

Planning Committee Index

14 June 2017

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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 (Publication Version) August 2016
- 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 2016
- Strategic Housing Land Availability Schedule (SHLAA)
- 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 or for inspection by request, at the One Stop Shop Offices, Clifton Drive South, St Annes.

Planning Committee Schedule

14 June 2017

Item Number: 1

Committee Date: 14 June 2017

Application Reference:	16/0846	Type of Application:	Outline Planning Permission
Applicant:	Mr Halliwell	Agent :	JWPC Ltd
Location:	LAND NORTH OF HIGH GATE AND EAST OF, COPP LANE, ELSWICK		
Proposal:	OUTLINE APPLICATION FOR THE ERECTION OF UP TO 24 NO. DWELLINGS (ACCESS APPLIED FOR AND OTHER MATTERS RESERVED)		
Parish:	ELSWICK AND LITTLE ECCLESTON	Area Team:	Area Team 2
Weeks on Hand:	31	Case Officer:	Rob Buffham
Reason for Delay:	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.840704,-2.877174,680m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Introduction

A decision on this application was deferred at the 24 May 2017 meeting of the council's Planning Committee to allow members of that Committee to undertake a site visit to view this site and others around Elswick. Arrangements have been made for that site visit to take place prior to this meeting and so the application is re-presented for determination.

The scheme has not been amended since the May meeting and no further issues have arisen. As such the report presented to the May meeting is repeated below for reference, albeit with the minor revision to the suggested s106 clauses from the Late Observations to that meeting incorporated in the recommendation of this report.

Members are however reminded of the revised 5 year housing supply position that was also presented to that meeting and confirms that when the latest housing requirement of 415 dwelling per annum is used the housing supply available at 31 March 2017 was equivalent to 4.8 years of that supply and so the report below must be read in that revised context.

Summary of Officer Recommendation

The proposal for consideration by Members is an outline application for up to 24 dwellings, seeking matters relating to access only, on land east of Copp Lane, Elswick. The site is allocated as a Countryside Area in the adopted Fylde Borough Council Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032 (SV).

The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policies SP2 of the FBLP and GD4 of the SV, which act to restrict development within such areas to agriculture, horticulture, forestry or other uses appropriate to a rural area only.

The Council has a reported 5.58 year housing supply, though this figure is yet to be tested at the Public Examination and could alter. Elswick is designated as a Tier 2 Rural Settlement in the SV, capable of sustainably accommodating 50 dwellings over the plan period. When added to committed development this proposal would not exceed the 50 unit target of the emerging policy. 16/1038 (9 dwellings on land west of West View, Elswick) is also to be considered by this Planning Committee, despite being recommended for refusal, if ultimately approved this would result in the 50 unit threshold being exceeded by 5 dwellings. Like the supply figure, the Tier 2 designation of Elswick is to be scrutinised at the Public Examination and may change. Moderate weight should therefore be applied to the interim supply position and Tier 2 status of Elswick. It is also considered that sustainable housing development should be supported in order to maintain a 5 year supply, irrespective of location, as failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future.

Due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

The proposed development would result in an expansion of the village in the order of approximately 5% (10% including committed development and 12% if including the West View scheme on this Committee Agenda) in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Elswick and existing shops, services, and public transport facilities available both within and outside the village. Nor would it have any significant adverse effects on landscape character and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. The development would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms.

On balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms having particular regard to the requirements of the FBLP, SV and NPPF. The officer recommendation is that members support the application, subject to condition and a legal agreement to secure affordable housing and contributions to secondary education provision.

Reason for Reporting to Committee

The application is a major development which is recommended for approval by Officers. In accordance with the Council's adopted Scheme of Delegation the application must therefore be referred to the Planning Committee for determination.

Site Description and Location

The application site adjoins the northern village boundary of Elswick, being bound by housing to the south, housing and open fields on Copp Lane to the west, ribbon housing development and open fields to the north and open fields to the east. The site is 1.86 hectares in size and is almost square in form, comprising of a relatively flat overgrown parcel of land with pond to the northern boundary. Trees and hedgerow define the site boundaries.

The site is designated as Countryside in the adopted Fylde Borough Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032 (SV).

Details of Proposal

Outline planning consent is sought for up to 24 dwellings, seeking approval of vehicular access arrangements only. Detail relating to appearance, landscaping, layout and scale are to be assessed through subsequent reserved matters application(s).

Members should note that the originally submitted proposal sought consent for 36 dwellings on a larger portion of the site. The scheme for consideration is a revision of that original proposal which has reduced both the number of units proposed and the developable area.

The submission indicates that 6 properties are to be accessed via the existing entrance to Highbury Gate, with the remaining 18 units accessed via a new junction with Copp Lane approximately 95m north from Highbury Gate. The design of the new entrance incorporates a footpath which extends along the new access road into the development. Highbury Gate will also be widened to 5.5m with provision of footpaths to either side of the road incorporated into the road layout.

An indicative layout has been submitted, which provides for housing adjacent to the existing village edge, aligning with the end property on Copp Lane (1.06 hectares), and Public Open Space (0.86 hectares) beyond. Housing is sited to ensure that dwellings have a front facing aspect to Highbury Gate, Copp Lane and to the Public Open Space (POS). Housing to the east of the site is shown to have a rear facing aspect to the countryside. The existing pond located to the northern boundary is to be retained as part of the POS provision, along with hedgerow boundaries and trees, except where removal is necessary to facilitate the access arrangement to Copp Lane. LCC Highways have requested that the footpath fronting the application site on Copp Lane be widened to 2m and it should be noted that this would require removal of the hedgerow in its entirety.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

Elswick Parish Council were notified regarding the original proposal on 09 November 2016 and raised strong objection to the proposal on the following grounds:

- Elswick Parish Council strongly objects to this planning application by virtue of its size and scale and feels it is inappropriate for the location of the site and would therefore have a significant adverse impact on the character and appearance of the area.
- **Sustainability** – site is outside the village boundary and contrary to the proposals of the emerging Local Plan. The Development Control Committee decided that Elswick should be defined in the emerging Local Plan as a Tier 2 Smaller Rural Settlement with an allocation of 50 houses in view of the village's extremely low sustainability assessment. Sustainability of the village has further deteriorated with the loss of the bus service to Blackpool and the announcement that the largest employer in the village (Bonds) to close with the loss of 20 jobs. The withdrawal of the bus service and the closure of Bonds is a double blow to the village as a survey undertaken in compiling the Parish Plan showed that most people from the village are employed in Blackpool.
Elswick has no school, health centre and one small newsagent's. The nearest health centre is 1.5 miles away and supermarket 6 miles away. There is little employment opportunity with most residents travelling to Blackpool or further afield for work. Similar distances have to be travelled for shopping or recreational purposes. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and it is clear that development of this size in Elswick doesn't satisfy the sustainability criteria.
- **Health Centre** - Residents of Elswick rely upon services in Wyre and particularly Great Eccleston. The Health Centre currently has a waiting list of three to four weeks to see a doctor and has no room to expand and no finance to relocate. The senior partner has commented that the current level of planning applications, lodged within a two mile radius of the centre, will require the appointment of a new GP but there is no room in the current centre to accommodate such an appointment. Already over 160 houses have already been approved (but not yet built) and applications have been submitted for a further 330 houses. It is essential therefore that a new Health Centre is built before any new further applications are approved as unlike in urban areas there is no alternative to the health centre, the next nearest doctors surgery being six miles away.
- **Emerging Local Plan Allocation** - Whilst this development of 36 houses would at first seem to fit the number of houses allocated for the village in the emerging Local Plan, planning permission has already been granted for 18 houses and further small applications are awaiting approval which will account for half the number of houses allocated. Two other large applications are also awaiting determination, each for 50 houses. If either or possibly both of these are approved, in addition to this application, the village could be faced with over 160 new houses – more than 3 times the number allocated in the emerging Local Plan. This would increase the size of Elswick by 36%.
- **Neighbourhood Plan** - This application, if approved, will undermine the spirit of Localism that governs the neighbourhood planning process, introduced in the Localism Act 2011. It runs the risk of causing considerable damage to the Neighbourhood Planning Process. Whilst recognising that compiling and receiving approval of a Neighbourhood Plan is a lengthy procedure Elswick, in a short period of time, has made considerable progress. There has been a tremendous response to the Neighbourhood Plan questionnaire with over 30% of households submitting responses. The overwhelming message from the questionnaire is that villagers wish to see the housing allocation in the emerging Local Plan distributed uniformly throughout around the village with several small developments rather than one or more large housing estates, enabling the village to grow whilst retaining its character. The

whole purpose of the plan is to give a voice to the community to help them manage their neighbourhood, if this planning application is granted it goes totally against the purpose of the Neighbourhood plan and the Localism Act.

