

Planning Committee

Wednesday 02 September 2020

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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2	20/0385	<u>Additional Condition</u>
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Officers believe that an additional condition is appropriate to ensure that the shop element of the scheme is only used for purposes that are related to needs of the allotments holders, rather than to retail to the general public. The suggested wording of this condition is as follows:

That the shipping container hereby approved shall be used for purposes which are incidental to the use of the site by the allotments holders so that the produce stored within it, and sold from it, shall be entirely associated with the use of that site as allotments, and so shall not be available for retailing of products unrelated to the site or targeted at non-allotment holders.

Reason: To maintain an appropriate level of control over the operation of the retail element in the interests of the proper planning of the area and to ensure that it is only used for purposes that support the horticultural activities on the Mythop Road allotment site.

3	20/0404	<u>Revised Proposals</u>
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A set of revised plans and elevations relating to the dwelling have been received. These increase the width of the entrance and the scale of the portico above it and are said to be at the recommendation of the NW Heritage Trust

Officer Opinion on Revised Proposals

The changes are cosmetic to the appearance of the front elevation and do not affect the position on the principle of development as set out in the officer report. The recommendation is unaltered.

Councillor Comments - Cllr Anthony

"A detailed supporting comment has been provided by Cllr Peter Anthony. This has been circulated to all members of Committee and is added to the Late Observations Schedule here also.

I, as Councillor for Clifton Ward in Lytham, recently requested that the decision be deferred to the Planning Committee for consideration. This was successful as Andrew Stell felt I had backed up my request with perfectly good reasons.

The two main subjects when considering any development in open countryside are "Landscape Harm" and "Community Harm". I will attach my deferment request letter to Andrew Stell from a few weeks ago which explains why I feel this singular development does not impact negatively on any of these issues.

Myself, along with other colleagues representing Lytham, believe that this quality singular build could avoid any mass construction of multiple new builds in the future. As you will see, I have pointed out in my letter to Andrew Stell, that the successive Governments of the future will be severely challenged to provide housing for an ever increasing population. The easing of planning restrictions is already high on the national agenda, and we must therefore be careful that implications our refusal could cause. This is a 21st century home that is taking inspiration from the past, rather than being an exact copy of an 18th Century design. I feel that this should be applauded, especially due to its historic location. There have been so many ultra-modern developments within historic walled gardens and registered parkland nationwide (if any members require photographs of such, please ask and I am more than happy to forward these on).

Heritage Trust for the North West were asked for comments regarding this development from Andrew Stell. After discussions with Trustees, two of the main features from the design of the proposed house were highlighted. One comment was that the portico should have an uneven number of windows, preferably three, which would widen it to give a better balance. Also, the front doorway should be an improved design to make more of a statement a continue with the influences of the Georgian period. HTNW Trustee Steve Williams and I met onsite with Mr Gallagher to discuss these options. I am pleased to say that Mr Gallagher was very receptive of these proposed alterations and has already instructed his architect to improve these features. I have since seen these changes and believe they make a great difference to the overall design to the proposed house.

In the recent report from Andrew Stell he raises concerns that the proposed dwelling will be three storeys in height. However, it is visually has only two storeys with utilised roof space. This was likened and compared to Lytham Hall; however, I must totally disagree. Lytham Hall distinctively has three storeys plus roof space. I personally feel that the size of the proposed development does not compete whatsoever with the prominence and grandeur of the Grade 1 listed building known as Lytham Hall. Many large country houses often had larger houses nearby that were used for potential heirs or as dowager houses. Nearby Warton Hall is quite typical of this. Many villages have the grand Hall, and the lesser Manor house in nearby proximity.

The new proposed development is positioned and enclosed within the walled garden walls, of which are not visible from Lytham Hall's driveway , and is also obscured by the newly refurbished old farmhouse and existing farm structures. Therefore, the landscape and vista from Lytham Hall is not affected. It is also important to point out that the densely populated woodlands and parkland make Home Farm impossible to see from the vicinity of the Hall itself.

Lytham and the surrounding area has numerous properties of considerable size, admittedly many may not be under the countryside classification, however many do not benefit from the privacy and seclusion that this proposed property and landscape would enjoy.

It is very rare to get an owner/developer that is so sympathetic and wants to build a quality property of period style. Any new property must be fit for purpose in the era it is destined to exist. The proposed new dwelling, now with its subtle design changes, I feel is a worthy addition and will become significant in its own form.

The walled garden walls are to be restored to their former glory. I feel that this dilapidated feature could never return to its original purpose, and it could be lost forever, if it was to fall into different hands or allowed to fall further into disrepair.

The old farmhouse has already been restored to a wonderful standard, and the parkland

around the farm has also received an immense deal of attention and expense. The levels of research into archaeology and intense garden and woodland design are exemplary.

As Councillor for Clifton Ward, and General Manager of Lytham Hall, I fully support the proposed new dwelling on the Home Farm site; and I hope the committee will support this application also."

