provided through the use of a connection to Foxwood Chase which is a gated residential development of converted rural buildings located to the west of the main part of the application site. At the Committee meeting some concerns were expressed about the viability and safety of the use of this access and so the decision on the application was deferred to allow an alternative access route to be investigated.

This application proposes the establishment of a new access direct from the site to Preston New Road, with the previous connection to Preston New Road no longer forming part of the application site. The position of this access has been revised to reduce conflict with a bus stop on that road and to clarify the extent of the visibility that is available. This now indicates that an access is formed to the eastern end of the site frontage so that it is close to the field gate servicing the adjacent agricultural land. This access is 6m wide and the plans indicate that visibility splays of 2.4m x 120m in both directions.

With regards to the residential element of the proposal, the application advises that each pitch is to accommodate no more than two caravans with only one of these to be of static size. The pitches are sited so that one is entirely alongside the road and the other is entirely alongside the agricultural land to the south. The applicant has confirmed that the prospective site residents will occupy the site in line with the revised definition of "gypsies and travellers" set out in PPfTS.

With regards to the equestrian element the proposal includes a single stable building in timber to provide 4 sections with 3 providing stabling and the fourth a feed store. This building is now indicated in the southwest corner adjacent to the previous access to Foxwood Chase.

The revised access arrangements and consequential site layout changes have been the subject of re-notification and consultation with neighbours and the relevant consultees.

### **Relevant Planning History**

Application No.	Development	Decision	Date
07/1001	RE-SUBMISSION OF 07/0464 - CONSTRUCTION OF STABLE BLOCK AND PRIVATE OUTDOOR MENAGE FOR PRIVATE USE.	Refused	01/02/2008
07/0464	CONSTRUCTION OF A STABLE BLOCK AND OUTDOOR MENAGE FOR PRIVATE USE WITH ENABLING WORKS	Refused	25/06/2007

### **Relevant Planning Appeals History**

None.

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

**Westby with Plumpton Parish Council** comment on the revised proposal as follows:

*"The parish council refers to the initial objections made and recognises no differing criteria and must also highlight the objections made by Highways in their correspondence, with which the parish council agrees."*

For reference, their comments on the initial proposal were:

*"It was resolved that the parish council object strongly to this application. It was decided that a report produced noting the requirement for traveller sites is incorrect as Westby has established a 'fair share'. This application has issues with access to the site with regards to the A583 and access via Foxwood Chase, the extra traffic on the A583, the actual need for the application as there are several traveller sites within the parish and the detrimental impact on the residents of Foxwood Chase."*

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

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

##### Revised Proposal

They initially raised concerns over the submitted plans failing to highlight the location of the bus stop and shelter and that these would need to be re-sited. They also highlight that the visibility and swept-path turning arrangements are not shown on the submitted plan, and that the access needs to be designed to ensure that a car and caravan will not overhang the carriageway when entering the site.

The applicant presented a further revised plan which is under consideration at this meeting. The local highway authority have provided further comments on this plan which confirms that they are satisfied that the junction design and location is acceptable for the development. They request conditions relating to the position of gates, the surfacing of the access, the provision of visibility splays, and the need to revise the road markings to accommodate the access point.

##### Initial Proposal

They did not raise specific objections to the application, but highlighted the potential for a towed caravan to have an overall length that would involve it obstructing the carriageway of the A583 if the gates were to remain in their current location as they are only around 10m back from the edge of the carriageway. They describe this as a significant safety issue.

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

Raise no objections subject to clarification of the refuse collection arrangements.

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

At the time of the original application the council had a Landscape Officer in post who made comment on the application. As that post is currently vacant no comments are provided on the revised scheme.

The comments on the original proposal refer to:

- The disturbed nature of the site being untypical of the countryside of the borough.
- The site has an overgrown hedgerow to the road frontage but exposed boundaries to other aspects
- A planting and management plan would be helpful to mitigate the visual impact of the development, particularly in winter months
- The level of hardstanding has the potential to lead to visual impacts and drainage issues
- An improvement of the farm track to the east of the site would seem to provide a more visually appropriate access to the site

#### **United Utilities**

They highlight the surface water drainage hierarchy and the need to comply with this in the assessment of the drainage arrangements of the site. They highlight the proximity to the large diameter trunk main and the associated easements, that there is no foul sewer in the area to serve the development, and that the water supply main will need to be extended if it is to serve the development and so may require developer contributions under the Water Industry Act 1991.

#### **Neighbour Observations**

**Neighbours notified (initial):** 20 July 2017

**Neighbours notified (revised)** 06 June 2018

**Site Notice Date:** 20 July 2017

**Number of Responses** Initial - 5 letters (4 from residents and 1 from Foxwood Chase Management Co)  
Revised - 5 letters (4 from residents and 1 from Foxwood Chase Management Co)

**Summary of Comments** Comments on Revised Proposal

The letters all raise concerns over the proposal with the points raised summarised as follows:

- There is a legal covenant in place that restricts the use of the site to agricultural use only
- The track to the rear of the kennels is part of the site and should be considered as such in this application along with any

restrictions imposed on it.

- The space available within the site for parking and turning vehicles within the site is limited and may lead to vehicles reversing onto the A583
- The residents suggest that a barrier or other permanent restriction over access to the track to the rear of the kennels be provided.
- Concern that the site will be utilised as a base for commercial operations and that these will create disturbance to other local residents
- Foul drainage arrangements are unknown
- Query how any planning conditions will be enforced
- Query if Cuadrilla have been consulted given that the application would establish the nearest residential presence to their site
- Query the need for additional gypsy pitches in the borough
- Concern that the development of the site will cause disturbance to neighbouring residents
- Highlight the raised ground level of the site in comparison to the road and so how drainage will be managed.

#### Comments on Initial Proposal

The letters all raise concerns over the proposal with the points raised summarised as follows:

- That the proposed use of Foxwood Chase will inevitably increase the vehicle use of that road, and that this causes issues because it is gated, has a winding route to the site, has a width that only allows single direction movements in parts, has no drainage, and has a surface that may not support the additional loads
- The issues with the access make it particularly unsuited for caravans, horse trailers or other towed vehicles that are likely users of the route under the proposal.
- The constraints of Foxwood Chase will make it impossible to deliver a static caravan or such vehicles to the site.
- Whilst there is a legal right to the landowners to use Foxwood Chase it does not extend beyond the access point so no reversing out could be undertaken and would likely be needed to utilise the access
- The position of the gates could cause hazards to other road users as long vehicles wait for them to open
- There is a covenant on the land that requires it to be used for agricultural purposes only
- The residential occupation of the site will cause noise and disturbance that will in turn unsettle the dogs boarded at the kennels which is immediately adjacent. This will harm the dogs and will lead to increased barking which will therefore be a noise nuisance to residents in the area.
- The proximity of the site to the Shale gas operation means that the residents will be harmed by the noise, lights and other activities undertaken at the site, particularly given the lesser

- insulation provided by a caravan.
- There is no foul drainage on the site
- There is a risk of horse escapes to the highway
- Any commercial use of the site would be harmful to the residential amenity of Foxwood Chase residents.
- The equestrian element has no area for feed or exercise of the horses

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL08	Sites for Gypsies

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H5	Gypsies, Travellers and Travelling Showpeople's Sites

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

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

#### **Site Constraints**

Within countryside area  
Article 4 direction

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

#### **Policy Background**

The application site is located in the Countryside in both the adopted Fylde Borough Local Plan under Policy SP2, and the Submission Version of the Fylde Local Plan to 2032 under Policy GD4. Both of these policies support rural developments in these areas where they are necessary and justified, but are resistant to other forms of development that could harm the rural character of the borough.

In addition to the NPPF there is specific national guidance in the Planning Policy for Traveller Sites (PPTS) of 2015 which is relevant to the consideration of the application. This is recent advice and relevant to the determination of the application. One of the key parameters to it is that it provides a definition of a 'gypsy and traveller' to which the guidance applies. This is:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'*

The applicant's agent has confirmed that the applicant and intended occupiers of this site comply with that definition.

The adopted Fylde Borough Local Plan provides a specific policy for Gypsy sites in Policy HL8 that firstly requires an assessment of whether there is a personal or district need for such sites, and then includes a series of criteria based development management tests such as whether the site has access to services, whether the site is appropriately sized, the access arrangements, etc.

There is a similar policy in the Submission Version of the Fylde Local Plan to 2032 in Policy H5. This has been subject to modification as a consequence of the Examination, and to ensure compliance with current government guidance in the PPTS. The policy refers to sites in Newton and Warton which have consent for gypsy and traveller pitches, and then imposes a series of development management tests including access, drainage, etc. for the assessment of any additional sites that are put forward and will meet an identified need. These are assessed in this report.

The establishment of an equestrian use on the site will also need to be examined as part of this application through the general Countryside policies.

### **Need for Gypsy Sites**

The starting point for the assessment of such applications is whether there is a need for additional gypsy and traveller accommodation. Policy H5 of the Submission Version of the Fylde Local Plan to 2032 refers to a need for 26 pitches over the Plan period, but has been the subject of a proposed Main Modification as a consequence of updated information considered during the Examination in Public of the Plan. This updated information is the 'Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment' which was first undertaken in 2014 and then updated in 2016 as a consequence of the publication of the PPTS the previous year which contained a new definition of gypsies and travellers for planning purposes. This concludes that the need for pitches over the Plan period reduces from 26 to 3, and so these are met by the commitments for 5 pitches at Newton and Warton.

On the face of it this would indicate that there is no need for the additional pitches proposed in this application. However, in line with national guidance, the policy includes criteria to be used in the event that applications are proposed where the applicant falls within the PPTS definition, and they have a need for accommodation in the area, and their needs were not part of that identified by the GTAA Update 2016.

When this matter was previously considered by Committee the report was unable to present any assessment of the 'need' question due to the fluid state of the Policy at that time being mid-Examination. With the Examination having now effectively closed and the council having prepared and consulted on its Main Modifications that is no longer the case and the need element of Policy H5 is a consideration in the determination of this application.

The 'need' question is criteria a) of Policy H5 and looks at the need for new pitches in Fylde and neighbouring authority areas. The commentary above confirms that there is no need identified in Fylde, but that is not the case for the neighbouring authorities of Blackpool and Wyre who have an unmet need identified in the joint GTAA. This unmet subregional need must be taken in to consideration in the determination of an individual planning applications of this type.

The need for Fylde to accommodate a need from these neighbouring authorities was examined in some detail at the public inquiries into the decisions at Fairfield Road and Newton. In both those

cases the determining Inspector placed weight on meeting the unmet need for sites in the sub-region as part of the planning balance on those decisions. Further support to this approach is provided through the basic premise of the NPPF which is that development should be supported where it is sustainable, and this is tested below alongside the other relevant criteria contained in the adopted and emerging policies.

### **Locational Criteria**

The site complies with criteria b) and c) as it is not in the Green Belt, Area of Separation or Flood Zones 2 or 3.

### **Visual Impact**

Criterion d) relates to local amenity and the environment, and so effectively requires an assessment of the visual impact of the proposal. This has particular relevance here given the site's location in designated Countryside where it is important that development does not harm the established rural character of an area.

The previous scheme would have had a limited visual impact due to the retention of the well-established hedge to Preston New Road and the implementation of additional boundary planting to the other elevations. The provision of the access and the required visibility splays to Preston New Road in the current proposal will increase its visual impact considerably as the hedgerow will be removed to form the access. This is a negative impact from the development.

However, the application proposes that additional landscaping will be provided to the peripheral areas of the site to bolster the quality of the frontage hedge and to improve screening on the approaches from other aspects. This will assist to a degree, and will be secured by condition. A further aspect to be secured by conditions is the confirmation of the land levels on the site as the site is currently elevated over road level which will accentuate the appearance of the caravans that are to be sited.

The provision of a high-quality planting scheme is a particularly important element of a scheme that involves the siting of caravans as they are typically prominent structures in the landscape, and so is essential here. Whilst there will still be some harm from the development, the site is not in an isolated location surrounded by open countryside, but is a parcel of land that lies adjacent to a cluster of existing development and so the impact of the development is reduced as a consequence.

This scheme is considered to comply with this criterion subject to appropriate conditions being imposed to secure effective landscaping of the site and the satisfactory levelling and surfacing of the site itself.

### **Is the application site isolated?**

Criterion e) requires that gypsy and traveller pitches are located where there is a reasonable access to the services needed to support their occupation. In this case the site is located outside of any defined settlement, with Wrea Green around 2km to the south east and Weeton around 3km to the north. Whilst this is beyond a reasonable walking distance these areas are cycleable. Furthermore, the location of the site is one that benefits from a regular bus service, is on a cycle route and is already a location of residential development. With the limited scale of the site proposed and these locational attributes it is considered that the proposal is acceptable in this regard.

### **Occupier Amenity**

Criterion e) also refers to noise and the potential for this to have an adverse impact on the amenity

of the site occupiers. The site is located in close proximity to the shale gas exploration rig that has recently been constructed on the northern side of Preston New Road and has its access point around 75m from the nearest point on the site and the rig itself being around 200m distant. This means that the gypsy pitches will become the closest residential properties to this facility and so it is necessary to examine the potential for its use to cause noise and other disturbances to the occupiers of the site.

The use of the shale gas site is for a temporary period of exploration and so as that is currently part-way through there is no certainty that the site will still be operational at a time when any planning permission for the gypsy pitches under consideration here are actually implemented. However there is the potential that they could be so these issues need to be assessed, with the primary concern relating to noise.

The applicant's agent has provided some noise information that concludes that the greatest noise source affecting the site will be traffic noise. This provides a comparison with the noise generated on a site alongside the A38 in Derby and concludes that a modern caravan built to the appropriate British Standard and with standard noise protection windows fitted would achieve the necessary protection from undue impact at the noise levels generated by that road. The situation with the application site is that the road noise levels are likely to be less than at the trunked A38 and so in this regard their information is acceptable.

With regards to the shale gas exploration noise the council's Environmental Protection Officer has confirmed that the insulation levels available in the caravans and the distance that they are from the noise source on the shale gas site are such that the noise generated will not lead to a noise nuisance.

Accordingly it is concluded that the site will provide an acceptable level of amenity for its occupiers.

### **Access Arrangements**

This was the reason that the previous proposal was deferred, and it is assessed under criterion f) which requires that there is safe pedestrian and vehicular access and adequate on-site parking.

The original proposal sought to access the site from the existing access that serves Foxwood Chase to Preston New Road. This has now been revised, with a new access direct from the site to Preston New Road, with the precise location of the access point being further revised, in terms of its location and design, in order to address the concerns expressed by the local highway authority.

They have commented further to confirm that the principle of a new access to Preston New Road is one that is considered acceptable and that the scheme now has a suitable location and design that will allow safe access to and from the site in a suitable location. Conditions will be required to ensure that this is implemented (gates location, visibility splays, road marking alterations, etc).

Internally the site provides space for the parking of vehicles and is of a size that will allow them to turn within the site as demonstrated by supplied tracking analysis, so that there is no need to undertake any reversing manoeuvres onto the highway.

The residents of Foxwood Chase have expressed concern over the potential use of an overgrown track that links the application site to that road. Whilst this was to previously have been used to provide access to the site that is no longer the case and it is now excluded from the application. A reference to a pedestrian connection was indicated, but has now been withdrawn from the scheme.



### **Scale and Layout of Site**

Criterion g) of Policy H5 looks at the scale of the proposal, and does so in two ways. Firstly that the site is of a size that can accommodate the number of pitches which are proposed, and secondly that the site does not involve a scale of development that would dominate the nearby settled community.

In this case the proposal is for 2 pitches on a site that measures 50m across the frontage and 65m in depth. The submitted site plan confirms that each pitch will be able to accommodate a static caravan and car with additional space for a second caravan and further vehicle parking. The site is able to accommodate the two pitches that are proposed.

The site is also located alongside a total of 10 residential properties in the immediate vicinity and others nearby. As such the 2 pitches will not dominate that settlement community and so there is no conflict with criterion g).

Criterion h) promotes the requirement for the site to allow mixed use development as is reflective of the traditional lifestyle of gypsies in particular. The inclusion of the stables and a grazing area along with additional parking areas for any working vehicles owned by the site occupants is evidence of compliance with this criteria.

### **Access to Services**

The final criteria of Policy H5 requires that the site does not place unacceptable pressure on existing infrastructure. The availability of various transport links is part of this aspect of the assessment that has already been assessed. The drainage requirements are to be satisfied by the provision of a septic tank on site to serve each pitch given the lack of any main sewer connections in the area. This is a suitable arrangement and can be secured by condition. The site plan makes reference to retaining landscaping on site and the use of permeable hardstanding. This will assist in ensuring the site drainage is similar to the existing situation, but should also be secured by condition requiring the submission and implementation of an appropriate surface water drainage scheme for the site.

### **Compliance with Policy H5 of the Submission Version Fylde Local Plan to 2032**

The preceding sections of this report examine the criteria that are contained within the emerging Plan policy that is relevant for the assessment of this application. This Policy is designed to reflect current government guidance and has been modified during Examination to reflect changes in national policy. As such it represents an up-to-date policy test for this application that accords with government guidance on applications of this nature.

The assessment here confirms that the current application now complies with all aspects of this Policy. It is also the case that this proposal complies with Policy HL8 of the Fylde Borough Local Plan which is the current development plan equivalent policy test, albeit that this policy has reduced relevance as it is out-of-date against current guidance.

The remainder of this report will assess other relevant planning considerations.

### **Neighbour Amenities**

The site is positioned where there is no direct view from any neighbouring properties as it is behind the wall that surrounds the kennels site from the nearest neighbour at Staining Wood Cottages and is some distance away on the opposite side of the road to the closest properties in the other direction. As such the pitches and stables will have no direct impact on residential amenity.

The previously proposed shared use of the access to Foxwood Chase would have caused some

impacts to the amenity of the neighbouring dwellings on Foxwood Chase but as that is no longer part of the scheme this impact is removed.

The operator of the K9 kennels business which trades from 1 Staining Wood Cottage has highlighted the potential for the residential use of the site to cause disturbance to the dogs and so lead to their welfare being impacted and their barking to increase to the detriment of general amenity. This point is accepted and it seems there is a reasonable potential for the proposal to increase activity in the area. However the kennels are located in a courtyard with a high brick wall to the site boundary and a close relationship to the road where traffic noise and other noise associated with its use is likely to be prevalent. Whilst this assessment is a balanced one, it is not considered that the potential for the activity on the site to detrimentally increase noise levels in the area to the detriment of this business is such that it would justify the refusal of the application.

### **Equestrian Use**

It is usual for a gypsy and traveller facility to include provision for some equestrian accommodation due to the close association of horses with the gypsy lifestyle. This scheme is no exception with the proposal being for a mixed use of the residential pitches and the provision of a stable block with capacity for 3 or 4 horses. Such a stable block is acceptable in the countryside given that equestrian uses are appropriate in these areas, and the design and materials of this proposal are acceptable here to ensure compliance with the requirements of Policy SP2 and Policy EP10 of the Fylde Borough Local Plan.

Residents have understandably highlighted the potential for management issues with the inclusion of a stabling element to the site given the limited access to grazing areas for horses. The applicant's agent has confirmed that they intend to use the stables only to accommodate horses that are ill or in need of veterinary care and for the storage of feed and tack as they are to be grazed on land elsewhere. The access arrangements now proposed address concerns over the access to the site with horse trailers that were previously raised, and the grazed area in the centre of the site will provide space to turn horses out to when cleaning stables, for example.

These views are considered to be valid and so there are no overriding concerns over the inclusion of the stable element of the application.

### **Other Matters**

This section of the report is intended to provide brief comments on the other matters raised by the proposal and in correspondence received as follows:

- **Covenant** – the Foxwood Chase Management Company refer to a covenant that requires the land which is subject to this application to be used for agricultural purposes only, and provide an extract of the deeds that corroborates that. This is a private matter for the person issuing the deeds to enforce and cannot be considered as a material planning consideration in the determination of this application.
- **Drainage** – The application form explains that surface water drainage is intended to be dealt with by a sustainable drainage system and foul water by connection to the public sewer although no further details are provided of either. In fact there is no foul sewer in the area and so it will be necessary for that drainage to be undertaken through some other means, most likely a septic tank as is presumably the case with the other properties in the area. This is a matter that is readily resolvable and so the details should be secured through the imposition of conditions.
- **Cuadrilla consultation** – Residents have questioned if Cuadrilla have been consulted given the proximity of the site to their operations and that the proposal would establish their closest

residential neighbour. They were consulted on the original and revised proposal but have not offered any comments.

- Ecology – The application site is not subject to an ecological designations, and is not close to any. Other than the well-established roadside hedgerow the overgrown and spoil-tipped nature of the site means that it is reasonably unlikely to provide any habitats of ecological importance.
- Refuse arrangements – If this application is approved and implemented then the occupiers would be liable for council tax and so would benefit from the waste collection and other services that it provides for. The site access arrangements mean that the location of bins is likely to be some distance from their collection point and may well be undertaken communally on the site. To ensure that appropriate arrangements are put in place for this a condition is appropriate to secure those details.
- Site security – Residents have expressed concern that the potential for horses to escape would cause highway safety issues. This is not considered to be a significant concern given the proposed gates from the site to the highway, and in any event is unlikely to be any greater than is the case with the many agricultural field gates in the area.

## **Conclusions**

The application relates to the use of a rectangular area of land in the Countryside but adjacent to a cluster of development at Staining Wood Farm and Foxwood Chase in Westby. The proposal is to use the land for a mixed use of equestrian use and as two gypsy pitches, with each pitch providing a static caravan and one other caravan.

The equestrian use is clearly one that is acceptable in a countryside location with many other small scale stable blocks of the style proposed here across the borough.

The gypsy and traveller pitch use is specifically examined through Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Submission Version of the Fylde Local Plan to 2032. These both start by referring to a need for additional pitches to have been identified over the Plan period. This is a matter that has been the subject of revision in recent years as a consequence of changes to government guidance on what constitutes a gypsy or traveller and has led to changes in the need for pitches in the Fylde Local Plan as it has proceeded through Examination. The current situation is that the borough has approved sufficient pitches to meet the most recently identified need over the Plan period for Fylde. However, there is an under-provision of pitches to meet the need identified across the sub-region, and there is likely to be an additional unknown need due to the difficulties in accurately confirming the extent of gypsy and traveller pitch need due to the nature of this group's lifestyle.

This is reflected in the revised Policy H5 of the Fylde Local Plan to 2032 which supports the provision of pitches to meet gypsy and traveller needs where they are located and designed to comply with a series of criteria that are listed in that Policy. This approach accords with the general presumption in favour of sustainable development of the NPPF, and is an approach that has been supported in recent appeal decisions in the borough where this type of development has been tested.

The key criteria are the locational qualities of the application site, whether it provides a safe and suitable access, and whether the site will create undue landscape harm. Taking these in turn:

The site is located adjacent to a cluster of existing development and whilst it is not adjacent to a settlement that provides services it is within a reasonable distance to some rural villages that do so, and is on a well-served bus route to other centres, and is on a cycle route. As such it is considered that the location is one that is acceptable in terms of the policy requirements.

The initial proposal was to take access for the site through the adjacent Foxwood Chase development. That has now been revised so that access is now proposed to be direct to Preston New Road through an access point located centrally on the site frontage. Whilst there are concerns over the safety implications of an additional access and the visual impact it causes through the loss of the existing hedge to provide the access and visibility, it is considered that these are not so harmful to justify a refusal.

With the development including the siting static caravans on a site that is close to the road there is a likelihood that there will be some impact on the rural landscape. However, this impact is minimised by the location of the site against the side of an existing kennel building and behind a well-established roadside hedge that is to largely be retained and enhanced through new planning to provide an effective screen. The limited views of the site from other aspects ensure that overall the landscaping impact of the development will be minimal.

Having considered these aspects and the other material considerations it is officer view that the proposal complies with the criteria assessments of modified Policy H5 of the Submission Version Fylde Local Plan to 2032, and of Policy HL8 of the Fylde Borough Local Plan. The application will allow a degraded site to be brought to a productive use and will allow 2 gypsy pitches to be provided in an appropriate location to assist in the borough's supply of such accommodation. Accordingly the application is recommended for approval subject to conditions.

### **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 - from OS Mastermap dated 13 June 2017
- Proposed Site Plan - Cassidy and Ashton drawing Job A8888 Drawing P01 Rev C
- Fence detail - received 16/06/2017
- Stables - received 16/06/2017

#### Supporting Reports:

- Design and Access Statement

Reason: To provide clarity to the permission.

3. The two pitches hereby approved shall only be occupied as permanent accommodation by Gypsies & Travellers as defined in Annex 1 of DCLG Planning Policy for Traveller Sites (August 2015).

Reason: In order to ensure the site is occupied by Gypsies & Travellers as the grant of planning permission for a residential caravan park or a holiday caravan park may not be appropriate in this locality and as the use of the site as transit accommodation would lead to an unacceptable

increase in towed vehicular movements.

4. The two pitches hereby approved shall be laid out as shown on the Proposed Site Plan listed in condition 2 of this planning permission with no more than one static caravan and one touring caravan located on each pitch, with each of these caravans meeting the definition of a caravan in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968

Reason: To provide clarity to the permission and to ensure that the layout of the site minimises the potential visual impact as required by Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.

5. Prior to the first use of the site for the gypsy pitch use hereby permitted the site access shall be constructed in the location shown and to the specification shown on the Proposed Site Plan listed in condition 2 of this permission. This access shall include the following works:
- The carriageway markings to Preston New Road shall be revised to facilitate a right turn gap in the central hatching,
  - The access shall be graded so as to provide a transition between the site and the carriageway that does not exceed a slope of 1:10.
  - The access shall be provided with a solid surface provide for at least 10m back from the carriageway edge into the site, and
  - Any gates that are provided shall be positioned no closer to the edge of the carriageway than 10m back from the carriageway edge.

Reason: To ensure the provision of a safe and suitable access to the development as required by Policy SP2 and HL8 of the Fylde Borough Local Plan and Policy GD4 and H5 of the Fylde Local Plan to 2032.