- **Affordable Housing** - The lack of public transport and amenities in the village negates the benefits of affordable housing as any cost savings will be more than offset by higher transport costs, with two cars per household being a requirement. For affordable housing to be sustainable it must be closer to employment and offer multiple transport options.
- **Transport and Traffic** - The Neighbourhood Plan questionnaire has also revealed a number of facts regarding the use of the A585 by Elswick residents. 95% of the respondents said that the Thistleton junctions are dangerous with several mentioning near misses that they have experienced. The survey revealed that there is an average of 1.8 cars per household in the village with over 1000 traffic movements per day by Elswick residents on the A585. People find crossing the A585 at the northerly Thistleton junction a 'nightmare' and turning left at the southerly junction 'highly dangerous'. At both junctions motorists have to wait for breaks in the traffic which are extremely rare, particularly at peak times. The northerly junction is generally used by people crossing the junction or turning right and gaps need to be found in both directions. This junction is heavily used by people travelling to Blackpool for employment or taking children to school.

Traffic breaks are only needed in one direction at the southerly junction but this junction is not obvious to drivers travelling along the A585 towards the M55 and the speed of the traffic approaching the junction makes turning left from the C classification road an extremely hazardous experience. Excessive waiting times at both junctions encourage frustrated drivers to take chances by pulling out in front of fast moving traffic.

With poor and diminishing public transport services, cars are a necessity in Elswick and virtually all traffic movements involve accessing the A585. This application if approved will add an additional 66 cars into the village and a further 200+ traffic movements at the Thistleton A585 junctions. The A585 is already operating over capacity and we are advised that there are no plans at present to undertake any work on the Windy Harbour to M55 section of the A585 or the Thistleton junctions despite the Highways Agency acknowledging that these junctions are dangerous. The Parish Council understands that the Agency has imposed restrictions on Wyre Borough Councils development plans due to the over capacity on the road and considers that no further development should be approved in Elswick until the capacity of the road is resolved and improvements undertaken at the Thistleton junctions.

With plans having already been lodged for 490 new houses in Elswick, Great Eccleston, Little Eccleston and Inskip the potential additional usage of the A585 will exceed 3000 plus movements a day on a road which is already operating to overcapacity, if all these plans are approved. Elswick Parish Council considers that this is unacceptable and that the cumulative effect of these plans needs to be urgently addressed.

- **Impact** - The site for this development is a central site in the village. If approved it will be visually obtrusive and detrimental to the character of the village.

The Parish Council were also notified of the revised scheme on 7 April 2017, commenting that they maintain their original objections from the previous application (Parish Council letter dated 14.12.16), and request that this application be refused.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objection subject to the upgrade of bus stops, footpath widening, financial

contribution of £200K spread over 5 years for bus service enhancements and conditions.

Access – The Copp Lane access is acceptable since suitable visibility splays can be provided with alterations to the hedge line. The junction would require 6m radii and provision should be made for 2m wide footpath to Copp Lane.

Highbury Gate is unadopted and agreement from the land owner would be required for the new access points serving dwellings. Highbury Gate should be upgraded to adoptable standard and offered for adoption due to the number of dwellings it would serve. This will require 2m footways/service strips on both sides of the road, a 5.5m carriageway and a suitable turning head to allow refuse/emergency vehicles to turn safely and exit back onto Copp Lane in a forward gear. These changes will require some works on the junction of Highbury Gate and Copp Lane. Both these works and the new priority junction would be delivered as part of a s278 agreement.

Trip Rate/ Traffic Generation - The trip rates used by the developer show that in the AM peak 18 vehicle movements would occur (5 in and 13 out) and 18 vehicle movements (12 in and 6 out) in the PM peak.

The trip rates used by the developer are extracted from the TRICS database and can be assumed to be representative for a development of this scale at this location. I would broadly agree with the developers suggested distributions and therefore their conclusion that the impacts of this proposal on key junctions within the local highway network would be limited.

Pedestrian/ Cycling Considerations - 2m footways should be provided along the whole length of the site frontage. I would expect to see tactile paving applied at the crossings of the new priority junction and Highbury Gate. The access point on to Copp Lane north of the priority junction (near plot 27) should provide both pedestrian and cycle access. Any scheme, which would be subject to a detailed design process and sign off, would be carried out under a s278 agreement.

Public Transport - Recent cuts to the funding of subsidised bus services throughout Lancashire has led to the removal or reduction of public transport services. Service 78 has been withdrawn since the production of the submitted Transport Statement, so the only public services running through Elswick are the 80 and 75A. Service 80 (to Preston) only runs every two hours compared with an hourly service prior to cuts. It is recommended that the hourly service be reinstated in order to provide alternative modes of travel to the car. Service 75A only runs every two hours also, and it is recommended that an hourly service be supported in order to provide alternative modes of travel to the car.

The projected cost of restoring an hourly service (Mon – Sat) for Service 80 would be in the region of £100k per annum and the cost of providing an hourly service 75A running through Elswick would also be around £100k per annum. A contribution of £200k is requested over 5 years. In addition to this the developer should upgrade local bus stops to have raised boarding areas to improve accessibility for a wider range of users. The locations of which would need to be agreed and delivered under a s278 agreement.

Road Safety - There are no recorded injury accidents within the last five years at or close to the site access. The road safety record for the village as a whole is relatively good with

only four injury accidents in the same period, all resulting in slight injuries. The identified causation factors for these accidents display no common causes and as such it can be concluded that the additional traffic that this proposal puts on the local highway network will not cause adversely severe impacts.

Construction - LCC have raised concerns over the effect of HGV's in the area through the Fracking applications. The Transport Statement concludes that the construction phase is unlikely to have a significant impact and the transport network. I would dispute that fact, but nevertheless I would like to see a Construction Traffic Management Plan (CTMP) be produced and include the following:-

- The parking of vehicles by operatives.
- Site visitors.
- The loading, unloading and storage of plant and materials.
- Wheel-washing facilities.
- The routing of delivery vehicles.
- A programme of works (including traffic management measures).
- Road condition surveys.

Revised Scheme:

- the revision has made provision for the upgrade of Highbury Gate, and whilst supported, the turning head arrangement is not satisfactory and should be amended.
- due to reduced housing numbers within the development, the contribution level sought for bus service enhancement has been revised to £50k lump sum, to be payable prior to occupation of 50% of the development.
- North bound bus stop upgrade.
- Relocation of southbound bus stop outside the site on Copp Lane.

Highways England

There are known issues with the Thistleton junction near to the application site, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) mainline at peak times. This also results in safety concerns as drivers may seek to enter the A585(T) in inappropriate gaps in mainline traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.

Highways England has undertaken a review of a proposed development comprising 36 dwellings on land off Copp Lane, Elswick. A Transport Statement has been prepared by PSA Design on behalf of Mr K Halliwell to support the development proposals.

They have also undertaken revised trip generation and trip assignment calculations for the proposal, based on the trip rates and distribution which were found to be acceptable for a proposal on Mill Lane, located 500m from the site. Based on these calculations, a total of 10 new trips in the AM peak hour and 12 new trips in the PM peak hour are forecast to use the Thistleton junction when the proposed development is fully occupied. This equates to an additional vehicle every 5 to 6 minutes.

Whilst the TS does not include detailed capacity assessments of the Thistleton junction, considering that the results of the assessments undertaken for the nearby Mill Lane proposal were accepted by Highways England and that the proposed development on

Copp Lane is forecast to generate a lower number of trips which would use the Thistleton junction, it is considered that PSA Design is not required to undertake further capacity assessments of the junction. Nevertheless, the conclusions reached by Highways England in its review of the Mill Lane proposal relating to the potential for the forecast queuing on the side roads to influence driver behaviour remain an important safety consideration.

As indicated above, the main access to this development is via the A585(T) Thistleton junction. The A585 carries a high volume of traffic with limited gaps in flow. There is an issue at the junction whereby right turning traffic, both into and out of this priority junction, has a lower gap acceptance than most other locations leading to a higher risk of incidents. Any increase in traffic using this junction will undoubtedly raise this risk. A single development of 36 dwellings will possibly raise the risk only marginally. Indeed, based upon the forecast traffic flow impact of the proposals, in isolation, this proposal is unlikely to result in there being a step-change in the operation of the junction.

As a result, HE do not raise any objection to the application in isolation subject to a condition requiring a Travel Plan to be adopted that is to be agreed with the Local Planning Authority in conjunction with Lancashire County Council.

However, Highways England has concerns that the incremental development coming forward in this area is, cumulatively, significantly increasing the number of turning movements at this junction, with a corresponding significant increase in risk to safety. This point is particularly relevant given that a development 90 dwellings has recently been consented by Wyre Council (application ref. 15/00576) at Copp Lane, to the south of Great Eccleston - in the absence of a Local Plan and without consulting Highways England. Furthermore, as referred to above, neither the current nor emerging Fylde Local Plan envisages site allocations of more than 50 dwellings at Elswick. Since November 2016, Highways England has been consulted in two separate applications for residential development within Elswick amounting to 100 dwellings (50 dwellings at Mill Lane [Fylde planning ref. 16/0180] and 50 dwellings at Beech Road [Fylde planning ref. 16/0645]). This is in addition to recent consultations regarding an additional 93 dwellings at Copp Lane, Great Eccleston [Wyre ref. 16/00650/OUTMAJ] in the absence of any Local Plan for Wyre district. Taken with committed development, this has the potential to see approximately 300 dwellings served from this side road junction in what is a rural area.

Consequently, Highways England is of the view that, should this development be granted consent, further speculative development within Elswick would now not be in accordance with the Fylde Local Plan, or the emerging Local Plan that is clearly cogent of the safety issues that affect Thistleton junction.