Cllr Comments - Cllr Blackshaw

I personally have visited Home Farm, and therefore seen for myself the restoration work already achieved, and must say I am overwhelmed by the detail to the historic features and the passion Mr Gallagher has Restored so far at Home Farm. The new build to me is in keeping with its surroundings, complimenting Lytham Hall. Mr Gallagher, as previously stated, is passionate about keeping the historical features such as the walled garden. This is derelict at present, and Mr Gallagher is happy to rebuild to conserve this historical wall garden. Therefore this application provides a unique opportunity for the Lytham Hall Park Estate to benefit from a 1.7million restoration to this historical walled garden.

This application is truly unique as there is not, as far as I am aware, no other historic walled garden requiring restoration in the Borough, and no one else prepared to invest such a sum along with the development of a residential dwelling.

Enabling this development will secure a valuable heritage asset Mr Gallagher has agreed to make available to the Public on occasions in Partnership with Lytham Hall Park. Without the development the restoration of the walled garden it is not viable.

To me it is a major investment into a magnificent historic restoration that compliments our Boroughs only Grade 1 listed heritage asset, Lytham Hall. The planning Officer has pointed out the policy to me (when I phoned about this) the house may contravene, this application is not about the house, it's about securing the long term restoration of the walled garden enabled by a home in keeping with Lytham Hall Park.

Again I reiterate, as a Clifton Ward Councillor, I fully support this application.

Cllr Comments - Cllr Thomas

"In my absence I would like to offer a few observations regarding the Home Farm application. The issues of 'Landscape Harm' and 'Community Harm' has been well rehearsed, in that it does not appear to be evident in either case. The National Planning Policy Framework promotes appropriate development – quoting that Authorities should be 'minded to support development unless it is not appropriate'.

Regarding 'landscape harm' in fact it is likely to enhance the visual appearance and remove unsightly features, i.e former sheds, stables, and a fallen wall. Therefore the 'harm' to the visual landscape is not evident, the stronger argument is that there will be an improvement because this is an entrepreneur, with high standards, developing a home for his family.

Again regarding 'Community Harm' there appears to be no evidence that that harm to the local community, in terms of noise and traffic, will be increased from the development. The stronger argument would be that it is less intrusive – a family man that is seeking peace and quiet moving away from the bustle of the town. Also the wider issue focuses on how the surrounding area would benefit. This application provides a unique opportunity for the Lytham Hall Park Estate to benefit from a large financial input.

This opportunity is only possible if this committee consider the appropriate enabling development, the family residential dwelling, that makes the restoration viable and compliments the Grade 1 listed building at Lytham Hall.

The NPPF permits enabling development under paragraph 202, which states ;

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from these policies.

The argument is about a policy conflict and how the benefits may outweigh the negative impacts and how the exclusions to the countryside GD4 policy applies. But Policy permits enabling development that will secure a valuable heritage asset that the applicant has agreed to make available to the public on occasion in partnership with Lytham Hall Park.

There is a flexible approach to this application which allows members to secure major investment into a magnificent historic restoration that complements our only Grade 1 listed heritage. In no way is it in conflict or competition in size or function to the Hall. The message to members is that this can be approved by them. They can seize the opportunity to secure significant investment in a historic asset.

I would urge members to support and approve this application.”

Officer Response

The views of the Councillors are noted Members are asked to consider the comments as interested parties to the decision. Generally the comments do not raise any planning policy or other material planning considerations that are not covered in the report.

It is worthwhile highlighting the point raised by Cllr Thomas who quotes the support for enabling development in para 202 of NPPF where that development is designed to secure the future conservation of a heritage asset. In this case the development is not ‘securing the future conservation status of a heritage asset’ as there is no link between the proposed development and Lytham Hall or other heritage assets other than the Registered Park and Garden. The wall is not itself a designated heritage asset itself but simply defines the kitchen garden which forms a part of the Registered Park and Garden, and the wall is not being conserved but is largely being replaced with a new wall of a different design and a different function to the kitchen garden. Officer advice is clear that erection of the dwelling proposed in this application is not a proportionate development to any limited enabling benefit from this application, and certainly does not support overruling the strong benefits of determining applications in accordance with the development plan policies.

The applicant's agent has submitted a legal opinion received from a barrister who raises queries with the appropriateness of the officer recommendation to Committee, and the basis for that recommendation. The reasons given for that view are briefly summarised as:

- The report incorrectly concludes that the Inspector imposed conditions to control the limit of the development that was acceptable at the site, rather the conditions were imposed to assist in defining the permission
- There is no evidence to conclude that a tent occupant would be less considerate than a pod occupant.
- There is no technical evidence that the tent occupants would create unacceptable noise levels, or a risk of such levels.
- The report places too great weight on the comments of the objectors without scrutiny of those objections
- There is no reason why more occupancy should lead to an unacceptable risk of unacceptable harm.
- The potential to revise the conditions to the existing permission to permit and appropriately control the tent use is not adequately explored.

Officer Recommendation

The advice was received late on Friday afternoon prior to the recent Bank Holiday. As a result, council officers have not been able to study the content and points raised in any detail. Accordingly, it is recommended to Committee that the determination of this application be deferred to allow a fuller consideration of the legal submission and so further advice to be provided to Committee when this application is re-presented at a future meeting.