6. Prior to the first use of the site for the gypsy pitch use hereby permitted the visibility splays of 2.4m x 120m in both directions specified on the Proposed Site Plan listed in condition 2 of this permission shall be provided at the site access, and shall be retained free of any obstruction at all times thereafter.

Reason: To ensure the provision of a safe and suitable access to the development as required by Policy SP2 and HL8 of the Fylde Borough Local Plan and Policy GD4 and H5 of the Fylde Local Plan to 2032.

7. Notwithstanding the requirements of the Town & Country Planning (General Permitted Development) Order 2015 a scheme for the external lighting of the site [including degree of illumination] shall be submitted to & agreed in writing by the Local Planning Authority prior to the installation of any such illumination, and only lighting that is approved shall be installed on the site.

Reason: In the interests of residential amenity & the character of the area.

8. Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any development. This scheme shall confirm the protection of the existing hedgerow to Preston New Road and the establishment of enhanced native species planting to the other boundaries of the site. The specific details shall include plans and written specifications noting species, plant size, number and densities, and an implementation and maintenance programme.

The approved landscaping scheme shall be implemented in accordance with the approved implementation programme no later than the first planting season (Nov – Feb) following the first occupation of the site, and shall thereafter be maintained in accordance with the specified maintenance regime for not less than 5 years.

Reason: To enhance the quality of the development in the interests of the visual amenities of the locality as required by Policy SP2 and HL8 of the Fylde Borough Local Plan and Policy GD4 and H5 of the Fylde Local Plan to 2032.

9. That there shall be no works to remove or prune the hedgerow to Preston New Road associated with the provision of the site access during the bird breeding season (1 March to 31 August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation and to be cleared are not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP19, Fylde Council Local Plan to 2032 (Submission Version) policy ENV2, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

10. No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to protect the character and appearance of the area.

11. Notwithstanding any indication on the submitted application a scheme for the surface water and foul drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall follow the drainage hierarchy for sustainable drainage principles and shall be constructed and completed in accordance with the approved scheme prior to the first residential use of either pitch. The drainage arrangements shall be retained thereafter to provide all surface and foul drainage requirements for the development.

Reason: To prevent pollution of the water environment in accordance with Policy HL8 of the Fylde Borough Local Plan

12. Prior to the commencement of any development a survey of the existing ground levels and any intended alterations to these levels associated with the provision of the pitches and the stables shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of any works to excavate or raise areas of land and the materials to be used in any ground alterations and surfacing. Only the works approved by this scheme shall be implemented to facilitate the provision of the pitches.

Reason: To ensure a satisfactory appearance of the development in the wider countryside in accordance with the requirements of Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.

13. Prior to the commencement of any development hereby approved, a scheme for the storage and collection of refuse generated within the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the location of any refuse storage facility associated with each pitch or collectively for the site, and the arrangements for its collection and the frequency of that collection. This scheme shall be implemented and arrangements put in place prior to the first residential use of either pitch hereby approved and shall be operated thereafter.

Reason: To provide for suitable refuse collection arrangements for the site in the interests of general environmental protection needs and the character of the area.

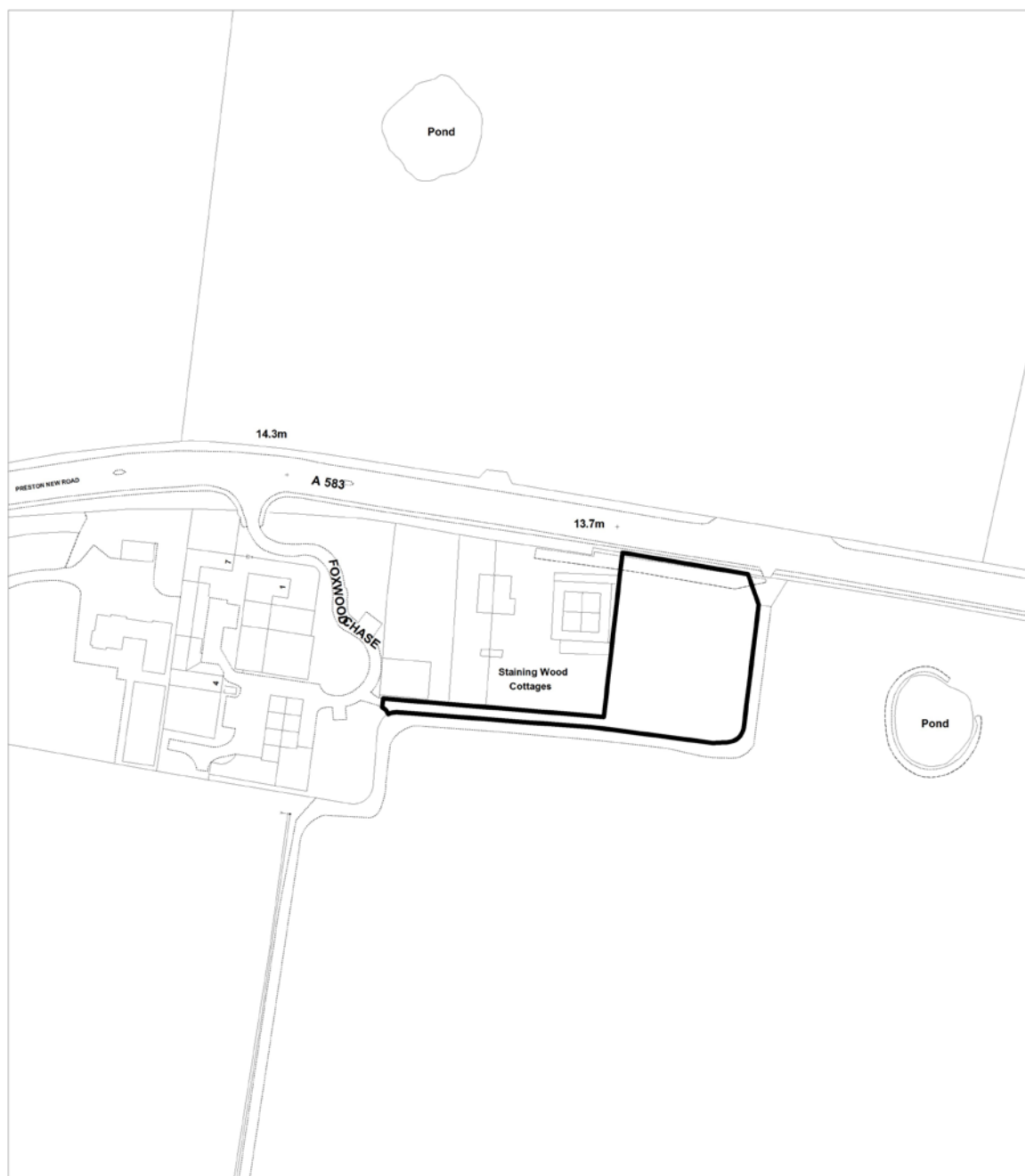
14. Prior to the commencement of any development hereby approved, a scheme for the acoustic

protection of the caravans so as to provide sound levels that are at least consistent with the resting and sleeping levels specified in the World Health Organisations guidelines. This scheme shall be implemented prior to the first occupation of each caravan and maintained thereafter in the initial and subsequent caravans that are brought onto the site.

Reason: To provide appropriate protection from noise disturbance for the future occupiers of the site given the location adjacent to the A585 road and potentially the shale gas exploration site.

15. That the stables building hereby approved shall be erected prior to the first occupation of either pitch, and shall be constructed in timber boarding under a felt roof as shown on the approved application details. This stable building shall be used for the stabling of horses and associated feed and tack owned by the occupiers of the two pitches only.

Reason: To ensure that the development is implemented as a mixed use, to assist in mitigating the visual impact of the development, and to provide appropriate control over the use of this building in accordance with the requirements of Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/17/0495	Address Land adjacent to Staining Wood Cottages, Preston New Road, Westby	Grid Ref. E.3371 : N.4325	Scale 0 10 20 30 40 m



**Item Number:** 3

**Committee Date:** 01 August 2018

<b>Application Reference:</b> 17/0968		<b>Type of Application:</b> Full Planning Permission	
<b>Applicant:</b> Abbey Homes (NW) Ltd		<b>Agent :</b> Pce Designs Ltd	
<b>Location:</b> FORMER PIGGERIES, POOLSIDE, FRECKLETON			
<b>Proposal:</b> ERECTION OF 3 DETACHED RESIDENTIAL DWELLINGS			
<b>Ward:</b>		<b>Area Team:</b> Area Team 1	
<b>Weeks on Hand:</b> 34		<b>Case Officer:</b> Rob Clewes	
<b>Reason for Delay:</b> Replies to consultations awaited			

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

<https://www.google.co.uk/maps/@53.7515083,-2.8577204,175m/data=!3m1!1e3?hl=en>

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

### **Introduction**

The application was presented to Committee on 23 May 2018. At that meeting the decision was deferred in advance of any discussion, with the minutes recording the reason for that being to:

*“Defer the decision on the application pending receipt of additional information from the applicant regarding the measures to be taken to minimise the risk of harm to the ecological designations in the vicinity of the site, the consultation with appropriate consultees on that information, and the consideration of this through an informed Appropriate Assessment of the development.”*

Since that time the applicant has provided the additional information, and it has been the subject of consultation with Natural England. This matter is covered in the Ecology section of the report below, and in some conditions. All other elements of the report remains as previously presented as there have been no changes to the scheme under consideration, or changes in the circumstances around the site.

### **Summary of Officer Recommendation**

The application site is a former piggery on Poolside in Freckleton and is adjacent to Freckleton Pool / Dow Brook. The site has previously had planning permissions for the erection of three dwellings which was first allowed on appeal and then revised through permissions from the council. These have recently expired without being implemented, and this application seeks a new consent for the erection of three detached dwellings.

The dwellings are within the defined settlement, and so are an acceptable land use in principle and are located within an acceptable distance to local services.

They are sited upstream of the flood defence gate although part of the site is within an area of higher flood risk, this is considered to be acceptable to the relevant drainage authorities.

The properties are considered to have an acceptable visual impact when viewed from the public footpaths that run alongside the site and from further afield viewpoints. Matters such as impact to ecology, highway safety and neighbour amenity have also been assessed and it is considered that these matters are acceptable or can be appropriately addressed via conditions.

Accordingly the proposal is sustainable development and so is recommended for approval following the completion of a Habitat Regulation Assessment.

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

This application has been brought before the Planning Committee as the officer recommendation for approval conflicts with the objection received from Freckleton Parish Council.

### **Site Description and Location**

The application site is a roughly triangular wedge of land extending to around 0.2 Ha situated within the settlement boundary of Freckleton. The site is located on the eastern side of the unmade track known as Poolside, Freckleton. It was previously occupied by former piggery buildings, all of which have been removed.

It is bordered to the north and east by Freckleton Pool/Dow Brook, to the south by flood control embankments, and a gated access way thereto, and to the west by Poolside, which has a range of sheds, outbuildings and garages on its western side at this level, most attaching to residential properties situated at the higher level of Bunker Street beyond. Two of these buildings are also in the ownership of the applicant.

The return of the adjacent flood control embankments to the south marks the northern boundary of the Ribble Estuary European Heritage Site and the eastern boundary of the safeguarded area for Warton aerodrome.

### **Details of Proposal**

The application seeks full planning permission for the erection of 3 dwellings on the site. The dwellings are all two storey and offer four bedrooms with two having integral double garages attached to the front of the property and the other having a detached double garage to the side. Their appearance is reflective of the local vernacular with a brick construction and slated / tiled roof.

The landscaping arrangements are typical for a small scale residential development such as this with shrubs proposed for the frontage of the site to Poolside and flexibility given to the limited rear garden aspect beyond a small patio area to each dwelling.

### **Relevant Planning History**

Application No.	Development	Decision	Date
14/0882	SUBSTITUTION OF HOUSE TYPE TO PLOT 3 FROM PREVIOUSLY APPROVED RESERVED MATTERS APPLICATION 13/0643	Granted	02/02/2015
13/0643	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE AND LANDSCAPING FOR ERECTION OF 3 DWELLINGS AND GARAGES	Granted	25/11/2014

09/0709	ASSOCIATED WITH OUTLINE PLANNING PERMISSION 09/0709	Refused	18/02/2010
	OUTLINE APPLICATION FOR THE ERECTION OF THREE, TWO STOREY DWELLINGS AND ONE DOUBLE GARAGE INCLUDING DETAILS OF ACCESS, LAYOUT AND SCALE (AS AMENDED)		

### **Relevant Planning Appeals History**

Application No.	Development	Decision	Date
09/0709	OUTLINE APPLICATION FOR THE ERECTION OF THREE, TWO STOREY DWELLINGS AND ONE DOUBLE GARAGE INCLUDING DETAILS OF ACCESS, LAYOUT AND SCALE (AS AMENDED)	Allowed	09/11/2010

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

**Freckleton Parish Council** notified on 06 December 2017 and comment:

*The Parish Council object to this application as they believe this area is known as Freckleton Pool which is a designated river and is a protected river. As such the environment agency state that, no trees, shrubs should be planted, nor fences, buildings. Pipelines or any other structure within 16 meters (as it is tidal) of the top of the bank/retaining wall of the main river water course.*

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

#### **BAE Systems**

No objections

#### **Ministry of Defence - Safeguarding**

No comments received.

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

LCC Highways does not have any objections regarding the proposed erection of 3 detached properties 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.

It is requested the passing places are signed as Passing Places to discourage parking and encourage the safe use of the bays and the safety of all highway users on the single track road of Poolside.

#### **Natural England**

The highlight that the application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. They also refer to the close proximity to the Ribble & Alt Estuaries Special Protection Area (SPA). The site is also listed as Ribble & Alt Estuaries Ramsar site and also notified at a national level as Ribble Estuary Site of Special Scientific Interest (SSSI). The site is also in close proximity to Newton Marsh SSSI.

Their initial consultation letter requests further information to fully assess the impacts of the proposal:

- *Details regarding any external lighting to be put in place during both construction and operation*
- *Measures to protect the adjacent watercourse during construction.*

Following the submission of a Construction Environmental Management Plan (CEMP) Natural England are now satisfied that there will be no likely significant effect to the designated site.

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

Comments - The new houses would extend development beyond the existing track and their style would be out of character with the majority of existing buildings located alongside the estuary, which are mostly historic farmhouses, cottages and boatyard buildings. The new houses would also have a significant impact on views from the east of Freckleton which currently enjoy uninterrupted views across the River Ribble.

The proposed landscape plan submitted with the application is not satisfactory. Should the application be considered worthy of approval, a revised plan should be submitted which considers the local environment and its proximity to the RAMSAR site of the Ribble Estuary.

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

No objections and offer standard advice on drainage.

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

No objections.

#### **Environment Agency**

No objections to revised FRA subject to conditions.

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

No significant ecological constraints have been identified as part of the update ecological assessment. Issues relating to proximity to a BHS, SSSI, nesting birds, giant hogweed and ecological mitigation are resolvable via condition and /or informative.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	06 December 2017
<b>Amended plans notified:</b>	13 December 2017
<b>Site Notice Date:</b>	08 January 2018
<b>Number of Responses</b>	1 response received
<b>Summary of Comments</b>	Plan seems to cover more land than is available Proposal will increase the risk of flooding Plan only shows one and a half houses Parking provision is not clear

#### **Relevant Planning Policy**

##### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
EP14	Landscaping of new developments

EP15	Protection of European wildlife sites
EP23	Pollution of surface water
EP25	Development and waste water
EP29	Contaminated land
EP30	Development within floodplains

**Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
ENV1	Landscape
ENV2	Biodiversity
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

**Other Relevant Policy:**

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

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

**Comment and Analysis**

The main issues regarding this application are:

- The Principle of the Development
- Design and Impact to the Character of the area
- Impact to Neighbouring Amenity
- Flood Risk Matters
- Access and Highway Safety
- Ecology

**The Principle of the Development**

The site is located within the settlement boundary of Freckleton where the principle of residential development is accepted under Fylde Borough Local Plan (FBLP) Policy SP1 and Policy GD1 of the emerging Fylde Local Plan (FLP32) to 2032. Policy HL2 of the FBLP and H2 of the FLP32 provide the development management criteria for housing proposal and seek to ensure, amongst other things, that proposals are acceptable in design terms, do not adversely affect neighbouring amenity, are compatible in land use terms, are situated in sustainable locations, are acceptable in highways safety terms and maintain or enhance local biodiversity.

The site is classed as previously development land, and is not of high environmental value. It is located near to public transport routes and is a short walk from the village centre which provides a range of community facilities, local shops and services. In addition the proposed residential use is compatible with the adjacent land uses to the west and north which are predominantly residential. This makes it a site where the principle of residential development should be supported, subject to

the detailed considerations in the remainder of this report, so as to assist in maintaining a five year housing supply.

Notwithstanding the above the principle of residential development on the site was established via the allowed appeal ref: 09/0709 and the subsequent reserved matters application ref: 13/0643. Whilst these are now time expired, the lack of any change of local planning policy, the allocation of the site within the settlement and the lack of any material changes to the area since those decisions it is considered that the principle of the development must remain acceptable.

#### Design and Impact to the Character of the area

The Council's Landscape Officer raised concerns over the appearance of the dwellings and the resulting impact of the development on the character of the area.

The proposed dwellings are of the same style and appearance to those approved via permission ref: 13/0643. They are sited close to Poolside which is a gravel surfaced track that serves as the access to a small number of commercial and residential properties some distance to the south, and provides a rear entrance to properties on Bunker Street. These Bunker Street properties are at a higher level and as a consequence there are no other properties that are seen in the same aspect as the proposed dwellings, although one of the existing dwellings does have a two storey garage/office immediately opposite.

The proposed dwellings follow a traditional brick and grey slate/tile construction with stone headers, sills and quoins. This form of dwelling and materials are commonly found in the area and are considered to be acceptable in the context of this site. The adjacent garage / office building is rendered, but this makes it prominent in the largely rural aspect of the site and the materials proposed in this application are considered to provide a softer appearance to the site that typifies the brick farmhouse style found elsewhere in the vicinity.

In terms of wider views Poolside runs along Freckleton Pool and there are varying types of building that can be seen ranging from dwellings to boat houses and other commercial buildings. The proposed dwellings will result in further built development but this would not create an unacceptable impact to the landscape character of the area. Any impact would also be mitigated further by the back drop of the dwellings fronting Bunker Street which are situated on higher ground.

#### Impact to Neighbouring Amenity

The proposed dwellings are situated on the eastern side of Poolside immediately adjacent the brook. There will be no impact to the amenity of the nearest neighbouring properties, on Bunker Street as they are on higher ground and therefore there will be no overbearing, loss of light or privacy to these properties. The dwelling on plot 2 is immediately to the rear of the two storey garage/office and contains two bathrooms and a bedroom to the front elevation at a separation of 15m from this structure. With this being only an outbuilding to the dwelling located at the foot of its garden it is not considered that any privacy issues arise as a consequence of this relationship.

The relationship between the proposed dwellings is also considered acceptable with good spacing between the units allowing for suitable levels of amenity and privacy.

#### Flood Risk Matters

The site partially lies within Flood Zones 2 and 3 and as residential development is deemed "more vulnerable" the Local Planning Authority must be satisfied that the development would be safe from flooding. The application site is within the settlement boundary of Freckleton and it is considered

that there are no other suitable sites that lie in or outside the settlement boundary that would accommodate this development without encountering other policy issues. Furthermore the applicant has submitted a robust Flood Risk Assessment which has demonstrated that the development can be safe from flooding for its lifetime. This report has been accepted by the Environment Agency and therefore subject to appropriately worded conditions the development is considered acceptable with regards to flood risk matters. These conditions relate to matters such as the levels of the buildings, the maintenance of access to the brook, and the use of flood resilient measures in the dwellings.

#### Access and Highway Safety

The dwellings are served by their own individual accesses off Poolside with off street parking provided by way of parking areas and garaging. The revised plans have addressed the minor concerns raised by LCC Highways with regards to turning areas and therefore there are no objections to the scheme in terms of highway safety.

#### Ecology

The proposed development is 600m north of the Ribble Estuary SSSI with direct, hydrological connectivity and immediately to the north of the Freckleton Naze Biological Heritage Site. It is also just over a kilometre west of Newton Marsh SSSI. The scale of the development is such that it does not trigger the SSSI impact zone criteria for either SSSI. However, in their consultation comments Natural England raised concern over the impact the development could have during and after construction to these protected sites.

The applicant initially submitted an ecology report outlining the potential impact of the development to protected species in the area. The Council's ecological consultant acknowledges that the direct hydrological linkage via Dow Brook to the Ribble Estuary does present a risk of negative impacts on the SSSI both during and post development through increase in pollutants. However they considered that the negative impacts can be avoided through implementation of an agreed construction and environmental management plan (CEMP) and appropriately worded conditions. This was the area that Natural England requested additional information on to satisfy their concerns.

The additional information provided deals with matters such as the foul and surface water drainage of the site when development is complete, the measures to be taken to minimise the potential for dirty water and silt generated during construction to enter the watercourse, the measures to be taken to ensure concrete and its residue does not enter the watercourse, a refuelling programme so that spilt fuel cannot enter the watercourse, the arrangements for waste removal, the arrangements for lighting the site to ensure that light spill is minimised, etc.

This plan has been reviewed by Natural England as the statutory consultee who expressed concern over the level of information provided in the initial submission regarding the protection of the watercourse. They have confirmed that they are now happy with the details provided in this CEMP and so have withdrawn their objection. In order to ensure that there is no impact to the designated areas the mitigation measures in the CEMP should be implemented in full during construction and this can be secured via an appropriately worded condition.

The proximity of the site to the Ribble and Alt Estuaries SSSI/SPA/Ramsar site is such that it is 'functionally linked' to it. As the proposal is not necessary for the management of a European Site, the LPA is required to undertake a Habitat Regulations Assessment (HRA) in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017. The purpose of the HRA is to determine whether the proposal is likely to have a significant effect on any European site alone or in combination with other plans and projects,

proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

This HRA is to be based on information provided to the council by the applicant (in the form of a 'Shadow HRA'). As this remains outstanding, it is recommended that the decision on the application be delegated to officers to secure this in the event that Committee are supportive of the scheme as a whole. Officers can then assess this Shadow HRA with support from Natural England to inform the council's decision on the HRA itself.

### **Conclusions**

The application site is a former piggery on Poolside in Freckleton and is adjacent to Freckleton Pool / Dow Brook. The site has previous planning permissions for the erection of three dwellings. This application seeks a new consent for the erection of three detached dwellings. The dwellings are within the settlement, and therefore within an acceptable distance to local services.

Officers have considered the visual impact of the dwellings carefully and the visual impact it has when viewed from the public footpaths that run alongside the site and from further afield viewpoints. The assessment made is that the visual impact will be an acceptable one.

Matters such as impact to ecology, highway safety and flood risk have also been assessed and it is considered that these matters can be appropriately addressed via conditions.

Accordingly the proposal is sustainable development and so is recommended for approval subject to the satisfactory completion of a Habitats Regulation Assessment.

### **Recommendation**

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

a) the completion of a suitable Habitat Regulations Assessment in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 to demonstrate that the development is not likely to have significant effects on the integrity of the Ribble and Alt Estuaries SPA/Ramsar site either alone or in combination with other plans or projects (including confirmation of the same from Natural England);

b) the following conditions or any alterations to these that the Head of Planning and Housing considers to be necessary:

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 - 1000
- Proposed Layout - 1 of 7



- Proposed Elevations - 2 of 7
- Proposed Levels - 3 of 7
- Proposed Detached Garage Elevations and Plan - 4 of 7
- Proposed Elevations - 5 of 7
- Proposed Landscaping - 6 of 7
- Proposed Landscaping - PCE-Jones-July-13-landscaping plot 3

Supporting Reports:

- Design and Access Statement
- Ecological Survey (Prepared by Quants environmental)
- Flood Risk Assessment and Drainage Strategy - Issue 1 C-0819 (Prepared by Hamilton Technical Services)

Reason: To provide clarity to the permission.

3. Notwithstanding any denotation on the approved plans samples of all the external materials to be used in the construction of the development, hereby approved, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

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

4. Prior to the commencement of development a scheme for the disposal of foul and surface water for the entire site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development shall be implemented, maintained and managed in accordance with the approved details.

Reason: In order to ensure adequate and proper drainage of the site.

5. The access, turning and parking areas shall be carried out in accordance with the approved details shown on submitted plan ref: *PCE-Jones-July-13-Landscaping Plot 3 and 6 of 7* prior to the first occupation of any of the residential units, with those areas thereafter retained available for the parking of motor vehicles.

Reason: In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area as required by Policy HL2 of the Fylde Borough Local Plan.

6. The land levels and finished ground floor levels of the dwellings hereby permitted shall be as shown on the approved plan ref: sheet 3 of 7. Any proposed modification to these levels shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To accord with the requirements of the submitted Flood Risk Assessment.

7. Notwithstanding any denotation on the approved plans details of all boundary treatments, including their means of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development on site. Thereafter only those approved details shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: To ensure a satisfactory standard of development and to ensure there is no adverse impact to the adjacent railway network.

8. The method of construction and means of mitigation outlined in the submitted Construction Environmental Management Plan (ref: FBC17/0968 - dated 17/06/2018) shall be implemented in full throughout the construction of the development hereby approved.

Reason: To safeguard neighbouring amenity, to maintain the safe operation of the pedestrian and highway network, and to ensure an acceptable impact on the adjacent designated sites and EA maintained Brook.

9. That no works shall commence or be undertaken between the months of March and July inclusive, until a walkover survey of the site and its boundary hedges has been undertaken to establish the presence of any breeding birds and the results submitted to the Local Planning Authority. Should such sites be identified, then a mitigation and phasing scheme for any construction works in the vicinity of the identified nesting sites shall be submitted to the Local Planning Authority for approval and implemented throughout the construction of the dwelling.