Where development is in excess of what is contained within the adopted Local Plan, there can be no deemed prior assumption that the SRN infrastructure can safely accommodate the traffic generated by such development. Consequently, and in view of the findings of this review, there is now a need for both applicants and the relevant Local Planning Authorities to seriously consider the need for a safety improvement scheme at Thistleton junction to accommodate further development and how this may be achieved.

In the absence of such an approach (and when viewed against the current situation of there not being an up to date Local Plan for Fylde), as the highway authority for the A585

trunk road, we can only consider development on a case by case basis. We have no option other than to accept that, in isolation, each small development may not have a significant / severe impact. We would however urge Fylde Council to seriously consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved, either via your Local Plan, or any other available planning mechanism such as an SPD or CIL. In turn, Highways England is willing to work with Fylde Council and developers to assist both parties to develop an appropriate improvement of the Thistleton junction to address the safety concerns that are now emerging.

In previous years, Highways England has sought to progress improvements to the layout of the junction, such as full signalisation, or the creation of a roundabout layout. However, such schemes result in significant dis-benefits to the mainline traffic flow of the A585 which, as described above carries significant volumes of traffic throughout the day. As a result, such schemes were not feasible to deliver in the context of Highways England's forward programme of improvements, but may be in the context of a developer-funded scheme. That said, in considering further developments, Fylde Council should be mindful of the potential impacts such a scheme could have for affecting the efficiency of the A585 trunk road mainline flows and therefore the wider accessibility of the populated areas of Poulton, Thornton and Fleetwood that the trunk road serves. In other words, alterations to the junction prompted by significant levels of un-planned growth within small, rural settlements such as Elswick has the potential to result in dis-benefits (further delays), thus affecting the sustainability of both the current and future economic growth contribution of the facilities and communities within these areas, which the trunk road supports.

Lancashire CC Flood Risk Management Team

No objection to the proposal, subject to conditions requiring surface water drainage scheme and confirmation of finished floor levels to be submitted as part of any subsequent reserved matters application.

LCC Education Authority

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 4 secondary school places. However LCC will not be seeking a contribution for primary school places since there is sufficient capacity within existing schools to cater for the demand created (9 spaces).

The contribution relates to £20,303.59 x 4 places = £85,693.08.

Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the Secondary education contribution to provide additional Secondary places at Kirkham Carr Hill High School & 6th Form Centre, subject to confirmation over the deliverability of this and the range of other projects that are assigned to this school.

To ensure that the approach is in line with the Community Infrastructure Levy regulations, the County Council confirms that there are already 5 secured Section 106 pooled against Carr Hill High School & 6th Form Centre. However, please note that LCC have requested that a deed of variation be agreed for one of these to remove this pooling option and reduce the number of pooled infrastructure projects sealed against Carr Hill to 4. This deed of variation would need to be agreed prior to the sealing of a

S106 for this development.

Greater Manchester Ecology Unit

Information submitted with the application includes an Extended Phase 1 Habitat Survey, laboratory report for the eDNA testing for great crested newts.

The site is generally of low ecological value with the exception of the pond and small area of woodland to the north of the site together with a number of hedgerows around the site. Should outline consent be granted, any reserved matters application should also retain these features and include a management plan for them. Some hedges are shown for retention, some will be lost and replacement should be provided within the reserved matters application. Sufficient information has been submitted to satisfy that the proposal will not impact on great crested newts.

Conditions requiring biodiversity enhancement and site preparation outside of the bird nesting season are suggested.

Environmental Protection (Pollution)

Initial concern was raised to the original submission with regards to proximity of housing to a poultry farm located north east of the application site. In particular concern was raised in relation to odour disturbance for prospective occupants as well as the possibility of statutory nuisance complaints against the farm from the new neighbours. An Odour Assessment was requested to ascertain the likelihood of the proposed site being affected by the activities of the poultry farm.

In response to the revised submission the Environmental Protection Officer raises no objection on grounds that there is sufficient separation between the development and poultry farm to mitigate odour impact.

Environment Agency

No comment – the proposal is not listed in the ‘When to Consult the EA’ document or in the Development Management Procedure Order/ General Development Procedure Order.

United Utilities - Water

No objection to the proposal subject to conditions requiring implementation of drainage for the development in accordance with the Flood Risk Assessment & Outline Drainage Strategy Report – unless otherwise agreed in writing by the Planning Authority, and, submission and approval of a scheme for the management and maintenance of SUDS.

Natural England

No comments to make on the application. This does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

The Ramblers Association

No comment received.

Environmental Protection (Pollution)

No objection subject to condition requiring noise, vibration and dust controls during the construction phase to be agreed.

Lancashire Constabulary

No objections raised, but do make recommendations in order to prevent the opportunity for criminal and anti-social activity in and around the site including physical security, natural surveillance, car parking, rear gardens.

Neighbour Observations

Neighbours notified:	09 November 2016
Amended plans notified:	7 April 2017
Site Notice Date:	11 November 2016 & 12 April 2017
Press Notice Date:	24 November 2016
Number of Responses	10
Summary of Comments	The main concerns raised by residents are summarised below:

- The Village has one small shop and no other facilities.
- The adjoining Village has to be accessed for medical facilities and is oversubscribed with appointments taking at least 3 weeks. Recent attempts to extend have failed due to a lack of finance or opportunity to extend/ alter the property.
- Not sustainable because Elswick has no school, health centre, supermarket, post office or bank, closure of nursery and relies on other adjacent settlements for these services.
- Local schools unlikely to be able to accommodate additional children.
- Improvements to health centre and schools must be conditional to any approval.
- No work in the Village, resulting in the Village becoming a commuter retreat.
- No demand for housing – several houses have been on the market for years and with 19 dwellings already granted consent there is no need for further development.
- Elswick is a Tier 2 settlement, with an allocation of fifty houses in the new local plan. More than half of the fifty houses have already been built/ approved. This application therefore represents a 50% increase in the number of houses allocated and a 17% increase in Village size.
- The layout is more urban than rural in design.
- Loss of green belt, increased size of Village, destruction of Village character and urbanisation. Adverse effect on the countryside views and so will detract from the ambience of the Village.
- Increased traffic heading toward the A585, increased queuing and safety problems especially at Thistleton junction.
- Increased congestion problems at drop off/ pick up times at Copp School.
- Infrequent and reduction to Bus Services means that there is not a sustainable alternative to travel and accessibility is poor
- Will Highbury Gate be widened? The existing road is barely wide enough to accommodate existing housing, particularly at the junction with Copp Lane which does not allow for the passage of vehicles.
- Need for off street parking for housing on Highbury Gate to avoid parking on the road and potential blockages.
- Highway safety problems during construction resultant from heavy vehicles accessing the site.
- Parking requirements will have a negative effect on the environment.
- Proposed access opposite existing housing.
- Inadequate infrastructure to support additional houses. No mains drainage in Copp Lane and area to east suffers inadequate top water drainage. Inadequate drainage would be overwhelmed by heavy rain, no increase of dwellings without addressing basic problems of drainage and sewage.
- Development is adjacent to a poultry farm raising concerns of both noise and odour to new residents.

- The proposed access could hinder HGV access to the poultry farm.
- Asbestos is buried under the site.
- Fencing would need to be erected to secure housing from the poultry farm.
- Existing surface water problems associated with the dyke to the north of the application site – Mayfield House has to pump water away and 36 homes will only compound the issue further.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TR05	Public transport provision for large developments
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP21	Archaeology
EP19	Protected species
EP22	Protection of agricultural land
EP26	Air pollution
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
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

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 pertinent in the assessment of this proposal are:

- Principle of development.
- Relationship with Surrounding Development.
- Highways.
- Flood risk and drainage.
- Ecology.
- Trees.
- Heritage.

Principle of Development*Policy Context and Site Designation*

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates 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. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in Framework. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

The site is located within the Countryside Area as defined on the Proposals Map of the FBLP and SV. Policies SP2 and GD4 are of relevance and seek to safeguard the natural quality of the countryside area by supporting development related to agriculture, horticulture, forestry or other uses appropriate to a rural area only. The development proposed cannot be categorised as such and is therefore contrary to Policies SP2 and GD4.

Notwithstanding this, assessment of principle against the NPPF and other material considerations must be made to determine whether there is sufficient justification to outweigh this position.

Housing Need

The NPPF emphasises the importance of housing delivery, indeed, paragraph 47 states that a five year supply for market and affordable housing should be maintained by Planning Authorities.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing are not considered up to date if a 5 year supply of deliverable sites cannot be demonstrated.

The Planning Authority is currently undertaking the public examination of the new Local Plan, and has been required to update the five year housing land supply position as part of the evidence base. The update indicates a supply equivalent to 5.58 years. On this basis, it may be argued that policies of the development plan which relate to housing supply, including those restrictive policies such as SP2 and GD4, are up to date and not in conflict with the NPPF.

Policy DLF1 of the SV sets out a targeted strategy for new residential development within Fylde, identifying Elswick as a Tier 2: Smaller Rural Settlement location. Justification text to Policy SL5 confirms that Tier 2 locations can accommodate up to 50 homes over the plan period (2011-2032) with delivery being reliant upon windfall development as opposed to allocated sites. In the absence of any available sites within the Village envelope, this policy would provide support for housing within the countryside area, however this would be subject to a sustainability appraisal of the proposal, which would include impact assessment on the character of the Village and Countryside.