Reason: To ensure that disturbance to any breeding birds within the site is minimised during the construction of the dwelling

10. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, hard surfacing materials, minor artifacts and street furniture, refuse receptacles, lighting and services as applicable. Soft landscape works shall include plans and written specifications noting species, plant size, number and densities, provision of a high ecological riparian habitat strip on average 8m wide along the Dow Brook, Provision of bird nesting opportunities and an implementation programme.

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

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

11. The whole of the landscape works, as approved in condition 13, shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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

12. That prior to the first occupation of any plot, the boundaries to any plot which is positioned within

the Environment Agency's 8m wide easement shall have been defined by the erection of timber fencing which shall be of a post and rail design and sat in sockets to allow its removal for access only. Such fencing shall then be retained at all times thereafter and shall form the only method of defining boundaries in this easement area.

Reason: To provide security between properties whilst reflecting the need to respect the flood storage role that this land serves and to allow access for maintenance of this main river as required by the Environment Agency.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within the 8 metre easement, as delineated on drawing C-0819-01 (dated 27 February 2018) in the approved FRA (Ref: C-0819, Issue 1; dated 26 February 2018).

Reason: To prevent the increase in flood risk by ensuring full access to Dow Brook and the Environment Agency flood defence is retained in order to carry out essential maintenance.

14. The proposed development must proceed in strict accordance with the FRA (Ref: C-0819, Issue 1; dated 26 February 2018) and all mitigation measures identified. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA to be agreed in writing by the Local Planning Authority.

Reason: In the interests of flood prevention.

15. Prior to operation a 'lighting design strategy' for any external lighting shall be submitted to and approved in writing by the LPA. The strategy shall:

- show how and where the external lighting will be installed and;
- demonstrated clearly that any impacts on birds from the SPA utilising Freckleton Marsh are negligible.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

Reason: To ensure satisfactory impact to protected species.

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

Part 1 - Development within the Curtilage of a Dwellinghouse

#### CLASS VARIABLES

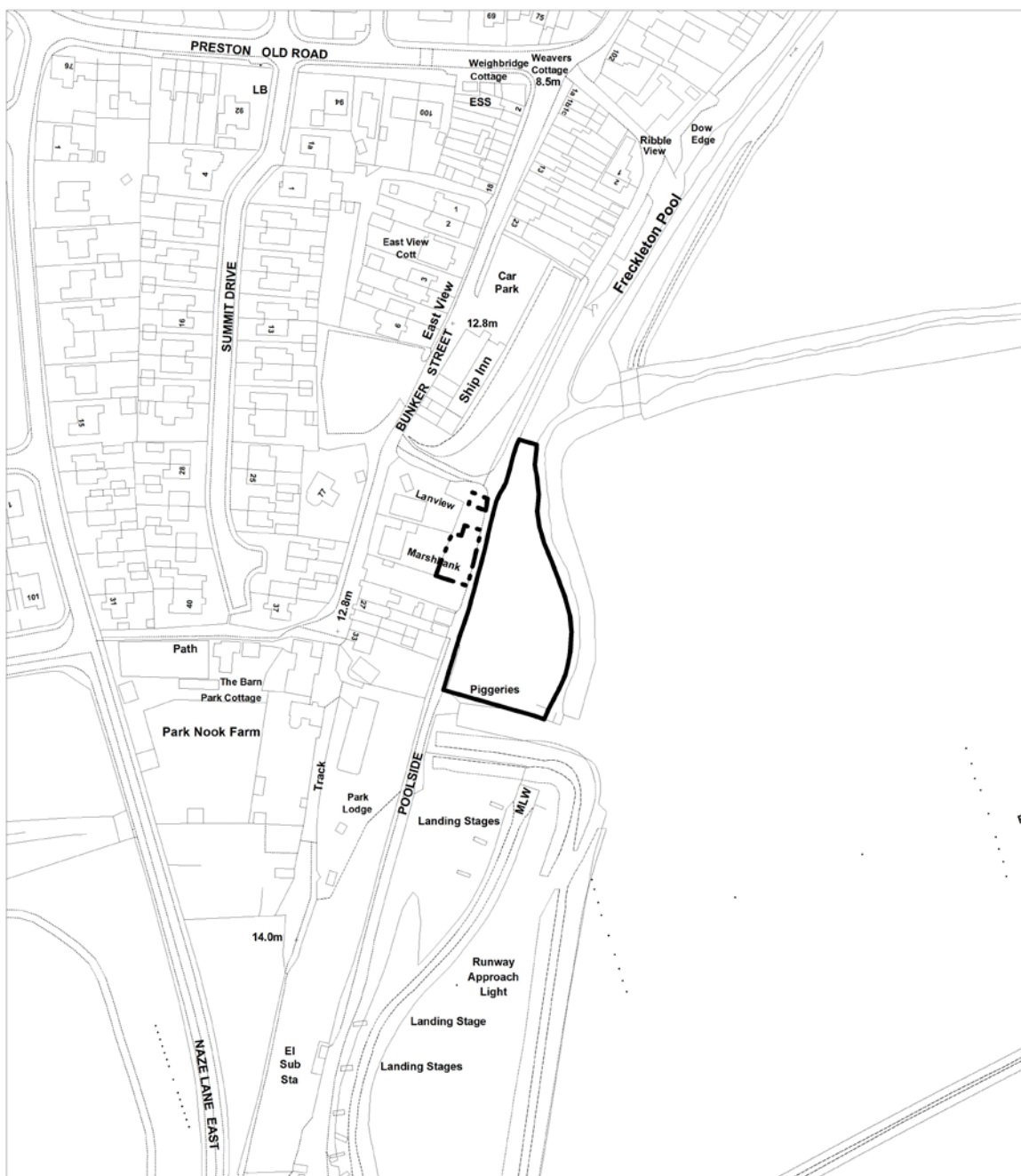
A	House Extensions.
B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding

Part 2 - Minor Operations

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

17. Prior to the commencement of development a scheme for vehicle passing places along Poolside shall be submitted to and approved in writing by the Local Planning Authority. The vehicle passing places shall be provided in accordance with the agreed details, before the use of the premises hereby permitted becomes operative and shall be permanently maintained thereafter.

Reason: In the interests of highway safety for pedestrians and to provide safe passing places and restricting the distance vehicles may need to reverse to allow on coming vehicles to pass.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/17/0968	Address Former Piggeries, Poolside, Freckleton	Grid Ref. E.3434 : N.4286	Scale 0 10 20 30 40 m

**Item Number:** 4

**Committee Date:** 01 August 2018

<b>Application Reference:</b>	18/0006	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	EG Group	<b>Agent :</b>	PWA Planning
<b>Location:</b>	MILL FARM SPORTS VILLAGE, CORONATION WAY, MEDLAR WITH WESHAM		
<b>Proposal:</b>	DEVELOPMENT OF TWO DRIVE THROUGH CAFES / RESTAURANTS (USE CLASS A3/A5) AND JET WASH FACILITY, TOGETHER WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND OTHER VARIOUS INFRASTRUCTURE WORKS.		
<b>Ward:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	29	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7960336,-2.8893245,701m/data=!3m1!1e3?hl=en>

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

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

The application site is within the Mill Farm development at Wesham that benefits from planning permission for a range of uses, including this site which received outline planning permission for a public house/restaurant. This application relates to that same part of the site but proposes two drive thru restaurants instead and has been submitted as a full application.

With the previous approval and mixed use designation in the Fylde Local Plan to 2032 the principle of the development is considered acceptable, and there are no drainage or highways issues with the application. With conditions restricting the hours of use the impact on residential amenity is considered acceptable.

The development of the site will inevitably alter the landscape, but in the granting of the development of the site initially and in allocating it for development in the emerging Plan, this impact has been accepted. The scheme under this application is constrained on site by underground services, but in its revised form is considered to be acceptable given the context of the site.

Notwithstanding that, there is an unresolved objection to the scheme from United Utilities relating to a minor encroachment into their easement and so the officer recommendation is to delegate approval to the Head of Planning and Housing to allow this matter to be satisfactorily resolved prior to the issuing of any decision.

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

This application has been brought before the Planning Committee as the officer recommendation for

approval conflicts with the objection raised by Wesham Town Council.

### **Site Description and Location**

The application site is an area of undeveloped land south of the main access point to the Mill Farm development. The site extends to 0.5 hectares and is included in the emerging Fylde Local Plan 2032 allocation for a mix of uses. The hybrid planning application that formed the basis of the allocation included outline permission for a public house/restaurant in this area however this has not been progressed and the permission has now expired.

The site is directly adjacent to the A585 and roundabout to the east, to the south and west is open countryside and to the immediate north is a petrol filling station and drive thru KFC restaurant. Directly to the south of the site is a public right of way (PROW) which remains unaffected by the proposal.

### **Details of Proposal**

The application was revised during the course of considering the application due to issues raised by your officers and LCC Highways officers. The scheme being presented today is a consequence of discussions and direction from officers that has resulted in a development that can be supported. The scheme is for the erection of a drive through coffee shop, a drive thru restaurant and a jet wash facility. No end-users have been identified for the facilities in the application. There is a 10m aqueduct easement that runs through the site where no buildings can be located so the proposed layout is influenced by this constraint. The proposed layout does not have any built development within that easement with only hardstanding and landscaping located in this area, which does not prevent access.

The layout as proposed includes an access from Coronation Way opposite the petrol station, with the car wash and jet wash facilities at the front of the site and the two drive thru buildings at the southern side with parking in front of them. Landscaping is proposed around the periphery of the site asides the southern boundary where there is an existing hedgerow. The drive thru buildings are single storey with a design that is typical of such structures and include extensive glazing to the elevations, with each measuring 12m x 20m. The carwash element features a single drive thru facility with two jet wash bays that are surrounded by screens to limit water escape.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0690	CHANGE OF USE OF SECOND FLOOR OF MAIN STAND TO USE AS A 19 BEDROOM HOTEL (USE CLASS C1) WITH ASSOCIATED ALTERATIONS TO EXTERIOR OF STAND	Granted	23/05/2018
17/0016	CONSTRUCTION OF PERMANENT CAR PARK BETWEEN STADIUM AND FLEETWOOD ROAD (60 SPACES) AND TEMPORARY CAR PARK ON PROPOSED HOTELAND BULKY GOODS SITE (95 SPACES) FOR AFC FYLDE FOOTBALL CLUB	Granted	28/07/2017
16/1016	ERECTION OF TWO-STOREY BUILDING TO PROVIDE COMMUNITY SPORT (CHANGING AND FUNCTION ROOM FACILITIES ) AND EDUCATION CENTRE TOGETHER WITH ALTERATIONS TO	Granted	16/03/2017

16/0621	APPROVED CAR PARKING ARRANGEMENTS. 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	Refused	23/05/2018
16/0397	DISCHARGE OF CONDITIONS ON APPLICATION 13/0655 FOR CONDITION 33 (CAR PARKING MANAGEMENT STRATEGY), AND CONDITION 46 (HOURS OF OPERATION) ASSOCIATED WITH USE OF BRADLEY'S SPORTS BAR AND AROMA CAFE PROPOSED EXTENSION.OF CAR PARK TO NORTH OF STADIUM TO PROVIDE NET INCREASE OF 95 SPACES	Advice Issued	07/03/2017
15/0898	DISCHARGE OF CONDITION 3 ON APPLICATION 15/0309 FOR A SCHEME (DRAWING NO. 2255 - 13) IS SUBMITTED WHICH SHOWS A BUND / CHANNEL TO CONNECT THE APPROVED ATTENUATION POND WITH THE ADJACENT BROOK	Granted	21/03/2016
15/0742	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.	Approved with 106 Agreement	11/07/2016
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	04/02/2015
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015
	FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 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, 785m2 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 & THE FORMATION OF A SURFACE WATER ATTENUATION POND.

### **Relevant Planning Appeals History**

None

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

**Medlar with Wesham Town Council** notified on the original and revised site layouts.

With regard to the initial notification they commented:

*“Option C - the Council object to the proposal*

- The Council questioned need for more cafes/restaurants when there is an adequate number of outlet within a mile radius.*
- The additional traffic on Coronation Way particularly on match down would create issue regarding traffic flow and safety*
- The close proximity to a roundabout which is already subject to traffic jams and is a potential accident hot spot.*
- The Council questioned if car parking was sufficient? As there is no traffic management strategy for the development.”*

A further consultation was undertaken in May 2018 and they maintained their objection stating:

- “The outlet is not serviceable for both for users and delivery vehicles. The restricted areas would result in vehicles being struggling to manoeuvre and interfere with the traffic flow on Coronation way.*
- There is inadequate evidence that delivery vehicles could access the premises.*
- The outlets will encouraging short stay and hence increasing traffic flow to the development and on the A585.*
- Access to the site will be unmanageable on a match day in difficult to traffic management in the area.”*

A further consultation was undertaken in July 2018 and they maintained their objection stating;

*The Town Council’s has previously objected to the proposal and comment on revised plans. At last night’s Town Council Councillors were able to view what they understood is the latest revision of the plans and made the following comments:-*

- “All previous comments made by the Town Council still stand.*
- All versions of the plans are seeking to over develop the area available*
- The bin store is over statutory easement for Hodder aqueduct*
- The foundation of the “Food to Go” encroach on the statutory easement of the Hodder aqueduct.*
- Experience of the other food outlets on the site indicate that the facilities will be used by*

*pedestrians hence the need for footpath down A585 from Ribby Roundabout to the Coronation Way Roundabout is required.*

- *There doesn't appear to evidence of adequate service lay down area.*
- *Exit from "Food to Go" and entrance to Coffee Shop seems to be a conflict area for vehicles. The development will create congestion on the Coronation Way and A585.*
- *There is poor visibility at roundabout, no clear marking and too tight for vehicles."*

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

#### **Highways England**

Offers no objection.

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

##### Original Comments

Their original comments dated 28/2/18 were such that they objected to the application because;

1. *The applicant has not provided sufficient information to demonstrate that the proposed development will not have a severe impact on highway safety and capacity on the roundabout with Fleetwood Road (A585) and Garstang Road North (B5192) and as such fails to meet the requirements of the National Planning Policy Framework. (Transport Assessment recommended).*
2. *The proposed development will have an adverse impact on highway safety within the site and Coronation Way and as such fails to meet the requirements of the National Planning Policy Framework. (Car parking assessment recommended).*
3. *The development fails to adequately promote safe and sustainable travel by modes other than car and as such fails to meet the requirements of the National Planning Policy Framework. (Transport Assessment recommended)*

##### Revised Comments

Within their initial response they outlined what they wanted to see with regard to a Transport Assessment at the site including a traffic study, investigation into sustainable forms of transport, analysis of the junction, trip generation and assessment years. The applicants subsequently submitted a Transport Statement along with a revised layout to reconfigure the parking and LCC Highways subsequently responded on the 28/6/18 to confirm that they have no objections. Stating;

*With regard to the revised car parking accumulation and traffic count information provided by Dynamic Transport Planning and the highway layout shown on ADS drawing 1498/9b "Planning" (LCC) Highways is of the opinion that the proposed development of two drive through cafes / restaurants and a Jet wash facility will not have a detrimental impact on highway safety or capacity in the immediate vicinity of the site.*

*As part of the highway comments for planning application 16/0065 and this application (LCC) Highways have concerns over increasing traffic generation from this site and its impact on the A585 and would expect to see a minimum of a technical review of highway matters as part of any future applications for any amendments or future development proposals. The recently transport study provided indicates both weekday and weekend traffic movements and the car parking accumulation. These details have now been assessed and are acceptable to (LCC) Highways.*

1. *Sustainable travel - ADS drawing 1498/9b "Planning" now shows a footpath*

*connection through the site to the verge near the roundabout. The footpath link across the grass verge will need to be constructed under a section 278 agreement of the 1980 Highways Act.*

- 2. Highways safety - The applicant has provided a car parking accumulation which demonstrates that the proposed number of off-road car parking spaces is suitable for this development and as such on road parking would not be expected. This off-road car parking provision and the queue lengths for the drive through areas removes (LCC) Highways original objection to impact on highway safety*
- 3. Section 106 Contributions - (LCC) Highways are not seeking any additional section 106 contributions for this development.*

They then go on to recommend conditions in relation to a Traffic Management Plan and construction of the access road.

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

*With reference to your memorandum dated 13th April 2018 there are no objections to the above proposals in principle but would add the following condition:*

*The drive through café and restaurant shall close no later than 23.00 each day in order to protect the residential amenity from potential noise and light nuisance.*

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

*With regard to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.*

##### *Water main crossing the proposed site*

*According to our records there is an easement affected by the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 24/8/1951, UU Ref: F1656 contains restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access. A large diameter trunk main crosses the site. As we need access for operating and maintaining it, we will not permit development over or in close proximity to the main. You will need an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.*

*We recognise the detail of the formal legal easement is a private property matter and should not influence the determination of this application, however, the applicant is likely to require written permission from United Utilities to develop within the easement width. Further to our review of the applicant's plans (Drg Title: Site Plan, Prepared by Curtins, Project No: 067123, 067123-CUR-00- XX-M2-C-92002-P1), our current position is that we are not minded to accept the proposed road above the water main. Where there is a permanent road crossing there may be the requirement to provide increased protection or diversion of the pipe route. Attention should be drawn to construction techniques close to easement boundaries and vehicular crossing of the easement.*

*The applicant's drawings indicate that several utilities are planned to cross the trunk*

*main. Such crossings shall be in accordance with the Standard Conditions for Works Adjacent to Pipelines with particular relevance to the angle and clearing of the crossing in relation to the trunk main. Additionally no part of the proposed foul water pumping station structure or sub-structure is to be constructed within the required access strip*

*Further to our review of Drg Title: Site Plan, Prepared by Curtins, Project No: 067123, 067123-CUR-00-XX-M2-C-92002-P1 our current position is that this is not acceptable to United Utilities and therefore we must object to this proposal.*

*Given our current position with regard to the proposed layout and acknowledging this is a full planning application, we recommend the applicant withdraws their application until such time as the concerns outlined above are discussed and resolved with United Utilities*

If the LPA are minded to approve the application regardless of the above UU recommend condition in relation to a Construction Risk Assessment Method Statement, as well as foul and surface water and the management of the surface water system.

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

The LLFA have no comments to make on the application.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	16 January 2018
<b>Amended plans notified:</b>	13 April 2018
<b>Number of Responses</b>	One letter of objection received.
<b>Summary of Comments</b>	<ul style="list-style-type: none"><li>• No supporting report on traffic matters.</li><li>• 2 drive thru's with 60 eat in capacity with fast turnover will mean higher visitor numbers. A pub/restaurant generates more customers per vehicle. The car was will create an entirely different clientele.</li><li>• The traffic generated will not entirely be from existing users of the A585, it will create additional visits from Kirkham and Wesham and the nearby villages. This will lead to congestion.</li><li>• The application has not provided details to show that the adjacent highway and roundabout will satisfactorily deal with these road issues.</li><li>• The amount of car parking on site is inadequate. This will lead to overspill onto neighbouring estate roads.</li><li>• Drainage from surface water from the proposed development if discharged to the dyke to the south of the site will likely create more flooding to agricultural land, run off form the car wash and other areas will need full treatment before disposal and it is unclear if measure are acceptable.</li></ul>

#### **Relevant Planning Policy**

<b>Fylde Borough Local Plan:</b>	
EP28	Light pollution
EP27	Noise pollution
SP02	Development in countryside areas
TR09	Car parking within new developments

EP14	Landscaping of new developments
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**Fylde Local Plan to 2032:**

GD6	Promoting Mixed Use Development
GD7	Achieving Good Design in Development
T5	Parking Standards

**Other Relevant Policy:**

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

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

**Comment and Analysis**

The main issues when considering this application are as follows;

The principle of the development  
Design and visual impact  
Highways and parking  
Residential amenity  
Other issues

**The principle of the development**

The application in the Fylde Borough Local Plan is located outside of any settlement on greenfield land that is allocated as countryside, and the proposal is contrary to Policy SP2 of that plan. However the site has been previously granted planning permission for a public house/restaurant and in the emerging Local Plan to 2032 the site is allocated as a mixed use site for employment, leisure and retail. The application is therefore considered to comply with the sites allocation in the emerging Fylde Local Plan to 2032. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work. The proposed development can therefore be considered to be supported by policies in the Fylde Local Plan to 2032. Moreover, the advanced stage of that Plan mean its policies should be given significant weight.

**Sequential test**

The National Planning Policy Framework (NPPF) is a material consideration when determining this application. Part 2 'Ensuring the vitality of town centres' states that Local Planning Authorities (LPA's) should apply a sequential test to planning application for main town centre uses that are not in an existing centre. Drive through restaurants are listed as one such use and therefore sequentially it would be preferable if such a use were located within Kirkham or Wesham Town Centres. However the fact that it is not located within the Town Centre does not make it unacceptable, and the NPPF

states that the sequential test is only necessary when main town centre uses are not in accordance with an up to date local plan. In this case the site benefits from planning permission and an allocation for retail, leisure and employment in the emerging Local plan. The NPPF states that when assessing applications for development outside of Town Centres LPA's should require an impact assessment if the development is over 2500 square metres. In the Local Plan to 2032 there is a locally set threshold of 750 sqm.

In this case the development comprises two drive thru restaurants totalling 447.7 square metres and therefore an impact assessment on the Town Centre is not required, and it these uses are adjudge to have minimal impact on the town centre. Furthermore practically a drive thru restaurant, because of its nature, is not normally found in town centres. The hybrid application established the principle of development and considered that there were no sequentially preferable sites that could house the town centre uses proposed in that scheme and that the impact of the development on town centres was acceptable. This was accepted by officers and members and on this portion of the site a public house/restaurant was approved with a floor area of 1282 square metres. What is proposed here are two drive thru restaurants with a total floor area of 447.7 square metres.

The applicants have submitted a sequential test with the application, this test considers whether there are any available, suitable and viable sites that could accommodate the proposed development. Case Law has established that to be suitable a site needs to be suitable for the development as proposed, not suitable for a particular use. Given that what is proposed is a drive thru restaurant with parking spaces it needs to be established if there are any sites within the centre or on the edge of the centre that could accommodate this development as well as being available for the development. Following a search no sites were found either for sale or for rent that could accommodate the development as proposed. Officers agree with this conclusion and as such the proposal can be considered to pass the sequential test. The principle of the development is therefore acceptable.

### **Design and visual impact**

The development of a public house/restaurant on the application site and its visual impact was considered and permitted by the hybrid application. It was considered that this (and other uses on the site) are development not normally found in rural areas and that the development would significantly alter the views of the site. Officer's opinion was that the overall impression of the site will be one more typically found in an urban or urban fringe location, that landscaping would take time to mature, and that the illumination of the site was another area for concern and that the impression of the site would contrast to the rural appearance of the site at present. The report stated; *"The Local Plan contains a series of policies that refer to development needing to preserve the character of the area including EP10, EP11, EP18 and TREC10. It is considered that the visual impact of the development will conflict with these policies and this aspect must be seen as a negative aspect of the development."* It was therefore acknowledged that the development as a whole conflicted with the existing character of the area and was a negative aspect of the development, and that the application was a finely balanced one, but that when considering both the positives and negatives of the application it was recommended for approval.

Therefore development of this site has already been permitted regardless of the negative visual impact it will have including lighting and the sites allocation in the emerging Local Plan effectively permits the site's development as an urban extension to the existing settlement. This application, whilst different in composition to what was allowed in the hybrid application, proposes two smaller buildings totalling 447.7sqm as oppose to one larger one, totalling 1282 sqm, which would have likely been two storey's. As such it can be considered that the visual impact of the proposed

development is acceptable and indeed will be reduced from that previously approved. With regard to the location of the buildings they are set back in the site to the south of the easement which allows room for parking and landscaping to be at the front of the site. The layout is typical of the proposed uses in an out of centre location with the buildings surrounded by grassed areas and car parking to the front of the site.

The 'food to go' drive thru building is rectangular shaped with a flat roof and is proposed to be finished in a mix of stone effect cladding panels, timber cladding both horizontal and vertical and includes large areas of glazing in aluminium frames. There are areas for signage shown on the building but the appearance of these signs will be subject to another application. The drive through coffee shop is also rectangular shaped with a sloping roof, it is proposed to be constructed in grey cladding, grey bricks, vertical timber cladding and aluminium surrounded glazing panels. The car wash and bays are of standard design constructed in red brick and plastic. The design of the proposed buildings is considered acceptable for the location. The application has been submitted with a landscaping plan with landscaping proposed within this development a continuation of the type found around the site, but is restricted with regard to the need to provide sufficient parking areas. Landscaping is located around the site in the form of a grassed areas this landscaping will help soften the appearance of the development in time. It will not however completely screen the development but this is not necessary given the above.

### **Highways and parking**

The application site as discussed above has been granted planning permission previously for a public house/restaurant. However the nature of visits to a public house/restaurant is different to that of a drive thru copy shop or food outlet. LCC Highways in their initial response objected to the development on the grounds that the development could lead to queues on the estate road which would compromise highways safety, that the applicant has not provided sufficient information to demonstrate that the proposed development will not have a severe impact on highway safety and capacity in the vicinity of the site nor that modes of sustainable transport had been fully explored.

The applicants subsequently revised the layout and supplied a Transport Statement (TS) and traffic count data. The TS outlines that the proposed development site achieves a medium accessibility score of 22 based on the LCC commercial development accessibility questionnaire. The development proposals include 40 parking spaces, 4 of which will be to mobility impaired standard. The submitted data includes a car parking accumulation exercise to assess whether or not sufficient car parking is provided at the site.

The results show that at the busiest times of day, at lunchtime and teatimes, as well on a Saturday peak at 12-1 the car parking will be less than 50% occupied, therefore sufficient capacity remains to accommodate any peaks in demand. LCC have stated that these details around traffic movements and car parking accumulation have been assessed and are acceptable to LCC Highways. They state that as the car park proposed is suitable for the development on road parking will not be expected and as such there is no highway safety issues with the proposal. With the drawings amended to show a footpath connections through the site to the grass verge near the roundabout LCC raise no objections with regard to sustainable travel. There are therefore no highways issues with the application.

### **Residential amenity**

The nearest residential properties are located on the opposite side of the A585 to the east, approximately 70m away. The Council's Environmental Protection Officer has been consulted on this

application and his comments are that he has no objections to the development in principle but requests that the proposed drive thru facilities close no later than 23:00 each day in order to protect residential amenity from noise and light nuisance. The applicants have submitted a lighting scheme and it is of note that located between the application site and the nearest residential properties is the A585 which any cars in the area would use, but its use will obviously decrease later in the night. A condition will be placed on any permission relating to odour extraction and abatement. Therefore given the sites location on an allocated employment, leisure and retail site, the proximity of the A585 and with the condition proposed by the Council's EHO there will not be an unacceptable impact on neighbouring residential amenity.

### **Flooding and drainage**

Whilst the drainage of the site as a whole was considered through the previous hybrid application and there are conditions on that approval which deal with the drainage of the site the applicant has submitted a proposed drainage layout with the application. This takes reference from the outline approval drainage scheme and shows that surface water will be dealt with, stored in an attenuation site and controlled on site before discharging via a hydro brake to the watercourse to the south of the public footpath. Peak surface water run-off will be restricted to greenfield run off rates of 5ls/ha. The foul water will be discharged to the public sewer on Fleetwood Road. LCC as the Lead Local Flood Authority make no comments on the application. United Utilities have been consulted and have no objections to the proposed drainage but request conditions in relation to foul and surface water. There are therefore no flooding or drainage issues with the application.

### **Water main easement**

Whilst United Utilities raise no objections to the proposed drainage of the site they refer to the water easement in the middle of the site which is affected by the proposed development site which is their statutory right for inspection, maintenance and repair. The revised layout includes no buildings over the easement but areas of car parking and the access road. Whilst UU acknowledge that the detail of the formal legal easement is a private property matter and should not influence the determination of this application, they state the applicant is likely to require written permission from United Utilities to develop within the easement width. The applicants have therefore engaged in discussions with UU who have agreed to their proposed method statement for trial pitting at the site to establish the exact location and depth of the aqueduct. Once this is known then it will be established if any changes to the layout are necessary. It is not anticipated that there will be any significant changes to the layout, and indeed none that would make any further consultation needed. As such whilst the easement is a legal matter that does not prevent the granting of planning permission it is considered appropriate to wait for the investigations to be completed, and confirmation of no objections received from United Utilities before permission is granted. This would mean that no further amendments or resubmission would be required.

As such the recommendation is to delegate to the Head of Planning and Housing to approve subject to United Utilities withdrawing their objection.

### **Conclusions**

The application proposes two drive thru restaurants which is acceptable in principle given the sites allocation in the emerging Local Plan. There are no highways and flooding issues and with conditions in place there will be no unacceptable impact on residential amenity. The visual impact of developing the site as a whole has already been considered, with the development being allowed despite the negative visual impact. The application is therefore considered acceptable.



## **Recommendation**

That authority to GRANT planning permission be delegated to the Head of Planning and Housing subject to United Utilities withdrawing their current objection to the layout in respect of encroachment into their easement. At that point the decision be made subject to the current layout or any revised layout required to address that issues, and is to be subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

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 - 1498-1
- Proposed layout plan - 1498-9B
- Proposed landscaping plan - 3868.01B
- Street Scenes - 1498-7A
- Car Wash elevations - 1498-8A
- Food to go plans - 1498-5A
- Drive Thru coffee shop plans - 1498-4

### Supporting Reports:

- Planning Statement
- Transport Statement.
- Express Lighting report
- Sequential test

Reason: To provide clarity to the permission.

3. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

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

4. Prior to the commencement of any surfacing work on site details of the materials proposed for all hard surfaced areas of the site (supported with samples where appropriate ) shall be submitted to the Local Planning Authority for approval. Only materials which are subsequently approved shall be used either during the initial works or in any repairs/replacements to the surfaces.

Reason: In the interests of visual amenity and to contribute to the overall quality of the development.

5. The drive through café and restaurant and coffee shop hereby approved shall only be open to the public between the hours of 06:00 and 23.00 on any day.

Reason: In order to protect the residential amenity from potential noise and light nuisance

6. Prior to the commencement of development full details of the odour extraction and abatement system and materials shall be submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented during the construction of both drive thru facilities hereby approved, and shall be brought into use on first operation of each use and retained in a functioning and serviced condition at all times thereafter.

Reason: In order to protect residential amenity.

7. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

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

8. The car parking and manoeuvring areas associated with each of the units hereby approved shall be marked out in accordance with the approved plan before the use of that premises becomes operative, and shall permanently maintained available for parking at all times thereafter.

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

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

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

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

10. No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAMS.

Reason: To ensure a satisfactory form of development and to afford appropriate protection of

infrastructure that crosses the site.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution

12. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme 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 development shall be completed 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.

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

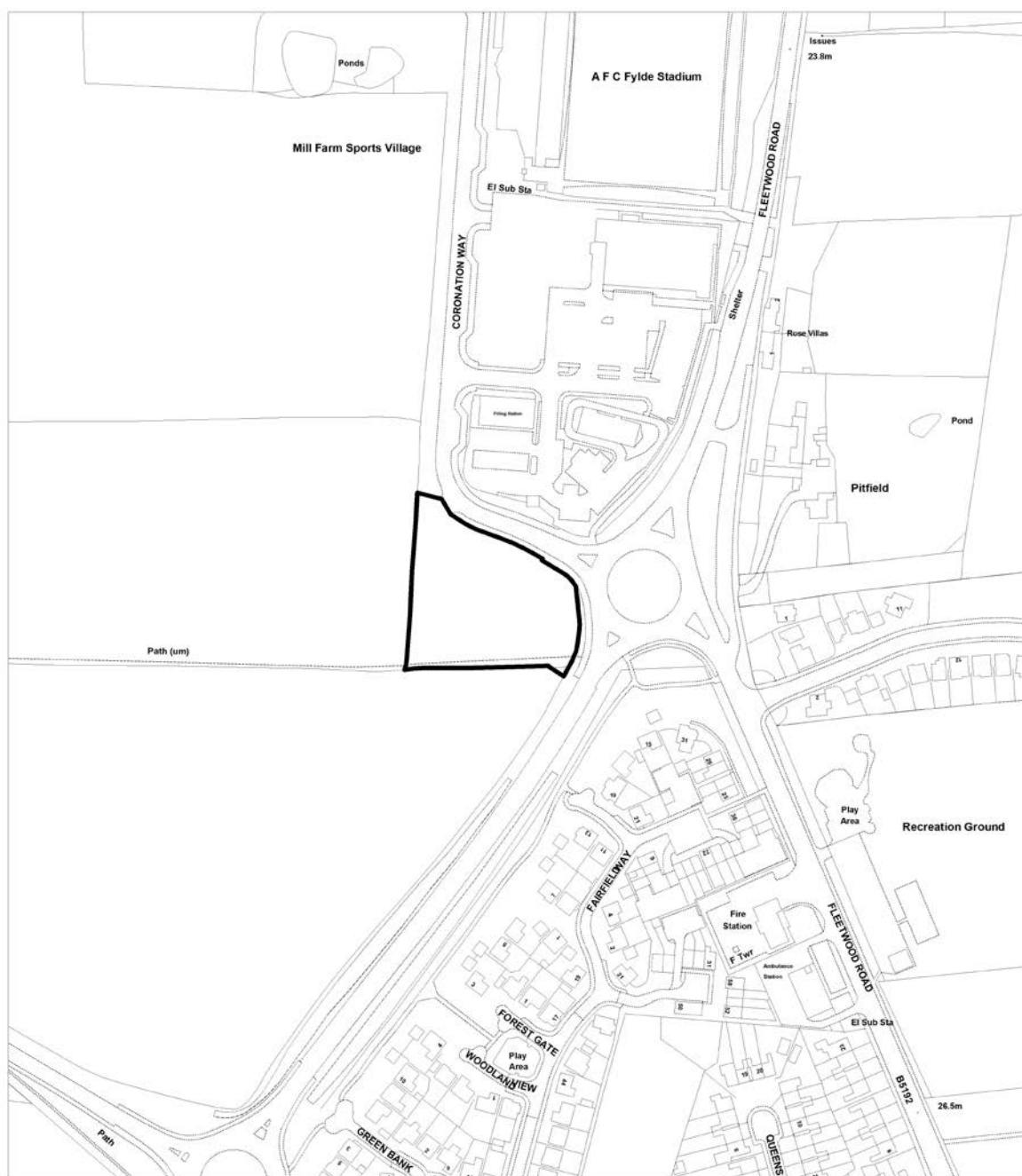
- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage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

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

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

14. The whole of the landscape works, as approved and shown on plan 3868 01 REV B shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current arboricultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0006	Address Mill Farm Sports Village, Coronation Way, Wesham	Grid Ref. E.3414 : N.4335	Scale 0 10 20 30 40 m 

**Item Number:** 5

**Committee Date:** 01 August 2018

<b>Application Reference:</b>	18/0013	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Mills	<b>Agent :</b>	Firth Associates Ltd
<b>Location:</b>	25 SEYMOUR ROAD, LYTHAM ST ANNES, FY8 4DL		
<b>Proposal:</b>	ERECTION OF A TWO STOREY SIDE EXTENSION, THE CONSTRUCTION OF A SEMI-DETACHED DWELLING, AND ALTERATIONS TO BOUNDARY WALL		
<b>Ward:</b>	ANSDELL	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	28	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.7433093,-2.9890579,176m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

### **Introduction**

The application was presented to Committee on 27 June 2018. At that meeting the decision was deferred to allow a Committee site visit, which is scheduled to take place before this meeting. As such the application is re-presented.

There have been no modifications made to the scheme or additional comments received and so the officer report below is identical to that on the June agenda.

### **Summary of Officer Recommendation**

The application site is the side garden area associated with a two storey dwelling that is located in Ansdell. The application proposes the construction of a new dwelling within this curtilage area along with a garage that will serve the existing dwelling.

The site is previously developed land that is in a location that has good accessibility to essential local services and public transport access points.

This is the third iteration of plans proposing a new dwelling at this site. The previous two were the subject of separate applications (refs 17/0294 and 17/0618) and sought permission for the construction of a two storey three bedroomed dwelling. Both applications were withdrawn, on the advice of the case officer, prior to being determined. This was due to the unacceptable impacts these two proposals would have had on the amenity of the immediate neighbour, No.16 Denmark Road.

This proposal reduces the scale of the building that is proposed in closest proximity to that dwelling and is considered to address the officers' concerns raised by the two previous applications. Accordingly it is felt that it accords with the relevant policies of both the adopted Fylde Borough Local Plan and the submission version of the emerging local plan to

2032. Members are therefore requested to approve the application.
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### **Reason for Reporting to Committee**

The application is of a scale and type that would normally be determined under delegated powers. However, the Vice Chairman of the Planning Committee, Cllr Redcliffe, has requested that it be presented to the Planning Committee for a decision.

### **Site Description and Location**

This application relates to No.25 Seymour Road in the settlement of Lytham St Annes. The property is located on the north side of Seymour Road, approximately 27 metres back from the junction with Denmark Road. Its curtilage comprises an enclosed yard area to the rear and the small parcel of land that runs between the side of No.25 and Denmark Road. This contains a brick built garage associated with No.25, but which is attached onto No.16 Denmark Road.

Surrounding land uses are entirely residential in nature.

### **Details of Proposal**

Full planning permission is sought for the construction of a two storey side extension to provide additional accommodation for No. 25 and for the construction of a two bedrooomed semi-detached dwelling within the curtilage of No.25. The two storey side extension would feature a garage at ground floor and bedroom at first floor.

The proposed dwelling would adjoin onto this side extension and feature a matching two storey garage/bedroom combination before dropping down to single storey that would lie between No.16 Denmark Road and the boundary of Seymour Road. The two storey element of this proposal would feature a flat gable and roof profile to match that of No.25 Seymour Road. The single storey element would feature a hipped roof profile with a 3.8 metre high ridge and 2.4 metre eaves. The finished external materials for the elevations and roof are to be white render elevations and natural grey slate roof covering, both to match those of No.25.

As part of the proposal a 5.3 metre length of the wall along Seymour Road would be reduced in height from 2 metres down to 1 metre in order to allow a single window to be inserted on the south facing elevation. An existing garage associated with No.25 Seymour Road but which adjoins into No.16 Denmark Road would be demolished as. The vehicular access on Denmark Road that serves this garage would be blocked up to form part of the boundary wall and add privacy to the curtilage of the new dwelling.

This is the third iteration of a proposed new dwelling at this site. The previous two were the subject of separate applications (refs 17/0294 and 17/0618) and sought permission for the construction of a two storey three bedrooomed dwelling. Both applications were withdrawn, on the advice of the case officer, prior to being determined. This was due to the unacceptable impacts these two proposals would have had on the amenity of the immediate neighbour, No.16 Denmark Road.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0618	ERECTION OF DETACHED 2 STOREY DWELLING AND DEMOLITION OF EXISTING GARAGE.	Withdrawn by Applicant	05/09/2017
17/0294	ERECTION OF TWO STOREY DWELLING WITH FIRST FLOOR BALCONY ELEMENT FOLLOWING DEMOLITION OF EXISTING GARAGE	Withdrawn by Applicant	25/05/2017

### **Relevant Planning Appeals History**

None

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

N/A

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

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

County highways were consulted on the original application (17/0294) for a new three bedroomed dwelling at this site. In that instance they raised objections on the grounds that the scale of dwelling requires two off street parking spaces to accord with county parking standards and that the proposal included access gates that opened out onto the highway and thus would cause an obstruction within the highway.

The parking provision for the current proposal and existing property are discussed in the relevant section of the analysis to this report.

### **Neighbour Observations**

<b>Neighbours notified:</b>	18 January 2018
<b>Number of Responses</b>	Three letters of objection
<b>Summary of Comments</b>	Summarised as follows: <ul style="list-style-type: none"><li>• The development would further exacerbate on street parking and 'delivery vehicle' access problems that already exist along Seymour Road and Denmark Road</li><li>• Additional cars parked on street would further limit visibility and force pedestrians into the highway</li><li>• Cars manoeuvring into the proposed garages would cause obstruction of the highway</li><li>• The proposed two storey garages would cause significant overshadowing of the rear of No's 15 and 16 Denmark Road</li><li>• The construction of the dwelling would cause severe disruption and obstruction of the highway</li><li>• The design is out of keeping with the area</li><li>• The development would overshadow No.45 Blackpool Road and reduce the value of that property</li><li>• The single storey element would result in an overbearing and</li></ul>

oppressive structure when viewed from No.16 Denmark Road's external amenity area. The rooflights in this element would create a feeling of loss of privacy and overlooking

- The proposed dwelling would provide limited internal space and insufficient external amenity area.
- The two storey element of the proposal would unacceptably impact on the first floor bedroom window of No.16 Denmark Road

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals

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

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development

#### **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) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

#### **Policy considerations**

The application site is located within a residential area of the settlement of Lytham St Annes. Policy SP1 of the adopted Fylde Borough Local Plan (ALP) and policy GD1 of the submission version of the emerging Fylde Local Plan to 2032 (ELP) both support the principle of residential development within settlements subject to compliance with criteria set out in other relevant policies of each plan.

Policy HL2 of the ALP sets out a number of criteria against which proposals for new dwellings are to be assessed and with which the proposal must be in accordance with in order to achieve policy support. Policy GD7 of the ELP also sets out similar criteria to those of HL2 and with which the proposal must accord. Finally policy H2 of the ELP refers to the residential development of garden land and is considered relevant to this proposal given that it seeks to erect a new dwelling within the curtilage of an existing dwelling. Policy H2 provides support for garden development subject to compliance with the relevant criteria of policy GD7. The relevant criteria of policy SP2 and GD7 are examined further as follows:

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

Concerns have been raised by neighbours that the development would result in a building that is visually out of keeping with the area and harmful to the streetscape of Seymour Road, and this is a key consideration in the assessment of the application. The two storey element of the development would adjoin onto the side of No.25 Seymour Road and replicate the profile of that



neighbour. It would effectively extend the end gable of this terrace of dwellings by a further 7m. Given the extent of the existing terrace it is not considered that the appearance of this element of the development is out of keeping with, or harmful to, the existing character of Seymour Road.

The single storey element of the new dwelling would be constructed off this gable. This features a 3.8 metre high pitched roof with 2.4 metre eaves, but unlike the two storey element it would be constructed up to and along the existing 2 metre high boundary wall that abuts Seymour Road. The end of the single storey would be set approximately 7.5 metres away from the Seymour Road/Denmark Road junction and be lower in height than the garage it is to replace. Whilst it would have a larger footprint than the garage and is closer to the site frontage, it would retain a low level of development at the end of this long Seymour Road terrace and so the open aspect at the road junction of Seymour Road and Denmark Road. The erection of a building forward of a well-established 'building line' is not a form of development that is often acceptable, but in this case the arrangement of the properties and the height of the existing boundary wall is such that it can be accommodated without appearing incongruous within its immediate locale or the wider streetscene.

Taking these points together it is not considered that there is a significant impact on the streetscene of the area and no conflict with the requirements of Policy HL2 or GD7 in this regard.

#### Neighbour Amenity

With the site being in a residential area there are neighbours on a number of sides that are potentially affected, with the key relationships being with the two properties abutting the rear of the site; namely No's 15 and 16 Denmark Road.

The occupiers of No.16 have raised amenity objections against the application on the grounds that the single storey element will appear oppressive and overbearing when viewed from their property, that the rooflights and high level windows will create a feeling of being overlooked, and that the two storey element will have an overbearing appearance and overshadowing effect on windows to the rear elevation and on the first floor bedroom window on the side elevation.

With regards to those impacts, the single storey element would be set 1 metre off the shared boundary with No.16 and project alongside that boundary to a point 4.5 metres beyond No.16's conservatory. The shared boundary is formed by 1.8 metre high timber fencing with trellis (supporting flora) atop to make a total boundary height of approximately 2.1 metres. Whilst the single storey would be readily visible from No.16's rear patio area, the combination of its 1 metre boundary offset together with the high boundary finish is such that it would not present an unduly overbearing or oppressive structure when viewed from the neighbouring dwelling.

With regard to the perception of overlooking, the lowest part of the rooflight would be 2.8 metres above floor level and thus not present views into No.16, and the height of the intervening boundary fence would adequately screen against views from the side facing window. This notwithstanding this window is a secondary window to a living area that is served by large floor to ceiling glazed bi-folding doors and so a condition requiring the side window to be obscurely glazed would adequately mitigate against any perceived overlooking. The rear elevation of No.16 features two small windows; one at ground floor and one at first floor. These windows would face directly onto the rear of the proposed two storey element. However the ground floor window is obscurely glazed, has a small opening fanlight and is very much a secondary window to the ground floor living area. As such it is not considered that the development would have any inappropriate impacts on this window. The first floor window is of matching size to ground floor window but is clearly glazed and fully opening. However this window serves a staircase and not a habitable room and hence whilst it would be overshadowed to some degree it would not be to an extent that occupier amenity

would be unduly harmed or sufficient to justify a reason for the refusal of permission. No.16 does have a first floor window in its side elevation and which is the only window serving a small bedroom.

The previous two applications for a dwelling (refs. 17/0294 and 17/0618) were both withdrawn by the applicant on the advice of officers largely due to the unacceptable impact that both proposals would have on this bedroom window. Both previous applications proposed a two storey building directly to the front of this window, which would have resulted in a combination of harmful overshadowing and loss of privacy. This application has addressed these issues by proposing only a single storey structure to the front of this window, which is sufficiently low in height as to have no detrimental impacts on the window. The two storey element would be visible from this bedroom window when viewed from an acute angle inside but the spatial relationship is otherwise acceptable and no overshadowing or overlooking would occur as a result. Accordingly the revisions made to reduce the scale of the development from that proposed in earlier applications have addressed the officer concerns that led to their withdrawal.

The occupier of No.45 Blackpool Road has also objected to the application on the grounds that the development would overshadow their property and reduce its value. However given that the single storey element would be approximately 32 metres distant from the rear of No.45, and that No.16 Denmark Road lies between the 2 storey element and No.45, it is not considered that these are realistic concerns.

#### Access and Parking

Seymour Road and Denmark Road are narrow roads that have the character of service roads to the rear of Blackpool Road and Commonsides. One of the main concerns raised by a number of neighbours is the impact the proposal would have on the existing access and parking arrangements along Seymour Road and Denmark Road. Neighbours opine that the provision of a new dwelling would serve to exacerbate the existing problem that residents have trying to park their vehicles on the street in the evenings, and cause further difficulty to vehicles negotiating the junction of Seymour Road and Denmark Road. To assess this the case officer has made additional visits to the site during the early evening (between 1800 and 1830 hours) to observe the parking situation, and on both occasions observations revealed that spaces were available for parking in a number of locations in the vicinity of the site.

County highways advise that off street parking provision should accord with county parking standards, which for a two bed roomed dwelling is two spaces. The application proposes one off street parking space (in the form of a garage) for the new dwelling and a similar arrangement for the existing property. This obviously falls below the level requested by the local highway authority, but the site has good accessibility to Woodlands Road local shopping (200 metres distant), Ansdell train station (400 metres), and bus stops 400 metres walk on Blackpool Road for main bus services serving the major settlements (Blackpool, Preston, Kirkham). This good access to local facilities and public transport accords with the overall ethos of both the NPPF and local plan policies which seek to reduce the reliance on the use of unsustainable transport methods. It is also noted that the application proposes to close off the existing vehicle access to the site from Denmark Road, which will effectively create one additional compensatory on-street parking space to help alleviate existing on-street parking problems.

Other related concerns raised by neighbours are that the use of the two proposed garages would cause obstruction of the highway. Whilst a vehicle manoeuvring into one of the garages would likely obstruct the highway it would be for a short period of time only and given that this is a lightly trafficked road that by its nature does not allow excessive speed, it is not considered to be a concern of sufficient weight to justify a refusal of permission. Neighbours have also opined that the

development would lead to increased parking of vehicles on the footpath along the northern side of Seymour Road. However this appears to be an existing on-going situation from officer observations and there is no reason to think this proposal would make the situation any less acceptable. In fact the proposed garage associated with the new dwelling would prevent one car from parking on the footpath and so help to alleviate any existing problem to some degree.

#### Other matters

Concern has also been raised by one neighbour that the development would not provide adequate external amenity space for the occupiers of both No.25 Seymour Road and the proposed new dwelling. Whilst the development would considerably reduce the existing garden area of No.25 there is no minimum standard set for associated garden area and in this instance it is considered that sufficient provision would be made to serve the reasonable needs of both No.25 and a new dwelling given the urban character of the area where small garden areas are a common feature.

#### Conclusions

This application proposes the construction of a new dwelling within the curtilage of an existing dwelling in a residential area of Lytham St Annes and extensions to that property. The proposal would be sustainably located with good accessibility to essential local services and public transport access points, and is not considered to unduly impact on neighbour amenity or the visual amenity and character of the wider area. It is considered to accord with the relevant policies of both the adopted Fylde Borough Local Plan and the submission version of the emerging local plan to 2032, and as such 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 - Dwg no. SEY/1/000 Rev A
- Proposed Elevations - Dwg no. SEY/3/310 Rev B
- Proposed Elevations - Dwg no. SEY/3/311 Rev B
- Proposed Elevations - Dwg no. SEY/3/312 Rev B
- Proposed Elevations - Dwg no. SEY/3/313 Rev B
- Proposed Ground Floor Plan - Dwg no. SEY/1/110 Rev B
- Proposed First Floor Plan - Dwg no. SEY/1/111 Rev B
- Proposed Roof Plan - Dwg no. SEY/1/112 Rev B

Reason: To provide clarity to the permission.

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

texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy HL2 of the adopted Fylde Borough Local Plan, policy GD7 of the emerging local plan to 2032, and the National Planning Policy Framework.

4. The ground floor window facing towards the outside amenity area of No.16 Denmark Road shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Borough Local Plan policy HL2.

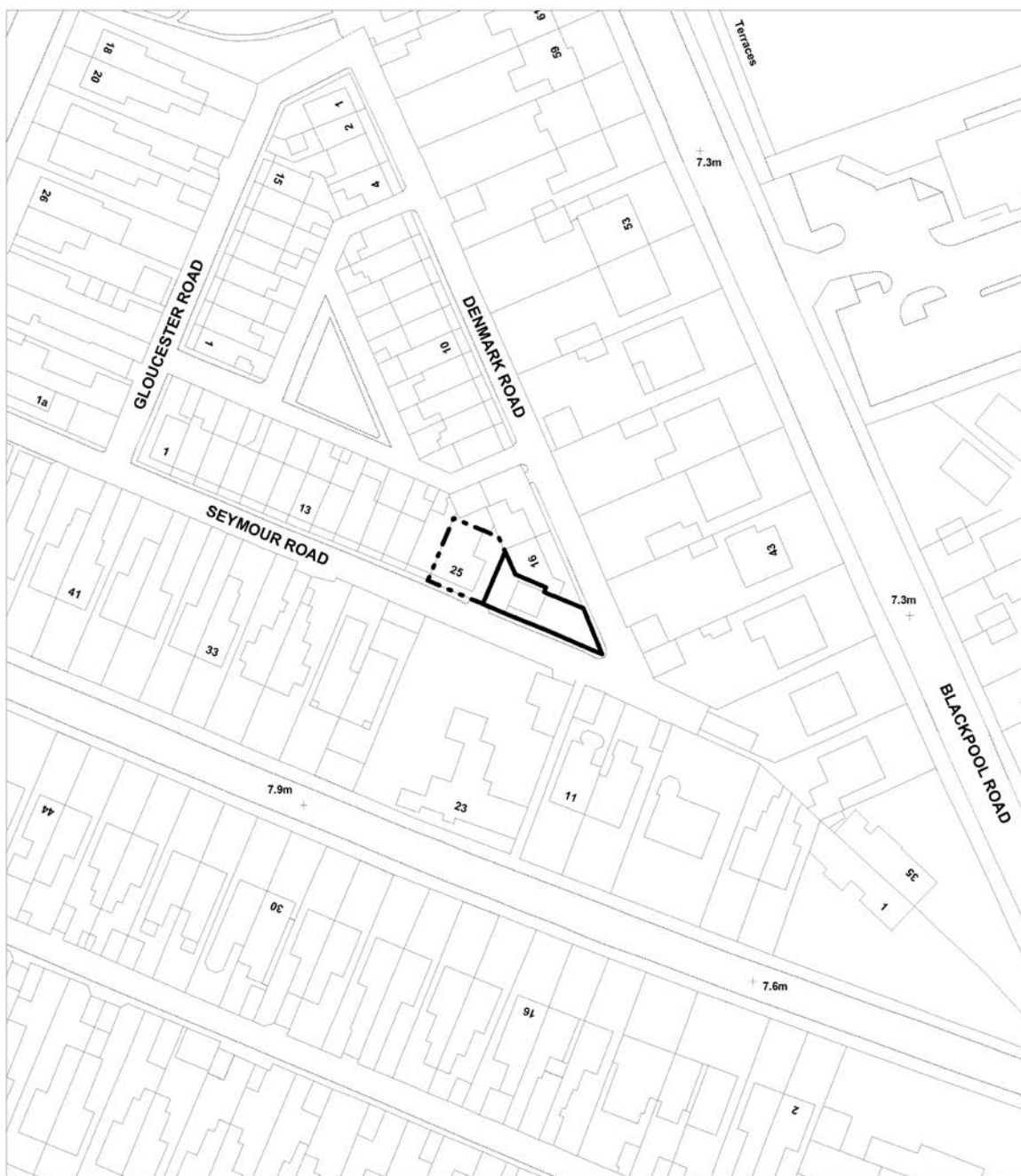
5. The garages hereby approved shall be used as private garages only and remain available for the parking of a motor vehicle at all times. These areas shall not be used as habitable rooms, and no trade or business shall be carried on, in or from the garages.