For information, there is committed development within the village on Bonds Ice Cream (8 units), Elswick Trading Park (9 units) and Chapel Farm (5 units). This current proposal would not therefore result in development which exceeds the 50 unit threshold advocated by Policy SL5. There is one other application for 9 dwellings on land to the West of West View, recommended for refusal to this Planning Committee, and would result in exceedance of the 50 unit threshold by 5 dwellings if both were to be approved.

Paragraph 216 of the NPPF indicates that *“from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

Whilst the SV and updated 5 Year Housing Supply position are material considerations, they are yet to be examined in public. Representation has been received to the updated 5 year housing supply figure, as well as Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement. Since the SV has unresolved objections with specific reference to housing supply and housing provision in Elswick, relevant policies should only have moderate weight in the decision making process.

The Council approved an application made by Elswick Parish Council to designate an ‘Elswick Parish Neighbourhood Area’ on 1 August 2016. This will allow the Parish to formulate policies within a Neighbourhood Plan including the location of housing which, if adopted, will become material in the determination of planning applications within the approved Area. Since the Neighbourhood Plan for Elswick is only an emerging document, no weight can be attached to it in the determination of this current application.

In conclusion, due to the moderate weight applicable to both the revised housing supply figure and

emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail.

Does the proposal deliver sustainable development?

The National Planning Policy Framework requires developments to be sustainable. There are many aspects to be considered in that assessment, with the key issues for a residential scheme in this location being availability and accessibility of services, scale of development, and visual impact.

Accessibility and Availability of Services

Concerns have been raised by local residents and the Parish Council with regards to a lack of services within the Village to support a development of the size proposed. Elswick Parish Council have raised concern to the sustainability of the development, due to the settlement scoring low in the Sustainability Assessments used to inform the emerging Local Plan. This is based upon a lack of services including health centre, school, post office, supermarket, reduced employment opportunities from loss of Bonds Ice Cream and reduced bus services.

Elswick is an identified settlement within Policy SP1(4) of the FBLP. Elswick is also defined as a Tier 2 settlement in the SV. This is an acknowledgement that Elswick is capable of accommodating sustainable growth, albeit that it may have a dependency on other settlements for some services.

The application site is located to the north of the village on the edge of the settlement boundary of Elswick. Elswick has a number of local services within its envelope and of walking distance from the application site, including a corner shop, two public houses, Church, Village Hall/ Community Centre, children's equipped play area, tennis courts, bowling green and post box. Great Eccleston Copp C of E Primary School is located within walking distance to the north on Copp Lane accessible via a public footpath, the closest secondary schools being Baines, Hodgson Academy and Carr Hill. It is noted that there are few employment opportunities in Elswick with the closure of Bonds Ice Cream, and that residents rely on connections to other villages, including Gt Eccleston, for some services including Post Office and Health Centre.

According to the Lancashire County Council web site, the closest bus stops are located immediately adjacent to the site entrance to the junction of Beech Road/Copp Lane, and north of the site on Copp Lane, accessible on foot by the existing footpath network. These stops provide services 75A and 80. Service 80 runs every two hours to Preston with an hourly service prior to cuts. Service 75A runs every two hours between Preston and Fleetwood. Members should note that a third service, Service 78, has been withdrawn this year. Whilst reduced, the availability of alternative means of transport does provide sustainable access to other settlements for the provision of services not available within Elswick. It is recognised that the infrequency of the bus services would not encourage sustainable travel to work or education.

Concern has been raised by residents with regards to pressure on existing health services with waiting times of up to 4 weeks, education facilities, lack of employment opportunity and reduced bus service affecting the sites sustainability. It is acknowledged that this matter does impinge on the sustainability of the site, however it is considered that such matters alone are not sufficient to refuse the development on sustainability grounds.

It is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within the rural area is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid new

isolated homes in the countryside.

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and would not be isolated from them in comparison to existing dwellings within the village envelope. Moreover, additional dwellings would help sustain and could act as a catalyst for the development of local facilities and services. The site is accessible by 2 bus services, providing sustainable connectivity to larger settlements for access to services. Gt Eccleston Copp C of E Primary School is within walking distance and there are other facilities including shops and health care opportunities at Gt Eccleston Village, as well other settlements accessible via the bus services offered. On this basis, the site is considered to be suitably located for access to facilities and services, and is considered sustainable in this regard. Therefore whilst the application would be contrary to Policy SP2 of the FBLP, in this instance there is greater weight to be given to the NPPF and the presumption in favour of sustainable development.

Scale of Development

The scale of development proposed is intrinsic to the scheme design, the NPPF states that design is a key aspect of sustainable development and that permission should be refused for development of poor design. Policy HL2 of FBLP supports residential development subject to a number of set criteria, with reference to scale of development this criteria includes development to be in-keeping with the character of the locality and a density of between 30-50 units per hectare. Residents have raised concern to the scale of development and how this would alter the village character, acting to 'swamp it' and turn it into a small town.

Elswick Parish Council comment that whilst this development of 36 houses would at first seem to fit the number of houses allocated for the village in the emerging Local Plan, planning permission has already been granted for 18 houses and further small applications are awaiting approval which will account for half the number of houses allocated. Two other large applications have recently been refused and could be the subject of appeals, each for 50 houses with one subject of a resubmitted application. If either or possibly both of these are approved, in addition to this application, the village could be faced with over 160 new houses – more than 3 times the number allocated in the emerging Local Plan. This would increase the size of Elswick by 36%.

The indicative revised layout provides for a density of 13 dwellings per hectare (DPH), based on a site area of 1.86 hectares referred to in the submitted application form. This DPH figure is low in comparison to policy requirements of 30 dph though it is recognised that a large proportion of open space is provided indicatively within the scheme. Discounting the POS provision within the proposal, consideration of the developable area alone indicates a dph of 23. Furthermore, density requirements of Policy HL2 are not representative of a village setting or location of the development within countryside, being akin to a higher density urban area. The application site represents a transition between the village boundary and countryside beyond and on this basis a lower density scheme providing a sense of openness is more appropriate and is supported.

There are approximately 463 dwellings in the village of Elswick. Based on this total, the proposal of 24 units will result in a 5.2% increase in the village size. Cumulatively, when added to approved development within the Village (Bonds Ice Cream - 8 units, Elswick Trading Park - 9 units, and Chapel Farm - 5 units) the village could grow by 10%. An outline scheme for 9 dwellings (ref: 16/1038) to the western edge of the Village is also before this Planning Committee, recommended for refusal, and would increase growth levels to 12% if approved. Both of the large scale applications referred to by the Parish Council at Beech Road (16/0645 - 50 units) and Mill Lane (16/0180 - 50 units) have been refused by the Planning Committee, though it should be noted that the Mill Lane scheme has been resubmitted and is currently being assessed. The potential level of growth relative to this current

proposal is small and would not result in an unacceptable scale of growth to Elswick, even in combination with the proposal at West View. With regards to the current Mill Lane scheme, assessment is ongoing and the outcome of this proposal and that at West View will inform its assessment.

The referred figures provide a quantitative context to the level of expansion, and there is no set percentage restricting the degree to which an existing settlement can expand. Instead, the consideration is whether any impacts arising as a result of the development's size, scale and relationship to the settlement would give rise to significant and demonstrable harm which would outweigh the benefits that it would otherwise deliver. The development's impact on the character and appearance of the area in visual and landscape terms are considered to be of principal significance in this regard.

Visual and Landscape Impact

Policy HL2 supports new residential development which is compatible with adjacent land uses and would be in-keeping with the character of the locality. Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses. Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style. Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. Policy EP14 requires new housing developments to make suitable provision for landscape planting. This reflects guidance contained within the SV and NPPF.

The site is situated to the northern edge of the settlement boundary of Elswick and forms part of an area of open countryside which encircles the village. The site's southern and western boundaries abut the built up area of the village adjacent to dwellings on Copp Lane and Highbury Gate. Existing dwellings adjacent have a front facing aspect to the application site. Hedgerow and trees form the current boundaries of the site, importantly to the western edge adjacent to Copp Lane. The application site is prominent within the immediate area, being immediately adjacent to Copp Lane which is a heavily trafficked route that provides access to/ from the larger settlement of Gt Eccleston. The site currently provides an important open setting for this side of Elswick both in terms of views in, from a northerly approach along Copp Lane, and when leaving the village environment. Being open and deep in width, the site also acts to isolate the village from ribbon development located to the north, providing a strategic open break between itself and the northerly edge of the village.

The applicant has submitted a Tree Survey and Tree Protection plan which identifies retention of the northern woodland edge and three trees for removal to the south. The pond located to the northern boundary of the site is also shown for retention within this woodland edge on the submitted site plan. The proposed Site Plan indicates retention of majority of the hedgerow on Copp Lane, though a portion of hedgerow must be removed to facilitate the new access arrangement on Copp Lane. In addition, to improve highway safety LCC Highways have requested the existing substandard footpath be widened. These works and that of the new access arrangement are likely to require removal of the hedgerow on Copp Lane and this is considered to erode the countryside character and setting of the village. However given the outline nature of the proposal, replacement planting can be provided adjacent to the new footpath within the reserved matters submission, which in time will establish to soften the development and reinstate this habitat. Accordingly, the most valuable landscape features on the site would be retained or replaced where necessary. Conditions are suggested

requiring the implementation of tree protection measures and the submission of a landscape strategy which provides for the retention and replacement of these features.

The illustrative Site Plan splits the application site in two, with housing to the village side of a deep buffer of POS which incorporates the retained pond. This is considered to be a natural expansion of Elswick which aligns with the defined Village boundary designated in the adopted FBLP. The proposal provides opportunity for an outward facing development, with significant POS buffer and retained/ replacement natural features that will act as a soft barrier to assimilate the proposal into the countryside setting, enhancing the appearance of the village edge. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against the countryside encroachment.

It must be accepted that the proposal will result in the urbanisation of a countryside location with resultant harm to landscape character. Notwithstanding that, this is the case for the majority of sites in the Countryside Area and it follows that site-specific considerations will be important in determining the degree of harm arising. The development would diminish openness and would interrupt existing external views of the site where available. Any harm would be minimised by virtue of the development's relationship with existing buildings on the edge of the settlement and retention of existing features. Increased provision of POS within the proposal would act to retain the strategic gap to the northerly ribbon development, albeit of reduced size. It is not considered that the limited visual harm to landscape character would be sufficient to outweigh the benefits of the scheme to a degree which would warrant refusal of the application. Moreover, mitigation would be introduced in order to ensure that any adverse impact in this regard is minimised.

It is important that the parameters of the illustrative Site Plan are provided within any subsequent reserved matters planning application, this can be controlled by condition.

Loss of agricultural land

Paragraph 112 of the NPPF stipulates 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, Policy EP22 states that development will not be permitted which 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 considered the best and most versatile.

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. The map indicates the site to be Grade 2, though is only accurate to about 80ha. Notwithstanding, the application form refers to the site having no existing use and this is evidenced by the general overgrown appearance of the land. The land appears not to be farmed.

The applicant has not submitted any further information to clarify precisely the land categorisation. On this basis it must be assumed that the land is Grade 2 and any redevelopment would result in the permanent loss of the best and most versatile agricultural land. Notwithstanding this, the loss of the Borough's best and most versatile agricultural land for residential development has been allowed at a number of recent appeals and should not be seen as an overriding factor in the planning balance.

Principle of Development – Conclusion.

The site lies within the Countryside Area and outside the settlement boundary of Elswick as defined by FBLP and SV Proposals Maps. The proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP policy SP2 and Policy GD4 of the SV and is therefore in conflict with this policy.

The SV is yet to be examined in public. Representation has been received to Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement, this includes specific objection to any housing provision for Elswick, and conversely request for Elswick to be upgraded to a Tier 1 Settlement capable of accommodating between 100-150 new homes over the plan period. Further to this, the Council has a reported 5.58 year housing supply, though this figure is yet to be tested at the Public Examination and could alter.

Since the SV has unresolved objections with specific reference to housing provision in Elswick and the updated 5 year housing supply figure, relevant policies can only have moderate weight in the decision making process. Sustainable housing development should be supported in order to maintain a 5 year supply, failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future. Due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

The application site is considered to be in a sustainable location and would not result in the introduction of isolated homes in the countryside. The scale of development is considered appropriate and would not unacceptably undermine the character of Elswick. The development represents a rounding off of the defined northern Village Boundary, providing for a deep POS buffer to ribbon development which would restrict any coalescence of development. Outward facing development and retention/ replacement of existing landscape features will provide a transitional buffer between urban and rural and act to enhance the village setting. The site is in a prominent location, replacement of natural features such as the hedgerow on Copp Lane and strengthening of landscaping to the site boundaries is therefore intrinsic to ensure that any harm to landscape character and visual amenity is minimised.

Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the open countryside, it would make a valuable contribution to the delivery of housing in the Borough. Additional benefits occur in this case as the development would deliver up to 30% affordable housing on the site.

On balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and that principle of development is acceptable.

Relationship with surrounding development:

Policy HL2 of the FBLP and GD7 of the SV support new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period.

The planning application is made in outline form with detailed siting of dwellings being reserved for subsequent application, and so the relationship between dwellings proposed and neighbours cannot

be fully assessed at this time. Notwithstanding, a Proposed Site Plan has been submitted for illustrative purposes, siting dwellings adjacent to existing housing on the periphery of Elswick. The site plan demonstrates that an acceptable relationship to neighbours can be achieved. Further to this, Policy HL2 and GD7 are clear in that amenity of existing residents must be safeguarded and it is expected that any subsequent reserved matters Layout is compliant with these Policies.

The application site lies adjacent to a chicken farm located to the north west. This neighbouring use may give rise to potential odour disturbance to prospective occupants of the development. The submitted revision has provided increased separation between proposed dwellings and this neighbouring use, approximately 70m to the farm boundary and 80m to nearest farm buildings, which will act as mitigation for the odour disturbance. The council's Environmental Protection Officer is satisfied that the separation distance is sufficient to ensure that there would be no adverse amenity to prospective occupants.

LCC Highways have requested relocation of a bus stop to a position some 15m north of Highbury Gate. This new location is approximately 18m from the frontage of dwellings on Copp Lane and could impinge on the amenity of residents. It is considered that separation between the relocated bus stop and affected houses, as well as the infrequent nature of the two Bus services operating from this stop would act, in combination, to mitigate potential disturbance.

The proposal will intensify use of the site and increase the number of vehicles on the road network. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours including construction hour's restriction, wheel wash facility and dust controls.

Highways:

Paragraph 32 of the NPPF states that decision makers 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 network impact grounds where the residual cumulative impacts of development are severe. Policy HL2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy GD7 and T5 of the SV reiterate the above highway policy position.

Objection has been raised by Elswick Parish Council and local residents in relation to highway safety implications resultant from additional vehicle movements on the surrounding road network, this includes exacerbation of existing problems at the Thistleton junction with the A585.

The revised layout indicates that Highbury Gate will be upgraded (widening to 5.5m and 2m footpath provision) to accommodate 6 dwellings each having driveway access. A new entrance from Copp Lane will be provided to facilitate access to the remainder of the site. The existing footpath network will be extended into the site to both sides of the new access road.

The applicant has submitted a Transport Statement (TS) in support of their original proposal (36 units) which concludes that the proposal should not have a material impact in terms of highway

operation or safety. The TS confirms a low number of personal injury accidents in the last 5 years which indicates that the local road network is not inherently unsafe. Reference is also made to availability of public transport, cycle and pedestrians routes in the vicinity. The TS estimates that the proposal will generate a maximum 18 two way movements in both the Am and PM peak hours, resulting in approximately 7 additional trips on any route to the site. Given that the site is accessed via classified roads, the TS considers that construction traffic is unlikely to have a significant impact on the network.

With regards to the highway assessment of the proposal, Highways England (HE) consider impact of the proposal on the Strategic Road Network (SRN) in this circumstance the A585 trunk road, LCC Highways are responsible for the Local Road Network (LRN).

LCC Highways comment that the new access to Copp Lane is acceptable, subject to the provision of appropriate visibility splays which could be provided through alteration to the hedge line. A 2m footpath is also expected to be provided along the site frontage to provide a safe route to key local destinations. The revised drawing makes provision for improvements to Highbury Gate, but is criticised for having a substandard turning head. With regards to the LRN impact, the Highway Authority comment that trip rates referred to in the TS are representative for a development of this scale and agree with conclusions that network impact would be limited. LCC Highways report that there are no recorded injury accidents within the last 5 years at or close to the site access and road safety for the Village as a whole is relatively good, with only 4 accidents in the same period.

To improve pedestrian safety, LCC Highways have requested that the existing footpath to Copp Lane be widened to 2m. This will facilitate safe access along this part of Copp Lane and is viewed as important bearing in mind this is the only footpath access to the school. The increased footpath width requires removal of the existing hedgerow, though it should be noted that a 50m stretch of hedgerow must also be removed to ensure appropriate visibility for the proposed site access. The existing hedgerow forms part of the character and setting of Elswick. Notwithstanding, the highway improvements associated with the footpath widening would be of benefit to the community of Elswick as a whole and not just prospective occupants of the development, providing a safer pedestrian environment to the school, Church and other services/ facilities located within the Village. There is also sufficient space on site to ensure replacement hedgerow planting. On this basis, the request for footpath widening is considered to outweigh protection of the hedgerow. Footpath widening and replacement hedgerow planting should be required by condition.

There are known issues with the Thistleton junction with the A585, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) at peak times. This also results in safety concerns as drivers seek to enter the A585(T) due to insufficient gaps in moving traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.

Highways England have undertaken their own assessment of the potential trip generation and SRN impact, based upon conclusions drawn from submissions relevant to the Mill Lane application. It is reported that the development will result in a total of 10 new trips in the AM and 12 new trips in the PM peak hour at the Thistleton junction, equating to an additional vehicle every 5-6 minutes. HE comment that 11 accidents occurred at the Thistleton junction between 2011 to October 2016, 6 of which were in 2016. 9 of the incidents involved vehicles using and making turning manoeuvres at the junction. HE conclude that this is due to inadequate gap acceptance by drivers at the junction to enter onto the A585 mainline or cross it and this occurs throughout the daytime periods, which is a reflection of how heavy the A585 route flows can be throughout the day.