Reason: To safeguard the amenities of the neighbourhood and ensure off street parking provision is retained for both properties as required by Policy HL2 of the Fylde Borough Local Plan.

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

- hours of work for site preparation, delivery of materials and construction;
- arrangements for the parking of vehicles for site operatives and visitors;
- details of areas designated for the loading, unloading and storage of plant and materials;
- (a) details of the siting, height and maintenance of security hoarding;
- (b) measures to control the emission of dust and dirt during construction;
- (c) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of Fylde Borough Local Plan policy EP27, and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0013	Address 25 Seymour Road, Lytham St Annes	Grid Ref. E.3348 : N.4279	Scale 0 5 10 15 20 m

**Item Number:** 6

**Committee Date:** 01 August 2018

<b>Application Reference:</b>	18/0302	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Lowther Gardens (Lytham) Trust	<b>Agent :</b>	Creative SPARC Architects
<b>Location:</b>	LOWTHER PAVILION, LOWTHER GARDENS SITE, WEST BEACH, LYTHAM ST ANNES, FY8 5QQ		
<b>Proposal:</b>	ALTERATIONS AND EXTENSION OF EXISTING PAVILION BUILDING, INCLUDING A TWO STOREY EXTENSION TO THE EAST TO FORM A FIRST FLOOR RESTAURANT WITH EXTERNAL ROOF TERRACE, AN EXTENSIONS TO THE WEST OF THE BUILDING TO FORM AN EDUCATION CENTRE AND STUDIO THEATRE, TIMBER CLADDING AND GLAZING TO EXISTING ELEVATIONS, RECONFIGURATION OF EXISTING CAR PARK TO PROVIDE 70 SPACES, NEW PEDESTRIAN ACCESS, ASSOCIATED SOFT AND HARD LANDSCAPING WORKS AND DEMOLITION OF EXISTING PUBLIC TOILETS, STORAGE BUILDING AND AVIARY STRUCTURE.		
<b>Ward:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.735373,-2.9720855,176m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application site is Lowther Pavilion, which is located within Lowther Gardens which is located in the Lytham Conservation Area and is a locally listed heritage asset. The Pavilion has had a number of extensions over the years along with a complete renovation in 1982 so that most of the original features have been lost and that the current building does not relate to the wider character of Lytham.

The proposal is for a first floor extensions to the building above the existing entrance lobby to form a restaurant with an external roof terrace. This area along with the rest of the building would be over clad with untreated European Oak and Corten steel cladding, with aluminium to the windows and doors. The roof will be clad in the same material as the existing aluminium auditorium roof and it is proposed to have a partly curved and partly flat roof. A first floor extension is also proposed at the other end of the exiting building to provide additional rooms used in relation to the theatre productions. It is also proposed that these are finished in the same materials as the front extension. The additional area at first floor is proposed to have a flat green roof. Beyond this to the west an extension is proposed to provide a 150 seat Studio Theatre and Education Centre. This area would have its own access, would be constructed in the same materials proposed to over clad the existing building and would have a sloping roof to allow for the elevation of seating within the building. Also proposed is the reconfiguration of the existing car park and soft and hard landscaping adjacent to the pavilion, this involves the removal of the public toilets building and locating them with the main building.

The main issues with this application are the design and visual impact of the alterations to the building, the impact on the heritage of the gardens, the impact on trees and proposed landscaping, the proposed car parking and impact on residential amenity.

With regard to the design of the extensions and alterations and the visual impact it will have officers consider that the existing building has been developed over time with numerous additions it has limited merit architecturally and does not reflect the wider character of the Conservation Area. As such amendments to the building's appearance are acceptable in principle and it is considered that whilst the proposed development will change the character of the building, it will become 'of its time', as its previous iterations have been and its relationship with the gardens will remain the same. The proposed design is considered to be acceptable, the proposed materials will help to bring the building together and the proposed roof form help to keep the height of the building down so that it does not become too dominant in its place within the Gardens.

The appropriate design means the heritage value of the gardens is not diminished, and the amended plans which reduced the amount of hardstanding and the introduction of avenue tree planting to re-inforce the Victorian character of the gardens mean the heritage value of the gardens is preserved. Because of this the loss of the trees that have grown un-managed is considered acceptable, but substantial co-ordinated planting will be needed to mitigate the loss of trees.

There are no issues with regard to highways or parking, whilst the size of the car park is only increasing marginally the site is sustainably located within walking distance of the town centre and its car parks. With regard to residential amenity with appropriate conditions in place to restrict the use of the outdoor terrace areas there will be no unacceptable impact on amenity. As such the development is considered acceptable in principle and is recommended for approval.

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

The application has received a number of representations against the development, including a petition. As such officers consider it to be in the public interest that the application be determined by the Planning Committee.

### **Site Description and Location**

Lowther pavilion is located within Lowther Gardens which is bounded by Church Road to the north, West Beach to the south, Lowther Terrace to the east and Woodville Terrace to the west. The site is located within the conservation area and is allocated in the Fylde Borough Local Plan as recreational open space and an open space within towns and villages. Lowther Pavilion is a community theatre complex set within the mature Lowther Gardens public park located on West Beach in Lytham.

Lowther Gardens was opened on the 31st August 1872 and was gifted to the people of Lytham by John Talbot Clifton of Lytham Hall. The original barrel vaulted timber pavilion building was built in 1920 following a request by the Lytham Ladies Orchestra. The pavilion proved a success and an extension to the North elevation was added in 1922 to provide a cafe with large glazed windows overlooking the gardens. In 1928 a further extension was built to provide a stage for the auditorium which was added to the West gable end of the building. The venue thrived in the Fifties and Sixties, with another extension added to the East elevation in 1958 to provide additional front of house

facilities, comprising a new entrance, foyer, bar and cloak rooms. This brickwork extension was a departure from the pavilion's original timber construction, instead reflecting the architecture of the times. In 1982 a complete renovation of the pavilion was undertaken to repair the damaged structure to the auditorium and stage buildings, demolish the cafe and widen the auditorium with new wing areas, overhaul and modernise the 1950s front of house spaces and build new changing areas to the back of the stage. This renovation project was a success in saving the theatre, however much of the original buildings was lost, with only the newly reinforced barrel vaulted auditorium roof structure and timber ceiling being retained of the original 1920s pavilion.

### **Details of Proposal**

The proposals for this application are extensive. The application submission refers to work being done to the building in three phases, which would follow the work that has already taken place to the roof and internal alterations. The below are the elements of each Phase:

#### **Phase 1**

The construction of a new first floor extension above the existing foyer at the eastern end of the building, to provide a restaurant with an external roof terrace with new stair and lift access. At ground floor there will be the reconfiguration and refurbishment of main entrance, foyer, cafe, bar, box office and toilets. This extension and the ground floor existing building are proposed to be over clad with untreated European Oak and Corten steel cladding, with aluminium to the windows and doors. The roof will be clad in the same material as the existing aluminium auditorium roof and it is proposed to have a partly curved and partly flat roof.

#### **Phase 2**

Phase two of the proposal is the construction of a first floor extension above the existing dressing rooms at the western end of the existing building to provide additional rooms used in relation to the theatre productions. Again it proposes the over-cladding of elevations and the installation of new windows and doors with the same materials as above. The additional area at first floor is proposed to have a flat roof.

#### **Phase 3**

Phase three of the proposals is for an extension at the western end of the building to provide a 150 seat Studio Theatre and Education Centre. This area would have its own access, would be constructed in the same materials proposed to over clad the existing building and would have a sloping roof to allow for the elevation of seating within the building.

The application also includes the reconfiguration of the existing car park and soft and hard landscaping adjacent to the pavilion. It is proposed that these works are developed in collaboration with Fylde Council's parks department as wider redevelopment and restoration masterplan for the Gardens. This also includes removing the public toilets building and locating them with the main building.

### **Relevant Planning History**

Application No.	Development	Decision	Date
16/0651	TO HOLD A MONTHLY CAR BOOT SALE ON THE CAR PARK OF THE LOWTHER PAVILION THEATRE	Refused	18/10/2016



	DURING THE SUMMER MONTHS (MAY - OCTOBER)		
16/0671	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/0333 - CONDITION 2 - MATERIALS	Advice Issued	25/10/2016
16/0333	INSTALLATION OF NEW BARREL ROOF OVER EXISTING ROOF STRUCTURE WITH ASSOCIATED WORKS INCLUDING RENDERING, REMOVAL AND REPAIR OF CUPOLAS, AND RELOCATION OF FIRE DOOR	Granted	05/07/2016

### **Relevant Planning Appeals History**

None

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

Not applicable.

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

#### **Regeneration Team (Heritage)**

The Conservation officer raised concerns with regard to the design of the building, the increase in hardstanding and loss of trees and the addition of a new path from the central pond to the Pavilion. These views have been taken into consideration and resulted in the submission of the revised plans.

#### **Parks Manager**

No comments received.

#### **Regeneration Team (Trees)**

*At the time of writing I'm without a plan that shows how the proposed layout will delete trees, so in terms of numbers for tree removals I'm unable to comment. It's likely to be a considerable number, which is daunting, but a balanced view must be taken – what is the value of the majority of trees that may be removed?*

*Broadly, I do acknowledge that many of the trees in question are of mixed quality and that many have arisen through natural processes rather than a planned, landscape management approach. This has yielded groups of ivy-covered sycamores to the frontage that don't associate well with the formal layout of a public park. They have their virtues: tolerant of the coastal effect, habitat for birds, screening for those within the park of the highway beyond, but in aesthetic terms I'm open-minded about their loss provided the need is justified and that adequate compensation in the form of improved tree planting is designed into the proposal. In short I'm saying there is room for aesthetic improvement through better tree selection and management - if that is a management goal for the site.*

*At the moment we know nothing detailed about the intention for compensatory planting, and although beyond my remit, I am not aware of supporting data for the increased parking.*

*What's clear however is that the tree stock in the Gardens requires active management and some features that are beloved of users may be unsustainable. Groups of mature pine trees with totally asymmetric canopies now overhang Lowther Terrace and will eventually require managing, but the combination of species and form means that effective management of these trees will be impractical. It's possible to foresee that a managed approach and some programmed removals and replanting are necessary and because of the lead-in time for trees to develop that initiative needs to commence sooner rather than later. That initiative need not be contingent on a redesign/planning permission, but this may be an opportunity.*

*My colleague's view suggests other issues require resolution. Those issues will influence tree removals and therefore at this stage I offer the view that I have no objection in principle but that we need detail of precisely what will be lost to development and what the park will gain in arboricultural terms.*

*My suggestions are that we need to see replacement with large trees tolerant of the climate and offering strong aesthetic values. There must still be a tree presence to the site frontage, and if possible trees used to break up the car parking. Among the poorer existing specimens some better trees exist and these should be retained where practical. An arboricultural management plan for the site addressing the problem of necessary tree removals and replacement over future decades would be a gain – in other words the application should trigger sustainable management of the tree stock.*

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

##### Comments 10/5/18

*LCC Highways does not have any objections regarding the proposal 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. There are concerns with the HGV movements proposed in the westerly vehicular access. It is requested that more information is provided for the swept path movements to prove the large vehicles to enter and exit on forward gear. For the westerly access the proposed bollards are removable and may be deployed if a delivery is early / late or unexpected. West Beach is an A road with a large volume of traffic and any obstructions will cause queuing and obstruction to other highway users especially with the length of the HGV to the existing restrictions and parking. How are deliveries to be managed? How quickly can the bollards be removed? How frequent are the expected HGV movements? What size are the expected deliveries/ refuse wagons? It is required that the removable bollards are placed outside of the highway. It is requested that the existing westerly access is clearly signed as a service area to prevent cars and pedestrians in conflict with HGV movements. It is requested that pedestrians are signed from the extended existing access in the hedge and the car park has additional signs to encourage visitors to use the easterly entrance only. Please can details of the sign plates and pole location be provided.*

##### Following revised plans, comments received 13/7/18

*From my previous comments, I requested the swept path for HGVs, which has been supplied. The drawing shows that HGVs can enter an exit in forward gear. Also requested was the proposed signage for the car park, pedestrian access and the HGV delivery entrance. This is to avoid conflict between highway users.*

*A condition is requested to ensure that the parking areas are marked out and signed.*

## Environmental Protection

*Further to the application above I have the following comments –*

*Due to the close proximity of residential properties there is a potential for noise nuisance as a result of activities taking place on the premises.*

- (d) *The outside terraces shall be closed to patrons no later than 21:00 on any day.*
- (e) *There shall be no amplified entertainment taking place on the terraces.*
- (f) *During performances of amplified entertainment within the premises all doors and windows shall remain closed except for access and egress.*

## Civic Society

*We wish to point out that the main purpose of the area is for it to be a public park, free for all to use. We have always feared that the car parking areas would be extended and sorry to see this proposed, with the inevitable removal of mature shrubs and trees.*

*The idea in particular that the edge of the site should be opened up so as to merge with the Green i.e. removal of vegetation} is conceptually wrong. The Lowther Gardens are there to give shelter from the winds with trees on all of its edges.*

## Neighbour Observations

**Neighbours notified:** 19 April 2018

**Amended plans notified:**

**Site Notice Date:**

**Press Notice Date:** 26 April 2018

**Number of Responses** **Nine letters of objections received.**

**Summary of Comments**

Increase in number of cars parked on streets.

Not enough car parking spaces.

Noise disturbance. Particularly in evenings.

Removal of trees and shrubs.

Overdevelopment of the site.

Unnecessary extensions.

Loss of aviary.

Inappropriate location for bin store.

Not appropriate in conservation area.

Having public toilets in building means they are not 24 hours.

No need for the additional space. Not economically viable.

Restaurant use proposed is wrong.

Contrary to Local Plan policy.

A petition has also been received signed by 215 people of varying addresses both from within the Borough and from further afield stating; *"We the undersigned urge Fylde Borough Council as a responsible Trustee to Lowther Gardens in Lytham and respect the covenant that applies to the land as it was gifted the Council in 1905. We believe no more of the gardens should be lost to buildings or car parking. We believe no more buildings or erections of any description whatsoever should be built without licence from John Talbot Clifton, his heirs or assigns having first been obtained".*

The following comments have also been made which are not planning issues and therefore cannot

be taken into consideration when determining the application:

The covenant on Lowther Gardens from John Talbot Clifton (1905) that appears to restrict commercial uses.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

EP06	Historic parks & gardens
EP02	Protected open spaces within towns & villages
EP03	Development within conservation areas

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

ENV5	Historic Environment
ENV1	Landscape

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

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

#### **Site Constraints**

Conservation area site

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

It is considered that the main issues that need to be considered when determining this proposal are;

Design and visual impact.  
Heritage of the Gardens  
Trees and landscaping  
Car parking and highways  
Residential amenity  
Other issues

It is considered that the design of the building, the relationship between the building, gardens, trees and parking areas are all inter-related and that each element needs to be satisfied in order for the overall scheme to be acceptable. In many ways Lowther Pavilion is a stand-alone building that has little in common with the Victorian character of wider Lytham. Currently it has a functional modernist appearance that has been altered over time. As it stands in relative isolation, it does not impinge on the general overriding character of this part of the conservation area, which to some extent works in its favour. The existing building does not enjoy any formality or symmetry and is based around an agglomeration of building volumes that often appear unrelated. The existing materials are not traditional and add little to the overall Lytham character. As a result these proposed alterations should be judged for their impact on the building and park rather than the surrounding townscape and wider Conservation Area.

### **Design and Visual impact**

The proposal is for various alterations to the building, the car park and surrounding environs as detailed above. This section of the report focuses on the proposed design and appearance of Pavilion with the impact on the Gardens below.

Within the Adopted Local Plan policies EP2 – protected open spaces within towns and villages, EP6 – Historic Parks and Gardens and EP3 – Development within Conservation Areas apply. The Gardens but not the building are also a locally listed heritage asset. With regard to the extension and alterations to the building EP3 states that development within Conservation Areas will only be permitted where the character or appearance of the area and its setting are appropriately conserved or enhanced. Proposed development should be appropriately designed and should respect the quality of the environment including the physical setting of the area, settlement form, townscape, the character of buildings and other structures, the character of open spaces and any views into or out of the area.

The emerging Fylde Local Plan to 2032 Policy ENV5 refers to the Historic Environment states that development within conservation areas should conserve or enhance those elements that make a positive contribution to their special character, appearance and setting. Proposals that better reveal the significance of these areas will be supported also. Policy GD7 – Achieving Good Design in Development expects new development to be of a high standard taking account of and seeking to positively contribute toward the character and appearance of the local area, with regards to public realm development should be managed so that they add to the character, quality and distinctiveness of the surrounding area.

In addition to the Local policy Development Plan and National guidance the legislative framework includes Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that local planning authorities pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The proposed alterations to the building are considered acceptable. As stated above the existing building has developed over time with numerous additions to it since its original construction which have been constructed in reflection to the uses of the building and the needs of its users at various times. Whilst the building has some limited merit architecturally it does not reflect the wider character of the Conservation Area or townscape. As such it stands in isolation and its core function to the Conservation Area is that of the relationship between itself and the locally listed Lowther Gardens rather than in its individual design.

The proposed extensions and re-cladding of the building will change the character of the building, but it will become of its time, as its previous iterations have been and its relationship with the gardens, besides the extension to proposed in phase 3 would remain the same. Its location is identical and its overall function will not change. The proposed design is considered to be acceptable, the proposed materials will help to bring the building together and the proposed roof form helps to keep the height of the building down so that it does not become too dominant in its place within the Gardens. The existing relatively new grey roof will be carried through to the new curved roof at the entrance to the building and the proposed use of timber and corten steel cladding whilst new to the building and to the area is not considered unacceptable. The building is uniquely designed so that it can perform a specific function and the materials proposed are not inappropriate.

### **Heritage of the Gardens**

The Lowther Gardens are a locally listed heritage asset. It is a landscaped Victorian park and gardens which was established by Squire J Talbot Clifton and opened in 1872. The pavilion in its original form

did not exist until 1920. The pavilion proved a success and extensions were added in 1922, 1928 and 1958. In 1982 a complete renovation of the pavilion was undertaken to repair the damaged structure to the auditorium and stage buildings, demolish the cafe and widen the auditorium with new wing areas, overhaul and modernise the 1950s front of house spaces and build new changing areas to the back of the stage. This renovation project was a success in saving the theatre, however much of the original buildings was lost, with only the newly reinforced barrel vaulted auditorium roof structure and timber ceiling being retained of the original 1920s pavilion. The gardens therefore predate the pavilion but a structure in some form has been on the site for 98 years and counting. The Park and Gardens are bounded by West Beach, Woodville Terrace, Church Road and Lowther Terrace. There are entrances to north west and south east corners with wrought iron arches. There are simpler entrances on or near to north east and south west corners. The whole site is bounded by cobble walls. Within the park there is a Central circular pond with fountain and modern fisherman statue feature. Pathways radiate to entrances and from west to east. The Pavilion theatre with café is located to the south of the park. Elsewhere within the park is a modern sundial memorial plus amenities including Bowling Green and pavilion, children's play area, and crazy golf.

Policy EP06 - Historic parks & gardens states that development within a designated historic park or garden will not be permitted where this would prejudice its quality, character or appearance. The plans originally submitted with this application included a new path from the Central area directly to the Pavilion however that has been removed at officer's request as this would change the historic character of the park. As detailed above the individual design of the Pavilion is considered acceptable and it is not considered to detrimentally impact on the heritage of Gardens through its design and form. It will still be subservient to the Gardens and will conserve the heritage value and setting of the Gardens. It will not impact upon views into and out of the Conservation area nor detract from the local listed Victorian park and the contribution it makes to the character of the conservation area. The first floor extensions to the building will not impact on the buildings relationship with the gardens and the proposed extension to the west is over an area that consists of hardstanding, grass and an area of trees.

The proposed re-configuration of the car park and proposed landscaping when originally submitted was considered to be poorly laid out and too excessive for very little gain in terms of car parking when considering the loss of the trees which is considered below. The proposed parking area includes removing the existing standalone public toilet building and including those facilities within the Pavilion, and the loss of an island of trees which currently has some picnic benches on it. Officers were concerned about the loss of the tree and the increase in hardstanding and the impact that would have on the heritage value of the park. The applicants have confirmed that with the existing parking arrangement around the outside of this island that there are health and safety concerns with cars using the main pedestrian footpath which radiates from the central pond to the main entrance in the south east corner. The new layout proposes a landscaped barrier between this pedestrian route and the car park which currently does not exist. The submitted plans also state that this area will be avenue planting to reinforce the original formal structure of the gardens and will be subject to a detailed landscaping design and tree management plan to provide a clear plan to manage and improve the gardens tree and planting stock. Given the tree officers view which are discussed below it is considered that there is merit in distinguishing more clearly between the pedestrian and car parking areas and that it would help to reinforce the formal planting that is characteristic of Victorian Parks. The gardens was designed with a particular soft landscaping and hard landscaping and the hard landscaping is a definite circle with two axes passing through that join the four corners of the square park. The format is very regular and symmetrical and this will reinforce this.

The revised plans have reduced the hardstanding area at the front of the site so that there is an area of grass and shrubs to help soften the hardstanding area, the surface materials will need to be

agreed via a condition. Whilst the loss of the trees weighs against the application these are an unmanaged copse that do not add any heritage value to the park. As such it is considered that the overall scheme will preserve the historic character and heritage value of the Gardens, and through a long term management plan with the Council parks team and Tree Officer this will

### **Trees and Landscaping**

Policy EP12 of the adopted Local Plan states that trees which individually or in groups make a significant contribution to townscape, quality and visual amenity will be protected. Emerging Policies GD7 and ENV1 requires existing landscape features to be conserved, maintained, protected and wherever possible enhanced. The application proposes the removal of several trees from the area to the west of the building and the existing island. Their removal weighs against the proposals in the overall planning balance.

The Tree Officers views are outlined in full in the consultees section, as can be read he outlines that a number of the trees are of mixed quality and that many are unplanned growths, rather than through a planned landscape management approach which you would expect in a Victorian garden. His view is that the groups of ivy-covered sycamores to the frontage don't associate well with the formal layout of a public park, and as such he is open minded about their loss provided that the need is justified and that adequate compensation in the form of improved tree planting is designed into the proposal. He states that there is room for aesthetic improvement through better tree selection and management within the Park.

The applicant's amended plans have confirmed that the detailed landscaped proposals that will need to be subject to a condition will include a tree management plan which will manage and improve the gardens tree and planting stock. The Tree officer suggests that in mitigation for the loss of the trees that they need to be replaced with large trees tolerant of the climate and offering strong aesthetic values. There must still be a tree presence to the site frontage, and if possible trees used to break up the car parking. Among the poorer existing specimens some better trees exist and these should be retained where practical. An arboricultural management plan for the site addressing the problem of necessary tree removals and replacement over future decades would be a gain – in other words the application should trigger sustainable management of the tree stock. As such with a condition requiring a detailed landscape and management plan to be submitted prior to the commencement of any development the loss of the trees from the site is considered acceptable.

### **Car Parking and highways**

The proposal includes the re-configuration of the existing car park, so that it provides 69 spaces, which is an increase of only 4 parking spaces than the existing car park. It is possible that both the auditorium as existing and the new 150 seater Studio Theatre could be in use at the same time, which would in all likelihood lead to a shortage of onsite car parking. However Officers do not consider additional space being used up for car parking on the site to be appropriate as it would impact on the heritage asset. The site is also sustainably located and is approximately 500m from car parking on Lytham Green, and there is also parking available on the streets around the site. It is noted that residents object to additional use of this, but there are no restrictions on its use. The town centre parking and the railway station is also within walking distance and there are regular bus services along Church Road between Lytham and St Annes and beyond. LCC Highways have no objections to the scheme with regard to the amount of car parking provided and now that a swept path plan for HGV's has been provided which demonstrates they can enter and exit in forward gear they have no objections and simply require the parking to be laid out in accordance with the plan and thereafter maintained. They also request the details of the signage for the car park and pedestrian access to avoid conflict, this can be subject to a condition.