The TS argues that SRN impact is less than that associated to the larger proposals within Elswick and that on this basis HE should similarly have no objection to this current proposal. This is disputed by HE who comment, the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward. Notwithstanding this, HE raise no objection to the proposal on the basis that it would possibly raise the risk only marginally and, in isolation this proposal is unlikely to result in there being a step change in the operation of the junction. In making this judgement, HE gives weight to the fact that the proposal is within the agreed housing allocation for Elswick within the Submission Version Fylde Local Plan. As a result, HE do not raise objection to this application subject to a condition requiring a Travel Plan.

HE have raised concern that the incremental development (over 300 dwellings) coming forward in this area of Fylde/ Wyre Boroughs is cumulatively and significantly increasing the number of turning movements at the Thistleton junction, with a corresponding significant increase in risk to safety. Reference is made to 90 dwellings approved by Wyre BC on Copp Lane (15/00576) and a further 93 properties at Gt Eccleston (16/0650) – Members should note that this was refused by Wyre BC. As well as two other developments within Elswick (16/0645 50 units on Beech Road, 16/0846 36 units on Copp Lane) refused by this Committee. On this basis HE urge Fylde Council to consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved.

16/1038 (9 dwellings, west of West View, Elswick) is also on this agenda, recommended for refusal. Similarly, HE have not objected to 16/1038 in isolation, but have raised highway safety concerns in relation to the cumulative impact of incremental development. Both of these current proposals equates to an overall number of 33 dwellings. HE also raised no objection to the Mill Lane (16/0180 - 50 units) and Beech Road (16/0645 - 50 units). In addition, the 93 dwellings at Gt Eccleston referred to by HE as being approved by Wyre BC, was in fact refused. On this basis, it is considered that cumulative impact of the current proposals would be acceptable based on the fact that collectively the number of units proposed would not exceed the 50 figure previously supported by HE for the Beech Road and Mill Lane developments. The implications of any later applications and appeals on these refused application site will need to be assessed at that time.

Elswick is accessible via a reduced bus service. Service 78 has been withdrawn due to cut backs, currently the 80 and 75A services run every two hours compared to an hourly service prior to recent cut backs. . LCC Highways recommend that contributions are provided to reinstate the hourly frequency of the 78 and 80 services and have requested £50k, payable prior to completion of 50% of the development. In response to the Mill Lane application, LCC highways commented that the contribution amount would not cover the full cost of service improvements, though would allow improvement to public transport and establishes the need for improvements which any other developments would be expected to follow. A request for contributions to cover the full cost of service improvement is considered unreasonable and a proportional amount is therefore sought. Members should note that if the full contribution is not secured from other development it is extremely unlikely that LCC would be able to find the shortfall. As such a review of what could be provided would need to be made by the Highway Authority. A request for the upgrade of adjacent bus stops has been made through provision of raised boarding areas and road markings to the north bound stop, and relocation/ improvement of the south bound stop adjacent to the Highbury Gate which can be controlled by condition.

The TS concludes that the construction phase is unlikely to have a significant impact and the transport network. LCC Highways dispute this fact and concerns are raised to the effect of HGV's in the area associated to the Fracking proposals. Whilst not objecting to construction of this proposal, LCC Highways do consider that a Construction Traffic Management Plan (CTMP) would be beneficial

to manage the impact of the construction traffic on the highway network. A condition requiring approval of a CTMP is suggested.

Whilst the highway concerns of residents is noted, in light of the LCC Highways and Highways England assessment it is considered that the development provides for a safe and suitable access and that impact on the network would not be severe, in accordance with the development plan and NPPF.

Parking:

The planning application is made in outline form with detailed assessment of parking provision being reserved for subsequent application. Policy HL2 and TL5 require that residential development provides for appropriate car parking and it is expected that any subsequent reserved matters application is compliant with these Policies.

Flood Risk and Drainage

The site falls entirely within flood zone 1, as defined on the Environment Agency's Flood Map. Since the site is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application, this also incorporates an Outline Drainage Strategy Report.

Paragraph 100 of the NPPF states that *"inappropriate development in Flood Zones 2 and 3 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"*. 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. Policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the SV reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

Residents have raised concern with regards to the inadequacy of existing infrastructure and reported flood issues as a consequence to properties on Copp Lane.

The FRA confirms that the site is located within Flood Zone 1, defined as being as very low risk of flooding. Further to this, it is reported that the site is not considered vulnerable to fluvial flooding from adjacent watercourses or the River Wyre. Members should note that the detailed drainage design cannot be determined until reserved matters stage, though an indicative drainage strategy has been outlined in the FRA which refers to attenuated based SuDS (detention basin) discharging into an existing ditch to the northern boundary of the site.

The proposal has been considered by the Lead Local Flood Authority, Environment Agency and United Utilities who have not raised objection to the proposal, but do require specific conditions to be attached to any subsequent approval notice. Such conditions include submission of a detailed drainage strategy to ensure that the rate of surface water discharge from the site does not exceed the pre-development (greenfield) run off rate, that separate systems are installed for the discharge of foul and surface water, detail of finished floor levels, provision of pond/ detention basin prior to main construction phase, and that appropriate management and maintenance plans are put in place in respect of any sustainable drainage system. On this basis, it is considered that adequate measures can be put in place in order to ensure appropriate drainage provision and that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

Ecology

The site has no specific nature conservation designation in the adopted or emerging Local Plan, though is within a Site of Special Scientific Interest (SSSI) impact risk zone associated with the Wyre Estuary SSSI.

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 states that local planning authorities should aim to conserve and enhance biodiversity, refuse consent if significant harm resulting from a development cannot be avoided, and opportunities to incorporate biodiversity in and around developments should be encouraged.

Policy EP15 indicates that development affecting the integrity of a designated European Site will not be permitted. Policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated. 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. Policy EP19 identifies 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. Policies ENV1 and ENV2 of the SV reflect this current policy position.

An Extended Phase 1 Habitat Survey and EDNA Survey have been submitted with the application. The surveys conclude that existing habitats on site provide foraging and/ or breeding opportunities for a variety of species, but the habitats are relatively common and widespread in the locality. Loss of such habitat is not considered to have a significant impact on the ecological value of the area. It is recommended that habitats of higher value (pond, trees, hedgerow) are retained. Impact to protected species is considered negligible.

The consultant Ecologist agrees with the report findings, stating that the site is of low ecological value, but does recognise the importance of the pond and small woodland habitats to the north of the site and hedgerow. The pond and woodland habitats are indicated for retention on the indicative layout, some of the hedgerows will be lost and replacement planting should be included with any reserved matters submission. Retention and replacement of these habitats should be conditioned for incorporation into the final layout where necessary. Conditions requiring works outside of the bird nesting season and biodiversity enhancement are also advised.

The new access arrangement and request for footpath widening on Copp Lane from LCC Highways is likely to result in removal of the hedgerow adjacent to Copp Lane. Given the highway safety benefits of the footpath widening, loss of the hedgerow is supported, however, to compensate replacement hedgerow adjacent to the new footpath must form part of the overall landscaping submission for the development. This can be controlled by condition.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species. This can be achieved through the imposition of appropriate conditions. Indeed GMEU have no objection to the proposal subject to condition, and Natural England has no comment to make. The proposal is therefore in accordance with the objectives of the development plan and the NPPF.

Trees

There are a number of trees on the site which afford amenity value to the locality, though are not protected by Tree Preservation Order. Policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. Policy GD7 of the SV seeks to protect existing landscape features.

The application is supported by a Tree Survey which indicates that the majority of trees to the site periphery are to be retained within the development. Three trees are proposed to be felled to the southern boundary adjacent to Highbury Gate, which do afford amenity value and should be incorporated into the final layout if possible. Notwithstanding, loss could be supported subject to replacement planting which would be expected as part of the landscaping of the development.

Heritage

A barn located to the rear of Chapel Farmhouse situated to the corner of Copp Lane is Grade II Listed. According to the Historic England web site, the property is a *'Cruck- framed barn, probably C17. Cobble, clat-and-clay, and brick walls, corrugated sheet roof. Small 3-bay building. Wagon doorway to middle bay, wall to the right of this of exposed clat and clay on a cobble base, vertical outside but heavily battered inside; left gable wall partly of cobble, other brick. Interior; 2 full cruck trusses damaged by fire c.50 years ago and now terminating above the collars; padstones and spurs survive but other parts of the frame have been altered, removed or replaced.'* However, this property has largely been rebuilt in recent years and so its architectural and historical significance is substantially reduced.

Paragraphs 132 and 133 of the NPPF make clear than any development causing substantial harm or total loss to the significance of a designated heritage asset (including its setting) should be refused, other than in exceptional circumstances. This approach is supported by FBLP Policy EP4 and ENV5 of the SV which states that development which would harm the setting of a listed building will not be permitted.