### **Residential Amenity**

The development proposed includes the addition of a first floor restaurant with external roof terrace, and a new 150 seater Studio Theatre and outdoor education space adjacent which have the potential to impact on neighbouring amenity. The nearest dwellings are 118m to the east on Lowther Terrace and 105m to the west on Woodville Terrace. With regard to noise potentially escaping from the building during performances the over-cladding of the external walls and roofs along with the new high performance glazing systems in place of the current predominantly single glazed windows will significantly improve the sound performance of the building fabric. All external doors to the auditorium will also have high acoustic ratings.

With regard to outdoor uses the applicant's state that these are mainly for daytime use as it is to affiliate to the education complex and the studio theatre, and that the park already promotes outdoor theatre in the summer. The Council's EHO has been consulted and has raised no objections but states that due to the proximity to residential dwellings that he requires the outside terraces to be closed no later than 21:00 on any day, that there be no amplified entertainment taking places on the terraces and that during performances of amplified entertainment within the premises all doors and windows shall remain closed except for access and egress. An issue has been raised that the loss of the external public toilets could lead to be people fouling in the gardens when the toilets are closed however the new public toilets within the new Education Centre & Studio Theatre extension are externally accessible and so will be able to be accessed even when the building is closed. Officers raised concerns that having both venues at the site at capacity at the same time could have an impact on amenity, with the applicants stating that performance times could be staggered so as to avoid influx's and exodus's from both facilities at the same time. It is considered appropriate that a condition be placed on any approval requiring a management plan be submitted showing how the Trust will deal with such occasions in relation to management of the car park etc.

As such with appropriate conditions in place it is not considered that there will be any unacceptable impact on residential amenity.

### **Other issues**

#### **Covenant**

A number of representations have been received which refer to a covenant and a Counsel opinion. Covenants are not planning matters and are not taken into consideration when determining planning applications, and as such a breach of a covenant could not be used as a reason for refusal of planning permission. That said in order to provide clarification Officers have sought advice from Legal Officers who have confirmed that they are very familiar with the William Moffet opinion as they originally instructed him. The issues covered in that Opinion were about restrictive covenants and whether or not the council held Lowther as a charitable trustee. Neither of those matters are capable of being material planning considerations, so their advice is to disregard them in assessing the application.

#### **Conclusions**

The proposal is considered to be of an acceptable design and will succeed in preserving the heritage value of the Gardens. The loss of trees from the site is regrettable however new formal landscaping in its place will help reinforce the Victorian character of the park to its. The development is acceptable in principle and with appropriate conditions in place there will be unacceptable impact on residential amenity.



## **Recommendation**

Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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 - SPARC drawing 16-01 PL01
- Proposed Site Plan – SPARC drawing 16-01 PL04 Rev A
- Proposed Layout Plan - SPARC drawing 16-05
- Proposed Layout Plan Pavilion- SPARC drawing 16-06
- Proposed Layout Plan Extension - SPARC drawing 16-07
- Proposed Elevations Overall - SPARC drawing 16-09
- Proposed Elevations Pavilion - SPARC drawing 16-10
- Proposed Elevations Extension - SPARC drawing 16-11
- Car Park and Landscape Design Proposals - SPARC drawing 16-01 PL12 Rev A
- Arboricultural Impact Plan - SPARC drawing 16-14

### Supporting Reports:

- Design and Access and Heritage Statement by SPARC 09/04/18
- Arboricultural Constraints Appraisal by Bowland Tree Consultancy Ltd January 2018

Reason: To provide clarity to the permission.

3. Prior to the first use of the Studio Theatre and Education Centre hereby approved the car parking and manoeuvring areas shall be marked out in accordance with the approved plan and permanently maintained thereafter.

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

4. Prior to the commencement of any development full details of the proposed signage for the car park, pedestrian access and HGV delivery entrance shall be submitted and approved in writing by the Local Planning Authority, with the details including a phasing for when these signs are to be installed. These signs shall be erected in accordance with that phasing and then retained thereafter.

Reason: To avoid conflict between highway users.

5. The external terraces and outdoor classroom area hereby approved shall be closed to patrons no later than 21:00 on any day and there shall be no amplified music or other amplified entertainment performed within these areas at any time.

Reason: to safeguard the amenity of adjacent residents and locality in general, in accordance with

Policy SH16 of the adopted Fylde Borough Council Local Plan (as altered (October 2005)).

6. During performances of amplified entertainment within the premises all doors and windows shall remain closed except for access and egress.

Reason: to safeguard the amenity of adjacent residents and locality in general, in accordance with Policy SH16 of the adopted Fylde Borough Council Local Plan (as altered (October 2005)).

7. Prior to commencement of the development hereby approved, details of all construction materials including timber and steel cladding, doors and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed materials finish and profile. The development shall be constructed in accordance with the approved materials.

Reason: In the interests of visual amenity, in accordance with Policies TREC02, EP03 and EP04 HL5 of the adopted Fylde Borough Local Plan (October 2005), GD7 and ENV5 of the Submission Version of the Fylde Borough Local Plan 2032.

8. Samples of materials proposed for all hard surfaced areas of the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.

In the interests of visual amenity and to contribute to the overall quality of the development.

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

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

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

in accordance with the approved scheme and programme.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0302	Address Lowther Pavilion, Lowther Gardens Site, West Beach, Lytham St Annes	Grid Ref. E.3359 : N.4270	Scale 0 10 20 30 40 m 

**Item Number:** 7

**Committee Date:** 01 August 2018

<b>Application Reference:</b>	18/0418	<b>Type of Application:</b>	Reserved Matters
<b>Applicant:</b>	Coppice Farm LLP	<b>Agent :</b>	Gary Hoerty Associates
<b>Location:</b>	COPPICE FARM LAND, WEST MOSS LANE, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 15/0151 FOR THE APPEARANCE, LANDSCAPING AND LAYOUT OF ERECTION OF 4 BUILDINGS PROVIDING 1,400m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS		
<b>Ward:</b>	PARK	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	9	<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/@53.765021,-2.9806286,702m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

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

The outline planning permission established the principle of the development, and also the access and scale of the development. This application included details of the buildings appearance, the layout of the buildings and proposed landscaping.

The proposed layout of the building is in a courtyard and their appearance is considered to be appropriate in order to retain an agricultural feel to the development site and the proposed landscaping is appropriate in terms of species and size, and will help to soften and screen the appearance of the development from critical viewpoints.

It is therefore recommended that the reserved matters be approved.

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

The application is a Major application and the Planning Committee approved the outline application.

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

Coppice Farm is located to the south of West Moss Lane, which in turn is to the west of Ballam Road. The Farm consists of a number of agricultural buildings of various sizes and styles. Access to the

site is gained via West Moss Lane, which also serves a number of residential properties. To the north of the site is a bungalow (which previously served as the farmhouse to the site) but which is now in separate ownership. The area of land subject to this application forms the northern part of the site.

The application site consists of 1.04 hectares and currently contains a number of unused agricultural buildings that were used as piggery buildings when the farm was in operation. The buildings range in size and shape but are predominately single storey with pitched roofs constructed with a timber frame, clad in timber and with corrugated iron roof sheets. Of the eight buildings one is a two storey building constructed in a timber frame with block work to the lower walls and the upper part clad in corrugated cement sheets. To the south of the site are two agricultural buildings and to the east and west are open fields.

### **Details of Proposal**

The proposal is the reserved matters application to outline application 15/0151 which approved the principle of four light industrial buildings, with a footprint of 1400 sqm, along with the access to the development site. Appearance, layout and landscaping were matters reserved for future consideration and are the subject of this application.

The level of development proposed reflect that of the outline permission with four buildings are to be constructed with a combined floor area of 1,400m<sup>2</sup>, 4.5m to the eaves and 5.84m to the ridge, located in a courtyard arrangement with 61 standard spaces and 11 disabled parking spaces around. The buildings are to be sub-divided into a total of 14 units. The buildings have a block plinth of 1.5m to be clad in Yorkshire boarding with green box profile cladding above and to the roof.

The application includes detailed of landscaping which when originally submitted included Leylandii on a 1.5m bund. This has been removed at officer's request as it is not considered appropriate to the area and now what is proposed is a 1.5m bund with deciduous pioneer species, such as, Alder, Birch, Rowan & Willow to be planted at 1 metre intervals with Standard Birch and Alder to be planted in between mass planting. Planting to be on top and also extending down external slope of the bund.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0507	REMOVAL OF CONDITION 4 ON PLANNING PERMISSION 14/0545 WHICH APPROVES THE CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1c USE (LIGHT INDUSTRIAL USE)	Granted	10/08/2017
17/0501	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 14/0545 - CONDITIONS 2 (MATERIALS) ,7 (PARKING), 8 (LANDSCAPING), 10 (DRAINAGE) ,11 (ACCESS AND OFF SITE WORKS) AND 13 (BAT AND BIRD NESTING)	Advice Issued	05/09/2017
15/0151	RE-SUBMISSION OF 14/0550 - OUTLINE APPLICATION FOR THE ERECTION OF 4 BUILDINGS PROVIDING 1,400m <sup>2</sup> OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS (ACCESS AND SCALE APPLIED FOR AND ALL OTHER MATTERS	Granted	11/06/2015

14/0545	RESERVED) PROPOSED CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1c USE (LIGHT INDUSTRIAL USE)	Granted	21/11/2014
14/0547	PROPOSED CHANGE OF USE OF EIGHT TIMBER FRAME AGRICULTURAL BUILDINGS TO LIGHT INDUSTRIAL USE (CLASS B1c) WITH ANCILLARY STORAGE.	Granted	21/11/2014
14/0550	OUTLINE APPLICATION FOR THE ERECTION OF 8 BUILDINGS PROVIDING 2,800m2 OF OFFICE ACCOMMODATION (CLASS B1a) WITH COMMUNAL GYM, DINING ROOM AND SHOWER FACILITIES FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)	Withdrawn by Applicant	23/10/2014
14/0554	OUTLINE APPLICATION FOR THE ERECTION OF 1 No. TWO STOREY BUILDING PROVIDING 900M2 OF OFFICE ACCOMMODATION (CLASS B1a) FOLLOWING DEMOLITION OF EXISTING STEEL PORTAL FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)	Withdrawn by Applicant	23/10/2014
07/0794	PROPOSED CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO B1 AND B8 USE, TOGETHER WITH THE DEMOLITION OF FARM BUILDINGS AND THEIR REBUILDING FOR B1/B8 USE. NEW VEHICULAR ACCESS TO WEST MOSS LANE, & COMPREHENSIVE LANDSCAPING SCHEME	Finally Disposed Of	18/05/2011
04/0613	CHANGE OF USE OF FARM BUILDING TO CLASS B1 (C) LIGHT INDUSTRIAL USE	Refused	18/08/2004
04/0191	CHANGE OF USE OF FARM BUILDING TO LIGHT INDUSTRIAL	Refused	26/05/2004
03/1110	CHANGE OF USE TO B1C, LIGHT INDUSTRIAL USE	Withdrawn by Applicant	17/03/2004
03/0893	RE-SUBMISSION OF APP. NO. 03/543 FOR CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE B8	Refused	15/10/2003
03/0725	CHANGE OF USE TO B1 C LIGHT INDUSTRIAL	Refused	15/10/2003
03/0543	CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE B8	Granted	10/05/2005

#### **Relevant Planning Appeals History**

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

04/0191	CHANGE OF USE OF FARM BUILDING TO LIGHT INDUSTRIAL	Allowed	10/05/2005
03/0543	CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE B8	Allowed	10/05/2005

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

The site is in the non-parished part of the borough, but its access road and near neighbours are in the area of **Westby with Plumpton Parish Council** who were notified on 31 May 2018 and comment:

*“No objections. Additionally, the parish council requests consideration to the initiation of a 30mph due to the planning application requiring passing areas to be constructed.”*

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

#### **Regeneration Team (Trees)**

*Landscape drawing ref CFL/635/2488/01 indicates an intention to plant a 1.5 metre soil bund with Leylandii to screen this site. I don't think this is a suitable solution. Soils bunds are not as stable as soils that have not been moved and remodelled, and Leylandii produce accelerated growth that may cause them to be susceptible to windthrow. It's also fair to say that the countryside isn't the right place for this species when we have fast-growing native trees that will provide both screening and biodiversity benefits. The will also become self-perpetuating because they'll self-seed. Pioneer species are adapted to loose shallow soils and should establish well on a soil bund, which has the character of a free-draining slope. I think the soil bunds need planting with deciduous pioneer species trees such as alder, birch, rowan and willow. These can be about 80% transplant trees, mass-planted at one- metre spacings, but among them should be spread some standard birch and alder trees to give a leavening of age diversity to the scheme. Planting should extend down the slope and not just on the top but need not be on the internal slope.*

The plans were amended in accordance with the above comments and now the Tree Officer offers no objections.

### **Neighbour Observations**

<b>Neighbours notified:</b>	31 May 2018
<b>Amended plans notified:</b>	N/A
<b>Number of Responses</b>	None received.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

EMP4	Buffer zones and landscaping
SP02	Development in countryside areas
SP09	Diversification of rural economy
EMP3	Business & industrial uses outside defined area
EMP4	Buffer zones and landscaping
EP11	Building design & landscape character
EP14	Landscaping of new developments



**Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC2	Employment Opportunities

**Other Relevant Policy:**

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

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

**Comment and Analysis****Planning Background**

Planning application 15/0151 granted approval for the erection of 1400 sqm of light industrial buildings (B1c). That application was made in outline, with access and scale as detailed matters that were approved at that time. This application is for the remaining matters of appearance, landscaping and layout that were not considered as part of the planning permission. As such in considering this application, the principle of the development has been established along with the access to the site and the scale of the development proposed. Also as part of the outline application ecology, drainage and residential amenity were considered and condition on that approval will need to be complied with in order to secure an acceptable development. Conditions placed on that approval included restricting the use of the buildings to B1(c) which is an industrial process which can be carried out in any residential area without being detrimental to amenities, hours of use for the units, no external storage being allowed, ecology, highway improvements and drainage conditions.

**Layout and appearance**

The proposed layout and the units appearance has been influenced by the parameters set in the outline application, and the need to provide sufficient parking and servicing areas. The outline application permitted a total of 1400 square metres with an overall height of 5.84m and an eaves height of 4.5m. That application showed the site laid out in a courtyard which was considered appropriate and this has been carried through into this application, with a turning area in front of the buildings and some parking in front and more to the west providing a total of 61 standard and 11 disabled spaces.

The layout of the buildings is considered acceptable with them being grouped as close together as possible in order to be viewed as a group whilst leaving sufficient room for vehicular movements. By grouping them together on the eastern side of the site the visual impact is reduced from the west, and they are more closely related to the existing larger buildings to the south of the site as well as the cluster of buildings to the north.

With regard to the appearance the buildings will be block plinth clad in Yorkshire boarding up to 1.5m high with dark green box profile walls and roof. It is considered that the appearance of the buildings are sufficiently agricultural in nature so that they blend in with their surrounding environs.

As such the layout and appearance of the scheme is considered to be acceptable.

### Landscaping

The application proposes a 1.5m bund to the northern and western boundaries with a mix of species planted on top including Alder, Birch, Rowan and Willow at 1m intervals. To the south and east boundaries a native hedgerow mix with native trees planted adjacent to it and within the site grassed areas are proposed around the buildings. The tree officer has no objections to the landscaping proposed. As such the landscaping is considered acceptable and a condition can be placed on any approval to secure its implementation.

### Conclusions

The proposed appearance, layout and landscaping proposed in this Reserved Matters application are considered acceptable and as such the application should be approved.

### Recommendation

That the approval of reserved matters be GRANTED subject to the following conditions :

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

#### Approved plans:

- Proposed site plan, floor plans and elevations - CFL/635/2488/03
- Proposed site location and landscaping plan - CFL.635.2488.01A

Reason: To provide clarity to the permission.

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

Reason: To provide satisfactory parking to serve the development.

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

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

4. A full specification of all proposed surface materials shall be submitted to the Local Planning

Authority for approval prior to the commencement of the development; thereafter only those approved materials shall be used upon the development unless otherwise agreed in writing with the Local Planning Authority.

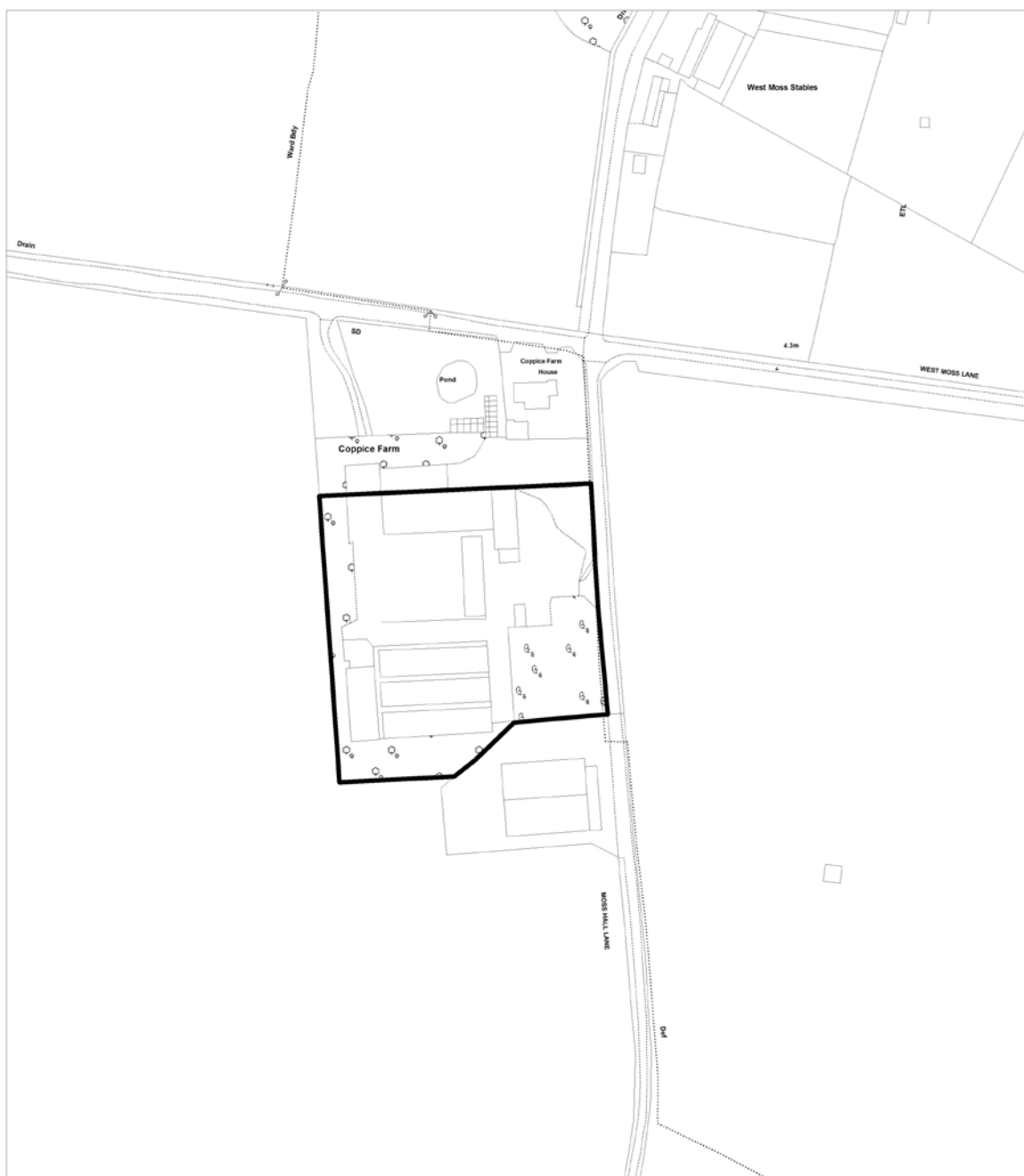
Reason: In the interests of the overall quality of the finished development.

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

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

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0418	Address Coppice Farm Land, West Moss Lane, Westby	Grid Ref. E.3353 : N.4303	Scale 0 10 20 30 40 m 

**Item Number:** 8

**Committee Date:** 01 August 2018

<b>Application Reference:</b>	18/0464	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Ream Hills Lake Leisure Park	<b>Agent :</b>	CFM Consultants Ltd
<b>Location:</b>	REAM HILLS, MYTHOP ROAD, WEETON WITH PREESE, PRESTON, PR4 3NB		
<b>Proposal:</b>	ERECTION OF TWO STOREY LOG CABIN FOR USE AS HOLIDAY LODGE TO REPLACE SINGLE STOREY CABIN APPROVED UNDER PLANNING PERMISSION 16/0068 BUT NOT YET BROUGHT ONTO SITE		
<b>Ward:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Alan Pinder
<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/@53.7993005,-2.9603722,701m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

Planning permission is sought for the erection of a two storey timber holiday lodge within the holiday park area of Ream Hills. The two storey lodge would be sited in place of one of the single storey holiday lodges approved under planning permission ref. 16/0068. As such the principle of the location of a holiday lodge on this site in this location is acceptable.

An earlier application (17/0038) for a two storey holiday lodge within the same area was granted permission by the Planning Inspectorate on appeal in January 2018. In that instance the Inspector found the two storey structure did not unduly harm the character and visual amenity of the local area or wider countryside contrary to the views expressed by the council in its refusal of that application.

The two storey lodge for which this application now seeks permission would be of the same scale, design and appearance as that approved on appeal under 17/0038, and would be sited within the same small holiday area of Ream Hills. The impact of this taller lodge in the landscape will be similar to that of the lodge allowed on appeal and in the light of the Planning Inspectorate's decision and the absence of any additional material impacts members are advised to approve the application for this additional two storey lodge.

**Reason for Reporting to Committee**

This application has been brought before the Planning Committee as the officer recommendation for approval conflicts with the objection received from Weeton-with-Preece Parish Council.

**Site Description and Location**

This application relates to the holiday lodge area of the Ream Hills sit, which is itself used for a

mixture of holiday lodges, caravan site, wakepark, industrial / storage uses, and agriculture. Planning permissions 12/0356 and 16/0068 granted permission for the formation of the holiday lodge area and the siting of a total of 24 single storey holiday lodges and this application relates to one of those. The site is within countryside as designated in the Fylde Borough Local Plan.

### **Details of Proposal**

Planning permission is sought for the siting of a two storey timber constructed holiday lodge on one of the end pitches approved under 16/0068 and in place of an approved single storey holiday lodge. The pitch is located in the south west corner of the lodge area. The proposed lodge will measure 7.5 metres in height, have a ground footprint measuring 11.5 metres by 9.7 metres, and will replicate the two storey lodge allowed on appeal within the same lodge area in January 2018 (17/0038 refers).