The Grade II heritage asset is located approximately 80m to the south, on a similar land level to the application site. There are glimpsed views from Plot 1 of the Listed Building, however there are a number of intervening dwellings with landscaped curtilages which currently dilute the setting of the Listed Building. The presence of additional properties within this locality would not unacceptably impinge on this existing situation to any greater extent, particularly given the recent works at the property.

On this basis it is not considered that the development would not have any harmful impact, nor would it diminish significance on the setting of the listed heritage assets, in accordance with the development plan and NPPF.

Other issues

Open space:

Policy TREC 17 of the FBLP and ENV4 of the SV supports new residential development subject to the provision of amenity open space (including facilities for children's play where appropriate) in accordance with standards relevant to the number of bedrooms within each dwelling provided. The outline nature of the application means that there can be no clarity on this matter, however the illustrative layout shows a large proportion of public open space within the development.

There is one equipped play area (EPA) serving the needs of Elswick residents, located to the south of

the Village on Roseacre Road, and is approximately 490m from the application site. Some existing residents must walk a greater distance to access the facility. This is a substantial distance for families of the development to walk in order to gain access to this facility, provision of such within the scheme would therefore be of benefit to prospective occupants, as well as existing residents. There is sufficient space within the POS to accommodate a play area, such as a Local Area for Play (LAP), and given the lack of facilities within walking distance, the requested is considered justified.

Affordable housing

Paragraph 50 of the NPPF requires affordable housing to be provided where needs have been identified. Policy H4 of the SV requires a 30% provision of affordable housing in new development, being based on The Fylde Coast SHMA 2014 which sets out the need for affordable housing in the Borough.

The Council's Strategic Housing team have commented on the application and support the development subject to provision of 30% affordable housing on the site. Given the Village location of the development, on site provision is considered necessary and appropriate and will be secured by Section 106 Legal Agreement.

Education

It is expected that development provides for any identified shortfall in local education provision. Policy CF2 of the FBLP and INF2 are of relevance and place such a requirement on development.

The response from LCC Education confirms that there is a shortfall of secondary school capacity and that the development will be required to provide a financial contribution equivalent to 4 secondary school places of £85,693.08. This amount is based on the revised scheme of 24 dwellings. The contribution will be used to provide additional Secondary places at Kirkham Carr Hill High School and will be required by Section 106 Legal Agreement.

It should be noted that there is no requirement for contribution toward primary school provision since there is sufficient capacity within existing schools to cater for the demand created.

To ensure consistency with the Community Infrastructure Levy regulations, the County Council confirms that there are already 5 secured Section 106 pooled against Carr Hill High School & 6th Form Centre. However, please note that LCC have requested that a deed of variation be agreed for one of these Section 106s to remove this pooling option and reduce the number of pooled infrastructure projects sealed against Carr Hill to 4. This deed of variation would need to be agreed prior to the sealing of a S106 for this development.

Conclusions

The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policy SP2 and GD4, which act to restrict development within such areas to agriculture, horticulture, forestry or other uses appropriate to a rural area only.

The Council has a reported 5.58 year housing supply, though this figure is yet to be tested at the Public Examination and could alter. Elswick is designated as a Tier 2 Rural Settlement in the SV, capable of sustainably accommodating 50 dwellings over the plan period. When added to committed development this proposal would not exceed the 50 unit target of this emerging policy. There is one other application for 9 dwellings on land to the West of West View Elswick (16/1038), recommended for refusal to this Planning Committee, which would result in exceedance of the 50 unit threshold by 5 dwellings if both were to be approved. Like the supply figure, the Tier 2

designation of Elswick is to be scrutinised at the Public Examination and may change. Moderate weight should therefore be applied to the interim supply and Tier 2 status policies. It is also considered that sustainable housing development should be supported in order to maintain a 5 year supply, irrespective of location, failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

The proposed development, would result in an expansion of the village in the order of approximately 5% (10% including committed development and 12% if including the West View scheme on this Committee Agenda) in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Elswick and existing shops, services, and public transport facilities available within the village. Accordingly, the scheme is considered sustainable and would not result in the introduction of isolated homes in the countryside. Nor would it have any significant adverse effects on landscape character or quality and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. The development would not result in any significant loss of the Boroughs best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of new housing in the Borough with the added benefit of 30% affordable housing on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms.

The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Development Plan.

Recommendation

That the authority to GRANT planning permission be delegated to the Head of Planning and Regeneration on completion of a Section 106 agreement that will secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties.
- a contribution and phasing of its payment towards addressing the shortfall of secondary education capacity to serve the occupants of the development. This is expected to be £85,693.08, to provide 4 secondary places at Kirkham Carr Hill High School and 6th **Form (or such other education institution the Head of Planning and Regeneration in consultation with the Local Education Authority considers appropriate)**, with the agreement also clarifying the phasing of its payment.
- a contribution of £50,000, payable prior to occupation of the 12th dwelling on the site, towards enhancements of the local bus services to serve the village and provide connections to

neighbouring settlements.

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority that demonstrates that the payment of some, or all, of these would render the development to be unviable.

And that the 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. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than:
 1. the expiration of three years from the date of this permission; or,
 2. two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:
 1. Layout.
 2. Scale.
 3. External appearance.
 4. Landscaping.

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.

3. This permission relates to the following plans:
 - 'Pro Map' Location Plan.
 - 'Proposed Site Plan' drawing number 5163-006 revision F.

(Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to the means of access to the site and the maximum number of dwellings.)

and the following Supporting Information:

- JWPC Planning Support Statement.
- PDS Design Transport Statement (ref: T2362 rev O, September 2016).
- Haycock & Jay Associates Extended Phase 1 Habitat Survey (ref: JWP025, June 2016).
- Haycock & Jay Associates EDNA Survey for Great Crested Newts (ref: JWP027, 29th July 2016).
- LK Consult Limited Flood Risk Assessment and Outline Drainage Strategy (ref: FRA 16 1034, November 2016).

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not

exceed the parameters established as part of this permission.

4. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall accord with the parameters shown on amended drawing number 5163-006 revision F 'Proposed Site Plan' in respect of:

- the developable areas of the site.
- the areas to be laid out as public open space.

Reason: To ensure that any application for the approval of reserved matters accords with the parameters shown on the masterplan with respect to the developable and non-developable areas of the site in the interests of ensuring a pattern and layout of development which is sympathetic to the character and setting of the site and to minimise the development's visual impact on the surrounding landscape, in accordance with Policies HL2 and EP11 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

5. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated on 'Proposed Site Plan' drawing number 5163-006 revision F. The scheme shall include, but not be limited to, the following details:

1. retention of pond, existing trees, hedgerows and other vegetation on/overhanging the site.
2. a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development. This shall include provision of a replacement hedgerow located adjacent to the widened footpath on Copp Lane.
3. the introduction of a landscape buffer, public open space and play area to the north of the built form proposed.
4. the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
5. the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

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

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the development's visual impact on the open countryside, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development, in accordance with Policies HL2, EP10, EP12, EP14, EP18, EP19 and TREC17 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

6. The reserved matters submission shall make provision for widening of the existing footpath on Copp Lane adjacent to the complete western boundary of the application site to 2m, including the connections to the existing footways at either end of this improved extent, the appropriate surfacing of the footway, the re-planting and on-going maintenance of a replacement hedgerow and the phasing of these works.

Reason: To improve highway safety and ensure the efficient and convenient movement of all highway users, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2015).

7. Prior to commencement of the development hereby approved, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity, in accordance with Policies HL2 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

8. Prior to the commencement of development a scheme to confirm the foul water drainage arrangements along with the provision of any associated infrastructure such as pumping stations shall be submitted to and approved in writing by the Local Planning Authority. This foul drainage shall be on a separate system to any surface water drainage. The approved scheme shall be implemented as part of the development and maintained thereafter.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

9. As part of any reserved matters application and 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.

Those details shall include, as a minimum:

1. Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD.
2. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
3. 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).
4. Flood water exceedance routes, both on and off site.
5. A timetable for implementation, including phasing as applicable.
6. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
7. Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the

approved details.

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 Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

10. None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:
 1. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
 2. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
 - a. on-going inspections relating to performance and asset condition assessments;
 - b. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
 - c. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
 3. means of access and easements for maintenance purposes;
 4. A timetable for implementation.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

11. No development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:
 1. a survey of the extent, scale and nature of contamination
 2. an assessment of the potential risks to:
 - a. human health;
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - c. adjoining land;
 - d. groundwaters and surface waters;
 - e. ecological systems;
 - f. archaeological sites and ancient monuments.
 3. where unacceptable risks are identified, an appraisal of remedial options and 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 apartments hereby approved are first occupied.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers, in accordance with Policy EP29 of the adopted Fylde Borough Local Plan (October 2005).

12. There shall be no on site works, including site set up and the removal of any trees or shrubs until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

1. construction vehicle routes to and from the site.
2. arrangements for the parking of vehicles for site operatives and visitors.
3. details of areas designated for the loading, unloading and storage of plant and materials.
4. details of the siting, height and maintenance of any security hoarding.
5. wheel wash facilities.
6. measures for the control of noise, vibration and dust disturbance created during any on site works.

Reason: In the interests of highway safety and general amenity of the area, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005).