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0252	ADVERTISEMENT CONSENT FOR 3 NON ILLUMINATED POST SIGNS TO THE RIGHT AND LEFT HAND SIDE OF THE ENTRANCE	Split Decision	05/06/2017
17/0149	ERECTION OF TERRACE OF SINGLE STOREY BUILDINGS FOR 215m2 INDUSTRIAL (CLASS B2) SPACE AND 1,130m2 STORAGE (CLASS B8) SPACE	Granted	30/06/2017
17/0038	RETROSPECTIVE APPLICATION FOR ERECTION OF A TWO STOREY TIMBER BUILDING TO BE USED AS HOLIDAY ACCOMMODATION AS A REPLACEMENT FOR APPROVED SINGLE STOREY HOLIDAY LODGE	Refused	21/03/2017
16/0068	USE OF LAND FOR SITING OF 18 NO. HOLIDAY LODGES (ADDITIONAL TO 6 NO. EXISTING LODGES) WITH FORMATION OF INTERNAL ACCESS ROAD, DECKING AREAS, PARKING AREAS AND OTHER ANCILLARY WORKS	Granted	09/08/2016
DISC/14/0867	APPLICATION TO DISCHARGE PLANNING CONDITION 9 OF PLANNING PERMISSION 14/0867	Advice Issued	11/06/2015
14/0867	PROPOSED VARIATION OF CONDITION 3 OF PLANNING PERMISSION 12/0356 TO INCREASE NUMBER OF TOURING CARAVAN PITCHES FROM 25 TO 51 WITH NO ALTERATIONS TO SITE AREA.	Granted	27/04/2015
14/0862	PROPOSED RELOCATION OF TENTING FIELD ASSOCIATED WITH PLANNING PERMISSION 12/0356, FORMATION OF INTERNAL ACCESS ROAD, AND USE OF PREVIOUSLY APPROVED TENTING FIELD FOR AGRICULTURE	Granted	27/04/2015
14/0460	COUNTY MATTER APPLICATION FOR CONSTRUCTION OF A BUND WITH SOILS AND INERT WASTE	Raise Objections	23/07/2014
14/0153	PROPOSED ERECTION OF AGRICULTURAL LIVESTOCK BUILDING (PART RETROSPECTIVE)	Granted	03/11/2014
AG/13/0005	PRIOR NOTIFICATION FOR PROPOSED ERECTION	Permission	24/12/2013

12/0709	OF AGRICULTURAL BUILDING TO HOUSE DEER PROPOSED ERECTION OF ANCILLARY FACILITIES TO SUPPORT CARAVAN SITE (2 X TOILET BLOCKS, TICKET OFFICE, ACCESS TRACKS AND LANDSCAPING)	Required Granted	21/02/2013
12/0659	VARIATION OF CONDITION 4 OF PLANNING PERMISSION 12/0356 TO REMOVE REQUIREMENT FOR DOCUMENTARY EVIDENCE IN SUPPORT OF HOLIDAY USE, AND VARIATION OF CONDITION 6 OF PLANNING PERMISSION 12/0356 TO EXCLUDE HOLIDAY LODGES FROM REQUIREMENT TO BE ASSOCIATED WITH EXISTING LEISURE FACILITY	Granted	30/01/2013
12/0356	CHANGE OF USE OF LAND TO HOLIDAY LODGE AND TOURING PARK, COMPRISING OF 6 LODGES, 25 TOURING PITCHES AND A TENTING FIELD.	Granted	22/08/2012
12/0068	CHANGE OF USE OF LAND AND BUILDINGS TO GENERAL STORAGE IN ADDITION TO EXISTING STORAGE OF ACCIDENT DAMAGED AND POLICE RECOVERED VEHICLES, AND EXTENSION OF AREA AUTHORISED FOR SUCH STORAGE	Granted	19/11/2013
11/0002	RETROSPECTIVE CHANGE OF USE FROM FISHING LAKE TO MIXED USE OF FISHING LAKE AND WAKEBOARDING FACILITY. RETENTION OF VARIOUS ASSOCIATED STRUCTURES INCLUDING PYLONS AND TOW CABLE ASSOCIATED WITH WAKEBOARDING, CHANGING ROOM AND STORE BUILDING, TOILET BUILDING, CAFE, FISHING CLUBHOUSE, DECKING AREA AND WOODEN WALKWAY.	Granted	15/03/2011

The planning history for Ream Hills is extensive and so only that from 2010 onwards is shown above

#### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0038	RETROSPECTIVE APPLICATION FOR ERECTION OF A TWO STOREY TIMBER BUILDING TO BE USED AS HOLIDAY ACCOMMODATION AS A REPLACEMENT FOR APPROVED SINGLE STOREY HOLIDAY LODGE	Allowed	22/01/2018
14/0866	CONSULTATION ON COUNTY MATTER APPLICATION LCC/2014/0160 FOR ERECTION OF BUND	Allowed	30/09/2015

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

**Weeton with Preese Parish Council** notified on 11 June 2018 and comment:

*"The Parish Council recommends refusal of the application as the development would be visually detrimental to the surrounding countryside. There also major concerns regarding the declining state of Mythop Road access to the proposed site. This access road is extremely uneven and not conducive to excessive use."*

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

N/A

## **Neighbour Observations**

**Neighbours notified:** 11 June 2018  
**Number of Responses** None

## **Relevant Planning Policy**

### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
TREC03	Tourist Accommodation Outside Lytham St Annes
TREC06	Static Caravans and Chalets
EP11	Building design & landscape character

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC2	Employment Opportunities
EC7	Tourism Accommodation
ENV1	Landscape

### **Other Relevant Policy:**

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

### **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

The principle of a holiday lodge accommodation in this location is already established under previous planning permission ref. 16/0068, which granted permission for the siting of 18 single storey lodges. In January 2017 retrospective planning permission was sought for the retention of a two storey timber holiday lodge constructed in place of one of the single storey lodges approved under 16/0068. Permission for that two storey lodge was refused for the following reason:

*The building is the only two storey building within the wider holiday use area of Ream Hills. As such it presents an incongruous addition to the holiday area that is visually at odds with the wider character and visually detrimental to both the holiday use area and the wider views from across the surrounding countryside. It therefore fails to accord with policies SP8 and TREC6 of the Fylde Borough Local Plan, policy GD7 of the emerging local plan (to 2032), and para 59 of the NPPF.*



However permission for the lodge was granted on appeal by the Planning Inspectorate, with the Inspector concluding on this matter that:

*“The main public views of the holiday park and the lodge are medium to long distance views from the north-east, north and north-west. Whilst the lodge is the only 2-storey building on the site, in the above views it is seen against the extensive backdrop of mature trees to the south and in the context of the extensive, prominent and visually intrusive touring caravan park, and the large 2-storey farmhouse and tall agricultural buildings of Ream Hills Farm immediately adjoining the holiday park to the south-west. In these views, the height of the lodge is not exaggerated and is a minor element that has no material impact on the rural character or appearance of the immediate or wider area. Accordingly, I conclude that the lodge does not have a materially adverse effect on the rural character and appearance of the rural area and does not conflict with the development plan or emerging development plan and the appeal is allowed.”*

It is noted the parish council have objected to this application on the grounds that the proposed two storey lodge would be visually detrimental to the surrounding countryside. However given the Planning Inspectorate's support for the earlier two storey timber lodge and their view that it did not harm the visual amenity or rural character of the area it would be difficult to justify a refusal of permission for this proposed lodge which is of the same design, size and appearance and located within the same holiday area as the approved lodge. The potential visual intrusion of the proposed lodge is also potentially mitigated to a greater degree than the approved lodge due to the backdrop of the Ream Hills farmhouse and large industrial buildings that lie to the south of the proposed lodge.

#### Other matters

The parish council have also raised a concern over the poor condition of the surface of the access road into Ream Hills from Mythop Road. This road is a private road and whilst its condition may be poor it is not the role or remit of the local planning authority to seek to address its condition through the use of planning conditions where such a condition is not directly relevant or necessary to make the proposal acceptable in planning terms.

#### Conclusions

The construction of the proposed two storey holiday lodge within this small holiday park is acceptable in principle and, in accordance with the Planning Inspectorate's view about the existing two storey lodge, does not conflict with the adopted Fylde Borough Local Plan or the emerging local plan to 2032. In light of this position members are advised to approve 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 - Dwg no. RH/04591/001, scale 1:5000
- Location Plan - Dwg no. RH/04591/002, scale 1:2500
- Proposed Site Plan - Dwg no. RH/04591/004, scale 1:500
- Proposed Site Plan - Dwg no. RH/04591/005, scale 1:200
- Proposed Elevations - Dwg no. RH/04591/006
- Proposed Floor Plans - Dwg no. RH/04591/007

Supporting Reports:

- Planning, Design and Access Statement - produced by Shepherd Planning, dated June 2018

Reason: To provide clarity to the permission.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

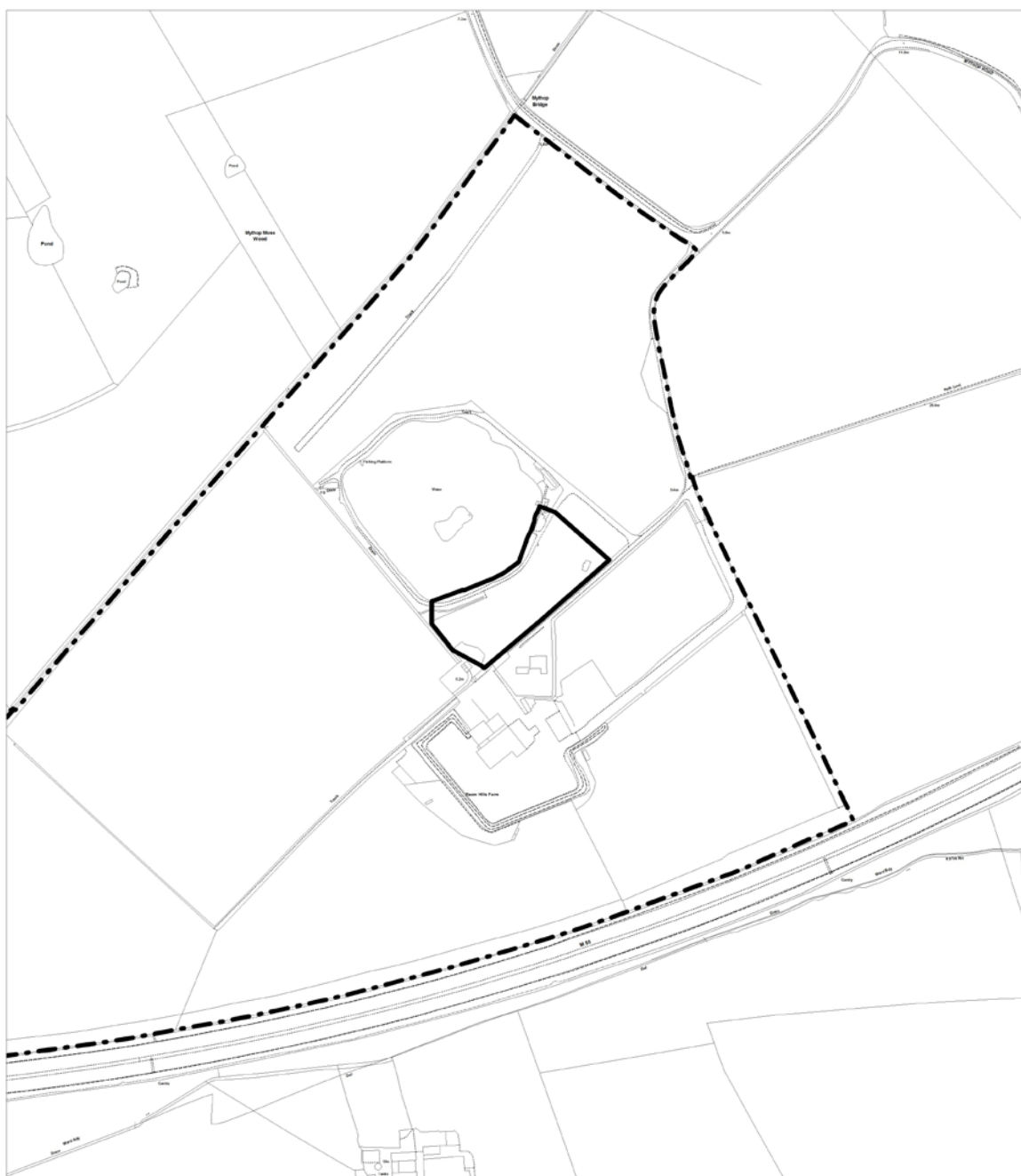
Reason: In the interests of visual amenity of the countryside as required by Policy SP2 of the Fylde Borough Local Plan

4. The holiday lodge hereby approved shall be occupied for holiday purposes only and not as a person's permanent, sole or main place of residence.

Reason: The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.

5. The owners/operators shall maintain an up-to-date register of the names of all owners of the holiday lodges on the site. The information held shall also include the owners' main home address. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0068	Address Ream Hills Farm, Mythop Road, Weeton	Grid Ref. E.3369 : N.4341	Scale 0 25 50 75 100 m 

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	1 AUGUST 2018	5
<b>RESPONSE TO GOVERNMENT CONSULTATION ON PROPOSED REVISIONS TO THE NATIONAL PLANNING POLICY FRAMEWORK</b>			

### PUBLIC ITEM

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

#### SUMMARY OF INFORMATION

The Ministry of Housing, Communities and Local Government consulted on proposed changes to the National Planning Policy Framework between 5 March and 10 May 2018. The proposed changes seek to implement revisions to the planning system set out in the Housing White Paper in February 2017. A response was prepared, focusing on those elements of the Framework that are most relevant to planning & housing matters impacting upon Fylde. Draft Planning Practice Guidance was also published alongside the Framework, but was not part of the consultation. Government are currently analysing the consultation responses and it is expected that a revised Framework will be issued later this year.

#### SOURCE OF INFORMATION

Response to Ministry of Housing, Communities and Local Government prepared by Head of Planning & Regeneration

#### LINK TO INFORMATION

[NPPF 2018 FBC Response](#)

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

The response to the consultation on the proposed revisions to National Planning Policy Framework was prepared by the Head of Planning & Housing in line with the council's scheme of delegation. This information is provided in order to inform Elected Members of the response submitted on behalf of Fylde Council.

#### FURTHER INFORMATION

Contact: Mark Evans, Head of Planning & Housing (01253 658460 or [mark.evans@fylde.gov.uk](mailto:mark.evans@fylde.gov.uk))

## **Fylde Council response to consultation on proposed revisions to the National Planning Policy Framework – May 2018**

### **Q1 Do you have any comments on the text of Chapter 1?**

#### FBC response

No

### **Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?**

#### FBC response

Yes. However it is considered that chapter 2 should also contain reference to the duties and responsibilities of developers and other public/semi-public bodies to have regard to the principles of sustainable development in developing their projects

### **Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?**

#### FBC response

Removal of duplication seems reasonable, however not when it is at the expense of clarity of purpose. Setting out the core planning principles at an early point in the document, potentially in a more summarised form than in the current Framework would help in setting the context for the remainder of the document.

### **Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?**

#### FBC response

Additional certainty for neighbourhood plans is supported, however, caution should be exercised in introducing the Housing Delivery Test ahead of the proper consideration of the Letwin report. The Letwin final report must have implications for the delivery test as it intended to address the many barriers to delivery that are outside the influence of Local Planning Authorities.

### **Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?**

#### FBC response

The revised wording of the soundness tests is supported. The requirement for a development plan to represent **an** appropriate strategy taking into account reasonable alternatives and based on proportionate evidence is welcomed and should assist in speeding the delivery of local plans. Equally, the requirement to produce a positively prepared strategy to meet as *much as possible of an* area's OAHN and meeting unmet need from neighbouring authorities where it is "practical to do so" provides important clarification to the extent of these requirements.

**Q6 Do you have any other comments on the text of Chapter 3?**

FBC response

No

**Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?**

FBC response

In the interests of transparent decision making, Fylde Council considers that such information should be made available to the public. However, there is generally resistance to this approach by developers and their concerns regarding the publication of commercially sensitive information may impact upon the thoroughness and so usefulness of their submissions.

**Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?**

FBC response

Such guidance would be useful, however, it would be difficult to produce guidance that addresses all circumstances. As such the guidance should remain flexible.

**Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?**

FBC response

During the extended period of time over which large scale developments will inevitably be delivered, it is likely that there will be changes in circumstances that will impact upon the viability of a project. Fylde has already approved two major developments that include requirements to conduct reappraisals at key milestones in the delivery of development and, where viability permits, require additional community benefit to be provided which had been shown to be unviable in an initial appraisal. Accordingly national policy support for this approach would be welcomed

**Q10 Do you have any comments on the text of Chapter 4?**

FBC response

Paragraph 50b) makes reference to the scope for prematurity by making reference to the emerging plan being at an advanced stage but not yet formally part of the development plan. This raises questions as to when a plan will have reached an advanced stage. Paragraph 51 is more specific in that a local plan has to be at submission stage or a neighbourhood plan to have reached the end of the LPA publicity period and so, by dispensing with ambiguity is Fylde Council's preferred approach

**Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?**

FBC response

Fylde Council has not seen any absolute relationship between the size of site and the size of company that eventually delivers that site. Several small sites have been delivered by major house builders whilst a local housing developer, who are a medium sized enterprise, has developed a number of large sites including one for almost 1000 dwellings. Small lucrative sites will be marketed by the site owner who will seek maximum return and is likely to be approached by larger companies who employ site finders. If government wishes to provide opportunities for SMEs, consideration should be given to introducing incentives for developers to share the development of larger sites.

**Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?**

FBC response

No. During recent years in Fylde developers have delivered, on average, only 7% of the plots with planning permission. This demonstrates conclusively that there are many barriers to delivery and given delivery is outside the control of local planning authorities it is not appropriate to use delivery as a measure by which a presumption in favour of sustainable development should be imposed. The Letwin Review is currently considering barriers to delivery and implementation of any HDT should, at least, await the findings of this review. Further consideration also needs to be given to how the HDT would operate alongside the 5 year housing supply requirement. The use of two separate tests of delivery based on different criteria could mean that addressing underperformance in one, would lead to failure to meet the other and so trigger the presumption in the corresponding test. For example addressing a predicted shortfall in the HDT by increasing the annual housing figure could result in a council failing to meet the 5 year housing supply test. Fylde Council is general opposed to councils being held solely responsible for poor delivery, it is certainly not considered necessary to have two separate tests of delivery imposed.

**Q13 Do you agree with the new policy on exception sites for entry-level homes?**

FBC response

Not as set out in the draft document. Whilst Fylde Council supports the use of exception sites to deliver affordable homes in rural areas, such proposals should be solely for affordable or entry level housing rather than a “high proportion” of entry level homes. Whilst the Framework should set the general parameters for the provision of exception sites, It would be more appropriate for the detail of such sites to be contained within development plans which can better reflect local circumstances.

**Q14 Do you have any other comments on the text of Chapter 5?**

FBC response

The stated objective of the introduction of a standard methodology is to reduce debate and speed the delivery of local plans. As currently phrased in the guidance, the starting point will be changed, but there will still follow considerable representation from housing developers in circumstances where the standard methodology returns a low figure. Earlier ministerial statements indicated that any decision to provide a figure above that derived from the standard methodology, for example to support the economic objectives of an authority, should rest with the LPA and should not be an opportunity to open debate or challenge to the base figure. It is considered that this clarification should be explicitly provided

Paragraph 65 makes reference only to affordable home ownership. It is important that through its Development Plan a LPA can identify its needs for an area including housing mix, housing needs and that should include for the percentage of affordable and the tenure mix, which should include both sale and rent. National policy should not dictate local housing need in terms of tenure split.

The consultation proposals has also removed the need for the financial contribution to be “broadly equivalent” to on site provision – this is likely to cause uncertainty and will therefore slow down negotiations over what an appropriate contribution might be.

In assessing deliverable supply, Chapter 5 cross references to the Glossary definition. This requires a deliverable site to be “Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

This places significantly more burdens on the Local Planning Authority to evidence the inclusion of housing sites within the 5 year supply. This reverses the position that was established in the court of appeal (St Mowden v SoS) which concluded that planning cannot deal in absolute certainties and that there need only be a ‘realistic prospect’ of the delivery of sites, that expected delivery rates should be taken up at the Local Plan examination stage and that Local Planning Authorities do not control the housing market. The current NPPF dealt with the capability of being delivered not the certainty. There is no definition of what ‘clear evidence’ is required, and this therefore remains a matter of significant concern to Fylde Council as this will only seek to make the demonstration of a 5 year supply more difficult, delay work and place additional costs / resource implications on the Planning Service.

**Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?**

FBC response

Yes

**Q16 Do you have any other comments on the text of chapter 6?**

FBC response

Fylde Council welcomes this chapter, which will assist in promoting sustainable areas and communities. However, the existing permitted development rights create a tension with this aspiration and have and are resulting in the closure of viable businesses which is of significant concern. There should be policies that encourage the re-use and appropriate redevelopment of redundant employment sites but not a blanket permitted development for conversion which results in the closure of viable businesses and also the creation of residential uses without any compliance to space standards or other amenity issues. The permitted development is not providing the right type of homes necessarily and its use is contrary to the aims of the NPPF for sustainable development. It would be better to have national and local policies guiding development than allowing poorly located substandard development through the implementation of permitted development rights.

**Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?**



#### FBC response

Due to the inadequacies of the existing sequential test, operators are seeking to create more and more out of town floor space, even at a time of bricks and mortar retail stagnation. This is coming at the expense of existing town centres. Revisions to the Framework should provide greater protection to town centres by clarifying that large out of centre schemes should be subject to disaggregation through the sequential test. At present, the larger an out of town scheme is, the easier it appears to be to pass the sequential test. This is particularly important in a small borough where town centres are small and so vulnerable to large scale out of centre retail developments.

#### **Q18 Do you have any other comments on the text of Chapter 7?**

##### FBC response

Similar to the answer to Q16 the implementation of permitted development rights in some cases is running contrary to the aspirations of the NPPF and local Development Plans and is actually harming the appearance and viability of Town centres, while providing in some cases for substandard accommodation. It would be better for the permitted development rights aspect to be deleted and for appropriate encouragement in national and local policy

#### **Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?**

##### FBC response

Fylde Council welcomes the chapter on promoting healthy and safe communities

#### **Q20 Do you have any other comments the text of Chapter 8?**

##### FBC response

Additional emphasis needs to be given to the need for infrastructure and service providers to positively engage effectively with the planning process to enable a coherent and complementary approach.

As the available opportunities to expand existing schools are being exhausted the need to open new school provision is becoming crucial to help meet forecast demand. Firstly, existing pooling arrangements make the delivery of new schools (as well as other essential large infrastructure requirements) unattainable. The delivery of new schools is also subject to various legislative controls set out in the Education Acts that undermine the planning process – for example separate consultation arrangements that need to be conducted by a Local Education Authority can prevent a scheme being identified at the plan making stage.

#### **Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?**

##### FBC response

The inclusion of a specific mention of capacity, congestion and road safety in the consideration of transport impact is welcomed.

**Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?**

FBC response

Unusually for a small borough, Fylde is home to two main runways, Blackpool Airport and BAE Systems' Warton Site. As such the council considers many proposals that could have an adverse impact on the safe operation of these facilities. Further guidance is required to determine the scale at which such facilities need to be retained and the role of such facilities, having regard to potential, as well as existing, levels of use

**Q23 Do you have any other comments on the text of Chapter 9?**

FBC response

No

**Q24 Do you have any comments on the text of Chapter 10?**

FBC response

No

**Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?**

FBC response

It is important that any proposals to promote alternative uses for underutilised land address the requirements of the plan period. For example a site allocated for employment use may have been allocated on the basis of its requirement to provide employment opportunities later in the plan period. An application to develop the site for a residential or retail use because it has not been developed at an early stage of the plan could undermine the delivery of the economic objectives of a plan.

**Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?**

FBC response

Fylde Council supports the efficient use of land, but this must be linked to other chapters particularly in terms of requiring high quality design and appropriate amenity space.

**Q27 Do you have any other comments on the text of Chapter 11?**

FBC response

No

**Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?**

FBC response

The role of good design as a key aspect of sustainable development that is indivisible from good planning has been lost and should be reinstated at the head of the chapter in order to emphasise the importance of achieving good design.

It is considered that further guidance should be produced to explain how the intentions of the Framework can be effectively translated to good development on the ground – for example by making sure that Design and Access Statements inform the design of a development rather than being written retrospectively to justify the design that has been produced.

It is also considered that paragraph 126 should be expanded to include explicit reference to the role of public/semi-public bodies in delivering good design. For example highway authorities are specifying materials based on minimal maintenance cost and standardised approaches rather than the design quality of the finished product. This approach is producing standardised mundane responses and limiting the ability of developers to deliver schemes that respond to local character and vernacular.

**Q29 Do you have any other comments on the text of Chapter 12?**

FBC response

There is no mention of the value of street trees and landscaping in this Chapter. In the entire consultation proposals, trees are only mentioned in the context of protecting ancient woodland. As well as protecting historic trees it is essential to promote new tree planting. Trees, hedges and landscaping have multiple benefits, e.g. to fulfil the government commitments to Health and Wellbeing, creating streets that promote sustainable travel

**Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?**

FBC response

Paragraph 145 introduces the test of developments on previously developed land not leading to substantial harm to the openness of the Green Belt rather than the previous test of having no greater impact on the openness of the Green Belt. Whilst the original wording required an element of judgement, it is considered that the new wording will be open to wider interpretation without any guidance as to what constitutes “substantial” harm.

**Q31 Do you have any other comments on the text of Chapter 13?**

FBC response

No

**Q32 Do you have any comments on the text of Chapter 14?**

FBC response

No

**Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?**

FBC response

No

**Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?**

FBC response

As with paragraph 118 of the current NPPF, the draft revision does not extend broad protection to all trees and woodlands, and therefore leaves creation of that level of protection to district councils using adopted policies, tree strategies and the tree preservation order system, without the ultimate support of specific national policy.

Para 173 ( c ) collapses because trees and woodlands outside of those in ancient woodlands are not given national policy protection, and worse, are not mentioned. Ancient woodlands only gain mention parenthetically, and the sentence treating “aged or veteran trees” leaves LPA’s confused as to the location of the trees it refers to, because the term used to describe them does not make the spatial relationship of the aged or veteran trees to ancient woodland clear. It reads as if the trees must be outside of, but in proximity to, the ancient woodland. This leaves veteran tree in open areas unprotected.

The omission of national level policy protection for trees and woodlands in the general sense should be addressed in the NPPF. There is a failure to connect to other government documents, such as

- EU Strategic Plan for Biodiversity 2011 to 2020 strategy
- The UK’s commitment to the Aichi Biodiversity Targets
- The Biodiversity Strategy for England – this recognises all lowland deciduous woodlands as priority habitat.
- The 25 year Environment Plan

Importantly, The 2011 Defra publication “***The Natural choice: securing the value of nature***” made promises to change the planning system for the benefit of nature. This revised framework is an opportunity to embed those changes in national policy.

*“Through reforms of the planning system, we will take a strategic approach to planning for nature within and across local areas. This approach will guide development to design and enable development to enhance natural networks. We will retaining the protection and improvement of the natural environment as core objectives of the planning system...”*

(The Natural Choice: securing the value of nature, Defra 2011, pp3)

Trees and woodland are recognised not only for their amenity value but more importantly for the green infrastructure services. Obviously these services are not the preserve of ancient woodlands but are delivered, largely *gratis* by all trees and woodlands. It’s a role that has recently been identified by government and now finds itself in government guidance –

*Green infrastructure provides multiple benefits, notably eco-system services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. Green infrastructure should, therefore, be a key consideration in both local plans and planning decisions where relevant."*

[\(planningguidance.communities.gov.uk/blog/guidance/natural-environment/green-infrastructure/\)](http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/green-infrastructure/)

The benefits derived from tree and woodland tend to align themselves neatly with the corporate goals of most local authorities and thus are a "good fit" for protection and conservation. LPAs are less able to provide the protection necessary if the NPPF does not underlie their policies and decisions.

The NPPF needs policies specific to all woodlands and all trees so that LPAs are able to defend those in their own urban forest against the backdrop of clear national policy.

Ancient woodlands, as irreplaceable habitat, merit special protection by separate policy. Veteran trees, irrespective of their spatial relationship to ancient woodlands, are known to represent micro-eco systems in their own right. In Europe, this resource has been almost totally lost owing to a historic failure to recognise and protect them. Veteran trees are not ideal candidates for a tree preservation order because many of their valuable habitat features such as fungi, deadwood and decay cavities render them unsuitable for TPO. That leaves LPAs unable to protect them at local level, and represents a gap in protection of an irreplaceable biodiversity asset. At this juncture, the NPPF could address this.

**Q35 Do you have any other comments on the text of Chapter 15?**

FBC response

No

**Q36 Do you have any comments on the text of Chapter 16?**

FBC response

No

**Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?**

FBC response

No

**Q38 Do you think that planning policy on minerals would be better contained in a separate document?**

FBC response

Yes

**Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?**

FBC response

No

**Q40 Do you agree with the proposed transitional arrangements?**

FBC response

In general the phased approach to the implementation of plan making and immediate implementation of decision taking aspects is welcomed. The suitability of the implementation of the proposed HDT ahead of the Letwin Review is questioned.

**Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?**

FBC response

No

**Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?**

FBC response

No

**Q43 Do you have any comments on the glossary?**

FBC response

The definition of affordable housing has been amended to remove reference to social rents. Fylde council has identified a need to deliver a wide range of affordable housing from social rent to discount market sale. It is considered that the nature of the tenures should remain to be determined through the application of local policy where this is viable and can be evidenced.

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	1 AUGUST 2018	6
<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 17/6/18 and 20/7/2018.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

List of Appeals Decided attached.

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

To inform members on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## APPEAL DECISIONS

The following appeal decisions have been received in the period 17 June 2018 to 20 July 2018. The decision notices are attached.

Rec No: 1			
13 March 2018	17/1005	LAND ADJ TO HAZELNUT COTTAGE, LANGTREE LANE, ELSWICK, PRESTON, PR4 3YD RESUBMISSION OF APPLICATION 16/0937 FOR OUTLINE APPLICATION FOR ERECTION OF 1 DETACHED DWELLING WITH ACCESS APPLIED FOR AND OTHER MATTERS RESERVED	Written Representations Case Officer: RB

Fylde Dec. Level	DEL
Appeal Decision:	Allowed: 02 July 2018

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Rec No: 2			
08 May 2018	17/0813	95 ST LEONARDS ROAD EAST, LYTHAM ST ANNES, FY8 2HD PROPOSED FIRST FLOOR SIDE EXTENSION AND REPLACEMENT OF EXISTING CONSERVATORY WITH SINGLE STOREY REAR EXTENSION	Householder Appeal Case Officer: RC

Fylde Dec. Level	DEL
Appeal Decision:	Part allowed: 05 July 2018

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## Appeal Decision

Site visit made on 29 May 2018

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 2 July 2018**

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**Appeal Ref: APP/M2325/W/18/3194499**

**Land adjacent Hazelnut Cottage, Langtree Lane, Elswick PR4 3YD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Neil Hudson against the decision of Fylde Borough Council.
  - The application Ref 17/1005, dated 24 November 2017, was refused by notice dated 19 January 2018.
  - The development proposed is an outline application for the erection of 1 no. detached dwelling with access applied for.
- 

### Decision

1. The appeal is allowed and planning permission is granted for an outline application for the erection of 1 no. detached dwelling with access applied for at land adjacent Hazelnut Cottage, Langtree Lane, Elswick PR4 3YD in accordance with the terms of the application, Ref 17/1005, dated 24 November 2017, subject to the conditions in the attached schedule.

### Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for access. Indicative plans have been submitted. These have formed part of my consideration of the appeal.
3. In response to a point of clarification about the Council's Housing Land Supply Statement, the appellant submitted further correspondence from a Borough Councillor. Although this was after the final comments stage, I accepted the evidence given the dispute between the main parties about whether the Council are currently able to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 49 of the National Planning Policy Framework (the Framework). As a result, I sought clarification from the Council, having regard to this correspondence. The appellant was given an opportunity comment on the Council's response. I have had regard to both parties' submissions in my decision.

### Main Issues

4. The main issues are: (i) whether the proposal would result in a sustainable pattern of development, having regard to the site's countryside location and accessibility to facilities and services; and (ii) the effect of the proposal on the character and appearance of the area, including the setting of the countryside.

### Reasons

5. The appeal site is to the side of Hazelnut Cottage, which is a semi-detached

dwelling. The other half of the pairing is Walnut Cottage. A shed once stood in the north-west corner of the site. This was burnt down, but hardstanding remains. A field access is between the hardstanding and the narrow lane which extends in front of the site. This provides vehicular and pedestrian access to the site. The lane joins Copp Lane to the east and it is lined by hedgerows on both sides. Hillberry, a detached residential dwelling, is at the junction of the lane and Copp Lane. To the south of the site and the lane is a stable and paddock. Residential properties line the eastern side of Copp Lane. Open fields lie to the north, south and west of the site. Langtree Farm is to the west.

6. The main parties agree that the appeal site lies within the open countryside as defined on the Fylde Borough Local Plan proposals map (2005).

#### *Planning Policy*

7. The development plan for the area consists of the saved policies of the Fylde Borough Local Plan, as altered in 2005 (FBLP). The FBLP was adopted before the Framework. This has implications for the weight to be afforded to its policies which I shall turn to later.
8. A new local plan for the Fylde is in course of preparation. The Submission Version of The Fylde Council Local Plan to 2032 (SLP) has been submitted for examination by an Inspector, and the hearing sessions have now been completed. The closure of the hearings enabled the Council to produce and consult on the proposed main modifications to the SLP and the proposed Proposals Map (SLP Proposals Map). This consultation has now ended, and the Council now await the Inspectors report about whether the plan is 'sound'. While the SLP does not form part of the development plan, and I do not know the extent of any unresolved objections, it is at an advanced stage. Having regard to Framework paragraph 216, I attach policies within the SLP moderate weight.
9. I understand as a result of the grant of planning permissions in the nearby area that the Neighbourhood Plan for Elswick (NP) has not been progressed by the Parish Council.

#### *Location*

10. Saved FBLP Policy SP2 restricts development in the countryside, other than for specified categories of development which do not include that under consideration in this appeal. However, the Council accept that this policy does not wholly accord with the approach taken in the Framework, as it seeks to restrict the types of development that may be acceptable in the countryside. As a result, the Council accept that this approach is outdated. I agree. Hence, the adopted settlement boundary for Elswick is also out of date.
11. To overcome this, the Council are proposing to 'update' their approach to development in the countryside through SLP Policy GD4, which says that development will be limited to: isolated new homes in the countryside which meet the criteria set out in Policy H6. These criteria broadly reflect the special circumstances in Framework paragraph 55, albeit with some greater detail. Regardless, the SLP promotes development in sustainable locations in accordance with the Framework. SLP Policy DLF1 identifies four Strategic Locations for Development relating to the Key Service Centres, but the

emerging policy also refers to an allowance within and adjacent to Tier 2: Smaller Rural Settlements for windfalls and small sites allowances. Elswick is a 'Tier 2 Smaller Rural Settlement' in SLP Policy S1. These settlements have fewer essential services and employment opportunities and tend to have limited transport connections with the Key Service Centres, Local Service Centres and the Strategic Locations for Development. Development that is appropriate to the scale and character of settlements at each level of the settlement hierarchy will be promoted in accordance with the development strategy.

12. SLP Policy SL5 does not make a specific allocation for Elswick, but alterations are also proposed to the SLP Proposals Map to include three sites; land north of Beech Road; land north of Mill Lane; and land north of High Gate and East of Copp Lane<sup>1</sup>. The sites at Mill Lane<sup>2</sup> and Beech Road<sup>3</sup> were subject of appeal decisions, which resulted in outline and full planning permissions being granted respectively. While I do not have full details before me, I note that a scheme for 24 no. dwellings was granted planning permission for the site East of Copp Lane<sup>4</sup>. They form the basis for the proposed alteration to the settlement boundary of Elswick and the reason why the NP has not been progressed. Despite these proposed changes, the site is physically separated from Elswick by fields and a country lane. Thus, the site is within the countryside and not adjacent to a settlement, even if the SLP Proposals Map is taken forward to adoption.
13. Framework paragraph 55 explains that housing should be located where it will enhance or maintain the vitality of rural communities, to promote sustainable development in rural areas. Where there are groups of smaller settlements, development in one village may support services in a village nearby. New isolated homes in the countryside should be avoided unless there are special circumstances.
14. The word 'isolated' is not defined in the Framework. Given the proximity of the proposed dwelling to two existing residential dwellings, along with those to the east and west, the new dwelling would not be far away from other buildings or people. As a result social sustainability would arise. However, there is still a need to consider whether the proposed development would be far away from other places. This includes consideration of whether the site is a suitable location for housing having regard to its location and accessibility.
15. Elswick has a number of facilities which are within its envelope. These include: a village store, Elswick Memorial United Reformed Church, two public houses, a Village Hall/Community Centre, an equipped play area, all weather pitches and a bowling club. The site is roughly 500 to 900 metres away from these facilities on foot. To the north of the site, between Elswick and Great Eccleston, is Great Eccleston Copp Church of England Primary School. This is within 700 metres of the site. A 40 mph speed limit applies to the section of Copp Lane between the lane and the school. This becomes 30 mph to the south-west of the appeal site. Copp lane has a one metre wide footway that extends from Elswick to the school. It is mainly lit. The centre of Great Eccleston is just over a mile from the site. The Council confirm that it offers a

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<sup>1</sup> Council Appeal Statement, Appendix 4

<sup>2</sup> Appeal Decision Ref: APP/M2325/W/17/3172835

<sup>3</sup> Appeal Decision Ref: APP/M2325/3172438

<sup>4</sup> Council Application Ref: 16/0846

wider range of facilities and services than Elswick. These include: a medical centre, dental surgery, post office, pharmacy, three churches, three public houses, a café, a hairdressers, a convenience store, a market, a newsagent and off-licence, a takeaway and a fashion retailer.

16. Future occupants of the proposed dwelling, based on the range of facilities and services in Elswick, would need to travel to other centres for their day-to-day needs. Even so, the facilities and services that are there would assist with their day-to-day living, and they could be accessed without having to rely on a car. Hence, there would be some benefit linked to the proposal in terms of supporting local services and community facilities.
17. This is tempered by the footway width along Copp Lane which is not wide enough to allow two people to pass one another without stepping into the carriageway, or to accommodate wheelchair users or prams. Persons travelling to and from the school would need to cross Copp Lane twice in order to make use of the footway. Existing and potential parents and guardians are unlikely to consider it to be a safe route for their children to walk to school, due to the narrowness of the footway and the speed at which vehicles use the road. While the footway is to be widened to two metres as part of the Copp Lane scheme, I do not have details of the improvements before me. In any event, there is no evidence to suggest, based on the existing situation, that there have been incidents from people crossing the road or using the footway.
18. At the end of the lane there are bus stops on either side of Copp Lane. They are a short walk away. Despite the lack of a footway along the lane, the volume and speed of traffic is low. Three lights within the grounds of Hazelnut Cottage illuminate the lane for a short section. Even so, they do not illuminate the lane to the east. While two new street lights are proposed, there are no details before me. In any event, they would provide a limited localised benefit by making a section of the journey along the lane more appealing. They would not fully improve its attractiveness during the hours of darkness.
19. The 77 service operates every two hours on Monday to Fridays from Preston to Blackpool calling at Ashton, Catforth, Inskip, Elswick and Victoria Hospital. The first service from Elswick to Blackpool leaves at 0637 with the last service leaving Preston at 1835. In the opposite direction, services from Elswick starts at 0711 and run through to 1951. In-between each No 77, there is a 77A service that also operates every two hours between Preston and Myerscough Agricultural College. It stops at Great Eccleston, which is a 5 minute journey away. The first service runs from 0915 with the last at 1515. In the opposition direction, the first service is at 1015 and the last at 1715. The 76 service operates roughly every two hours between Lytham and Blackpool. The service starts at 0700, with the last service going all the way through to Blackpool finishing at 1315. The last two services go as far as Poulton. The service from Elswick to Lytham starts at 0816 and finishes at 1651. On Saturdays in both directions, the combination of the three services means that there is a bus service through Elswick and onto larger centres roughly every hour. I also note that children can catch the bus at the end of the lane to and from school.
20. Although the Council contend that the bus services have a limited frequency,

the Framework recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. While the services may not be suitable for everyday use, they do offer a reasonable alternative for journeys to Great Eccleston, Poulton-le-Fylde or Preston where there are wider range of facilities and services available.

21. Having regard to the circumstances applicable to this case, the site is not far away from places with day-to-day facilities and services. Thus, on the whole, the site is not remote. Thus, the proposal would not be a new isolated home in the countryside. It is not therefore necessary for me to consider whether the special circumstances listed in Framework paragraph 55 and SLP Policy H6 apply to this case.
22. The SLP, though at an advanced stage, is not yet adopted, and the weight to be attached to it is moderate. While the proposed strategy for directing most development to the more sustainable locations is in accordance with guidance in the Framework, with regards to the development plan, I conclude, on this issue, that the proposal would not result in a sustainable pattern of development, having regard to the site's countryside location. Conflict would arise with FBLP Policies SP2 and HL2 as the development does not fit into one of the listed categories, and it is thus not acceptable in principle. The proposal would also conflict with SLP Policies S1 and DLF1 in that it would not accord with the proposed locations for development.

#### *Character and appearance*

23. A dwelling on the site would respect the linear strip of development and the rectangular shaped plots on the northern side of the lane. A scheme could be design to maintain a spacious relationship to Hazelnut and Walnut Cottages, so that views through to the fields to the north and south are maintained. Although a dwelling is likely to be visible above the roadside hedgerows along Copp Lane and Langtree Lane, this type and form of development is not uncharacteristic for the stretch of road to the north of Elswick. I accept that a new dwelling would urbanise the site and thus the landscape, but it would not reduce the spacing to Langtree Farm, as this is well screened by mature hedgerows on approach from the south.
24. By introducing a new dwelling on the land there would be domestic paraphernalia, but the majority of the site currently forms part of the garden to Hazelnut Cottage. As such, in terms of character, having regard to the Lancashire Landscape Strategy (LLS), there would not be a significant change to the coastal plain landscape which the site forms part of. Any noticeable effect would have a very limited impact on the openness of the land.
25. I acknowledge the need to recognise the intrinsic character and beauty of the countryside, but in this case, the character of the countryside does include dwellings. As such, a single new dwelling would not harm the character or beauty of the countryside or the landscape character of the area.
26. For these reasons, on this issue, I conclude that the proposal would accord with saved FBLP Policies HL2, HL6, EP11, the LLS, SLP Policies ENV1 and GD7 and Framework paragraphs 17 and 58 as the proposal would respect the intrinsic character and beauty of the countryside in this locality.

### *Conditions*

27. I have had regard to the conditions that have been suggested by the Council in light of the guidance in the Framework. Where necessary I have amended the wording to ensure consistency with Framework paragraph 206.
28. A condition specifying the approved plans and documents is necessary as this provides certainty. In the interests of highway safety and to provide a safe means of access to the from the site, conditions are necessary to secure details of visibility splays together with the layout, design and construction of the access and manoeuvring areas. A condition is necessary about ground levels in the interests of the character and appearance of the area. A condition addressing foul and surface water is necessary to avoid pollution and the risk of downstream flooding. So that nearby residents living conditions are upheld, a condition for a construction method statement is necessary.

### **Planning Balance**

29. The development plan remains the starting point for determination of the appeal. However, notwithstanding the Council's ability to demonstrate a 5 year supply of housing land, the development plan policies relevant to the supply of housing, including the currently defined settlement boundary for Elswick, are out of date. This position is not influenced by the advanced stage of the SLP. Thus, Framework paragraph 14 is applicable, as the fourth bullet point applies in any situation where relevant policies are out of date. This means granting permission unless 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.
30. The development is not in accordance with FBLP Policies SP2 and HL2 in that it would not accord with the proposed locations for development. However, despite the site's location, the harm caused by the proposal to the countryside, and the environment would be very limited. The same applies to SLP Policies S1 and DLF1, but these policies do not carry development plan weight as there are unresolved objections relating to Elswick. As a result, while it is suggested that existing housing commitments in Elswick have already exceeded the identified growth for the settlement for the period up to 2032, the SLP has yet to be found sound.
31. Balanced against this are my conclusions on whether the proposed single dwelling would be isolated and its effect on the landscape character and appearance of the area. There would also be a modest social contribution through the scheme's contribution to the supply of housing in accordance with Framework paragraph 47. The scheme would result in a number of limited economic benefits during and after its construction by providing employment and support for local businesses. A single extra dwelling would not place undue pressure on existing local services. The scheme's effect on the highway, living conditions, drainage and ecology all carry a neutral weight in the planning balance. I note points by interested parties about the maintenance of the lane as it is a private road, but this is a civil matter.
32. Reference is made to a second dwelling on the appeal site, and I understand that this scheme was withdrawn. In any event, I have considered the proposal on its own planning merits, and it would be for the Council in the



first instance to assess any other development proposals put forward.

33. I conclude that the adverse impacts identified would not significantly and demonstrably outweigh the various environmental, economic and social benefits of the proposal. Thus, planning permission should be granted and the proposal would represent sustainable development when assessed against the policies in the Framework taken as a whole.

34. For the reasons set out above, I conclude that the appeal should be allowed.

*Andrew McGlone*

INSPECTOR

#### SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan; and LG/LT/3101.
- 5) No above ground works shall take place until details of finished floor levels for the dwelling and ground levels for the external areas of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 6) No above ground works shall take place until a scheme for the layout, design and construction of the site access at the junction with Langtree Lane (the position of which is shown on drawing no. LG/LT/3101) and other hardstanding areas within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - (i) the provision of suitable visibility splays in both directions at the junction of the site access with Langtree Lane; and
  - (ii) details of the layout, design and construction of vehicle manoeuvring and parking areas to be provided within the site to allow vehicles to enter and exit the site onto Langtree Lane in forward gear.

The site access, manoeuvring and parking areas shall be constructed in accordance with the approved scheme and made available for use before the dwelling is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay in (i) shall be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

- 7) No above ground works shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- (i) separate systems for the disposal of foul and surface water;
  - (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, with provision to ensure that the post-development discharge rate does not exceed the pre-development rate, including an appropriate allowance for climate change;
  - (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
  - (iv) details of how the scheme will be maintained and managed after completion.

The approved scheme shall be implemented before the dwelling is first occupied, and shall be maintained and managed as such thereafter.

- 8) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
  - b) arrangements for the parking of vehicles for site operatives, contractors and other visitors within the site (off the public highway);
  - c) details of areas designated for the loading, unloading and storage of plant and materials;
  - d) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
  - e) measures to control the emission of dust and dirt during construction;
  - f) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

END OFF SCHEDULE





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## Appeal Decision

Site visit made on 5 June 2018

**by Jillian Rann BA (Hons) MSc MRTPI**

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

**Decision date: 5<sup>th</sup> July 2018**

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**Appeal Ref: APP/M2325/D/18/3198482**

**95 St Leonards Road East, Lytham St Annes FY8 2HD**

- 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 Mark Winnemore against the decision of Fylde Borough Council.
  - The application Ref 17/0813, dated 13 September 2017, was refused by notice dated 18 January 2018.
  - The development proposed is first floor side extension and replacement of existing conservatory with single storey rear extension.
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### Decision

1. The appeal is dismissed insofar as it relates to the first floor side extension. The appeal is allowed insofar as it relates to the replacement of existing conservatory with single storey rear extension, and planning permission is granted for replacement of existing conservatory with single storey rear extension at 95 St Leonards Road East, Lytham St Annes FY8 2HD.
2. The permission is granted in accordance with the terms of the application, Ref 17/0813, dated 13 September 2017, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, dated 19 May 2008; Survey of Existing drawing A017/104/S/01; Proposed Elevations & Floor Plans drawing A017/104/BR/01 (dining room only).
  - 3) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing building.

### Procedural Matters

3. The description of the development given in the banner heading above is taken from the Council's decision notice, because the description on the application form did not make reference to the proposed replacement of the existing conservatory with a single storey rear extension. The appeal form confirms that the description of the development has changed from that stated on the application form, and uses the Council's description of the development.

4. The Council has confirmed that the examination of the Fylde Council Local Plan to 2032 (the emerging Local Plan) has recently concluded and that, notwithstanding references to the 'submission version' of the emerging Local Plan in its reason for refusal, the correct reference should have been to the 'publication version' of the document. I consider the appeal on this basis.

### **Main Issue**

5. The main issue is the effect of the proposed first floor side extension on the living conditions of the occupiers of 97 St Leonards Road East, with regard to outlook and light.

### **Reasons**

6. The proposed first floor side extension would be close to the boundary with the neighbouring property, No 97, which is separated from the site by a relatively narrow side drive. No 97 has two ground floor windows and a glazed door facing the appeal site. These serve the neighbouring kitchen, which includes a small dining area. I have visited No 97 and viewed the appeal site from both the internal and external areas of this neighbouring property, and observed that the two ground floor windows and door in the side of No 97 are the only openings which serve this neighbouring kitchen and dining area.
7. The glazed door and window in the rear part of No 97's kitchen are fitted with obscure glazing and therefore do not act as a significant source of outlook at present. They are also positioned towards the rear of the proposed first floor side extension. Therefore, whilst its presence would be discernible from these windows, I do not consider that it would have a significant effect on the wider outlook from the rear part of the neighbouring kitchen.
8. In contrast, the other, separate, ground floor side window which serves No 97's kitchen is fitted with clear glazing, and thus serves as the main source of direct outlook from this room. The side wall of the appeal property's existing single storey side extension features prominently in the outlook from this window. However, this part of the neighbouring property does benefit from some limited wider outlook over the roof of the existing side extension to the front and rear.
9. The proposed first floor side extension would extend for much of the depth of the original house, in both directions from the clear-glazed window in the side of No 97. As a result of its depth, height, and very close proximity to this neighbouring window, I consider that the extension would appear as an oppressive and overbearing feature, which would have a significantly greater presence, and would dominate the immediate and wider outlook from this window to a significantly greater degree than the existing side extension, or than the two-storey part of the original house, which is further away. As a result, I consider that the proposal would further impair the already limited outlook from this window to an unacceptable degree.
10. Calculations carried out by the appellant appear to indicate that the proposed first floor side extension would cause some additional shading of the area served by No 97's clear-glazed ground floor side window at certain times of the day. As I observed, light levels in this part of the neighbouring property are already somewhat limited. The appellant's calculations appear to indicate that the period of additional shading would be relatively short-lived. However, in the context of the already-limited levels of light to this area I consider that the

effect of this additional period of shading would be significant, and that the proposal would further reduce daylight and sunlight to this dining/kitchen area to an unacceptable degree. I have little evidence before me to demonstrate that the use of pale render on the side elevation of the proposed extension would appreciably increase daylight to the side windows of No 97, as suggested by the appellant, or that any such effect would satisfactorily offset the harm I have identified in this respect.

11. Any additional shading to the rear part of No 97's kitchen is likely to be more limited, as a result of its greater separation from the proposed first floor side extension. However, any period of additional shading which may occur is likely to coincide or overlap with that during which the clear-glazed side window of No 97 is also affected, and would therefore further exacerbate the effects of the proposal on the light levels to the neighbouring kitchen overall.
12. I note the appellant's reference to a lack of quantifiable guidance from the Council with regard to acceptable light levels, and to the fact that the window serving the dining area within the neighbouring kitchen is fitted with a blind at present. However, I have considered the proposal on the basis of the information before me and my own observations, and these matters do not dissuade me from my conclusion that, for the reasons above, the proposed first floor side extension would have an unacceptable effect on the living conditions of the occupants of No 97 with regard to light.
13. I therefore consider that the proposed first floor side extension would have a significant adverse effect on the living conditions of the occupiers of No 97 with regard to outlook and light. The proposal would therefore conflict with Policy HL5 (2.) of the Fylde Borough Local Plan As Altered, October 2005 (the current Local Plan), and with the aims of the Extending Your Home Supplementary Planning Document, adopted November 2007 (the SPD). These refer specifically to house extension proposals and require, amongst other things, that the amenities of adjacent and nearby residents are not unduly prejudiced by loss of sunlight or daylight, or by the creation of dominant or overbearing development.
14. In reaching my conclusion I have also had regard to emerging Policy GD7 (b)) of the emerging Local Plan, the aims of which are similar to those of the current Local Plan referred to above, in requiring that amenity will not be adversely affected by neighbouring uses.

### **Other Matters**

15. The appellant states that the effects of the proposal on the living conditions of the occupants of No 97 would be no worse than a hip-to-gable extension which could be carried out to the appeal property as permitted development. However, I have little before me to suggest that this option has been pursued to any degree, and I attach little weight to this matter, or to the general reference made by the appellant to similar situations being common in 20<sup>th</sup> century housing. I have considered the appeal on its own planning merits and on the basis of the specific proposal and site circumstances before me, and consider it to be unacceptable for the reasons above.
16. The appellant refers to pre-application advice from the Council indicating that the proposal was acceptable in principal. However, informal advice provided before an application is made is given without prejudice and cannot

pre-determine the outcome of a subsequent application, which must take account of all material factors, including representations from neighbouring residents, such as was received by the Council in this case. I therefore attach little weight to this matter in my determination of the appeal.

17. The proposal also includes a single storey rear extension. This would replace an existing conservatory in a similar position, adjacent to the boundary with the adjoining property, No 93, which has an existing single storey extension close to the party boundary. The Council has not objected to this part of the application, and as it would not be significantly larger than the existing conservatory, and would be built in materials to match the existing building, it would not harm the living conditions of neighbouring residents or have any adverse effect upon the character or appearance of the appeal property or its surroundings.
18. The proposed single storey rear extension would therefore accord with the provisions of Policy HL5 of the current Local Plan, and with the aims of the SPD. Amongst other things, these require that proposals for house extensions are in keeping with the existing building in terms of scale, design and external appearance, and that the amenities of adjacent and nearby residents are not unduly prejudiced. I also have regard to Policy GD7 of the emerging Local Plan, the aims of which are similar to those of the current Local Plan policy referred to above, in requiring that development is of a high standard of design, and that amenity will not be adversely affected by neighbouring uses.
19. Consequently, and as it is clearly both functionally and physically severable from the proposed first floor side extension, I issue a split decision in this case and grant planning permission for the single storey rear extension.
20. I note concerns regarding the effects of the development on noise levels experienced by neighbouring residents, and on the future sale of the neighbouring property. However, these appear to relate principally to the effects of the proposed first floor side extension. As I find the first floor side extension to be unacceptable for other reasons, and as I have little evidence before me to suggest that the proposal would have significant implications with regard to these matters, this does not alter my conclusions above.

### **Conditions**

21. I have attached a condition specifying the approved plans, in the interests of certainty, and a condition requiring matching materials, to safeguard the character and appearance of the appeal site and its surroundings.

### **Conclusion**

22. For the reasons given above, and having regard to all other matters raised, I dismiss the appeal insofar as it relates to the first floor side extension and allow the appeal insofar as it relates to the replacement of existing conservatory with single storey rear extension.

*Jillian Rann*  
INSPECTOR