13. On site works and receipt of deliveries shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

14. Prior to commencement of the development hereby approved, a detailed access design for the new priority junction to Copp Lane and improvements to the Highbury Gate/ Copp Lane junction, including provision of appropriate visibility splays of 2.4m x 43m in both directions, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved access scheme and retained thereafter.

Reason: To enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005).

15. Prior to commencement of the development hereby approved, a scheme for the construction of highway works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following:

1. Widening of the existing footpath fronting the application site on Copp Lane to 2m.
2. Gateway enhancement measures on Copp Lane, including improved road signage and road markings.
3. Bus stop improvements, including raised boarding area and road markings to the north bound stop on Copp Lane, and, relocation and improvement (raised boarding area and road markings) of the south bound bus stop on Copp Lane.

The approved scheme of off site highway works shall be implemented in accordance with a phasing plan that is to form part of the details submitted for agreement, and shall be retained thereafter.

Reason: To safeguard highway safety and ensure the efficient and convenient movement of all highway users, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan

(October 2015).

16. Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage alternative sustainable modes of transport by prospective occupants of the development. The approved Travel Plan must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied for a minimum of 5 years.

Reason: To encourage the use of sustainable modes of transport by prospective occupants of the development, in accordance with Section 4 (Promoting Sustainable Transport) of the National Planning Policy Framework.

17. Prior to commencement of the development hereby approved, a scheme to protect retained trees and hedgerow during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows on or overhanging the which are to be retained as part of the development, in accordance with Policy EP12 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

18. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st 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 to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds, in accordance with Policy EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

19. Prior to commencement of the development hereby approved, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan must include:

1. on site mitigation for any changes to the open water habitat on site, to include full design details for any alterations to the pond and continued management of this habitat.
2. replacement trees and hedgerows on the site.
3. enhancement and management of retained hedgerows and trees on or overhanging the site.
4. provision of bat and bird boxes within the development.
5. lighting scheme to avoid lighting to the pond and immediate surrounding vegetation.
6. a five year implementation and management plan.

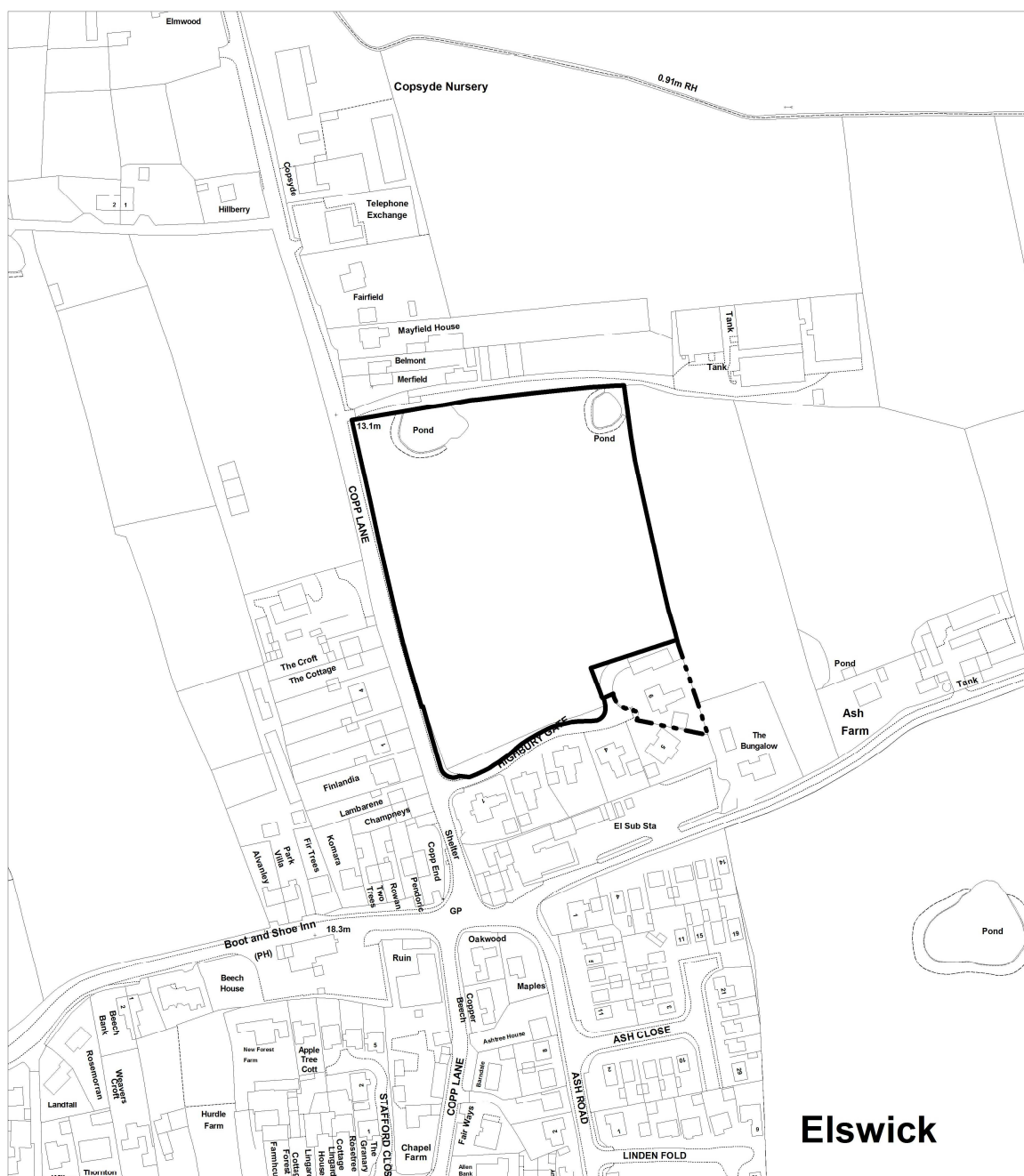
The approved planting will be implemented in accordance with the approved details during the first planting season after the development is substantially completed. Any trees or hedgerow removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The approved bat/ bird boxes and lighting shall be implemented prior to last


occupation of the development and be retained on the site in perpetuity.

Reason: To ensure adequate mitigation for the loss of habitat resultant from the development, in accordance with Policies HL2, EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

20. Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of public open space, play area and amenity landscaping. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

Reason: To ensure that the development is implemented and maintained to a satisfactory degree into the future, in accordance with Policy HL2 and TREC17 of the adopted Fylde Borough Local Plan (October 2005) and with Policy ENV4 of the Submission Version of the Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0846	Address Land north of High Gate and east of Copp Lane, Elswick	Grid Ref. E.3421 : N.4387	Scale 0 10 20 30 40 m 

Application Reference:	17/0262	Type of Application:	Full Planning Permission
Applicant:	Mr Furnell	Agent :	Firth Associates Ltd
Location:	84 CLIFTON STREET, LYTHAM ST ANNES, FY8 5EJ		
Proposal:	RE-SUBMISSION OF APPLICATION 16/0731 FOR ERECTION OF GLAZED SINGLE STOREY EXTENSION TO CLIFTON SQUARE ELEVATION INCLUDING BALUSTRADE AROUND AND ALTERATION OF EXISTING WINDOW OPENINGS TO BI-FOLDING DOORS TO ALLOW ACCESS TO EXTENSION		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	11	Case Officer:	Rob Buffham
Reason for Delay:	Awaiting additional information from applicant regarding the potential impact of the development on adjacent trees.		

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

<https://www.google.co.uk/maps/@53.7369809,-2.9629399,176m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the resubmission of a previously refused proposal to provide an external canopy at 84 Clifton Street, Lytham. The revised scheme has reduced the footprint of the canopy, reducing prominence of the structure within the street scene and conservation area, and has reduced the amount of important building features screened by the structure. Three adjacent trees will be retained and risk of disturbance to the protected tree during construction has been minimised. The applicant has also provided reassurance that the proximity of the tree will not result in any operational, maintenance or structural issues and that a request to fell the tree post construction would not be forthcoming. For these reasons it is considered that the current proposal has significantly reduced the impact to the character and appearance of the conservation area, and, protected trees when compared to the previously refused application.

On balance it is now considered that the regeneration benefits of the proposal, outweigh the limited impact of the proposal on the conservation area and trees.

Reason for Reporting to Committee

This application is referred due to the scheme representing a revision of an application (16/0731) that was previously refused planning permission by the Planning Committee.

Site Description and Location

This proposal relates to the former Royal Bank of Scotland building; now vacant, and is a corner terrace premises which faces onto Clifton Street and the pedestrianised Clifton Square. The property

is an imposing two storey building, which appears to have been purposely built as a bank premises, constructed of red brick and slate with contrasting stone surrounds to the windows and doors and ornate brick/ stone eaves level detail.

The site is centrally located within the Lytham Town Centre Conservation Area and is designated as a Secondary Shopping Frontage in the adopted Fylde Borough Local Plan and submission version Fylde Local Plan (to 2032). There are 3 trees adjacent to the building. That closest to the proposal is subject to a Tree Preservation Order, the others are afforded protective status due to their location within the Conservation Area.

Details of Proposal

This application is a resubmission of a proposal previously refused by the Planning Committee for a larger canopy that wrapped around the full ground floor frontage of the property. The reasons for refusal of that scheme related to design and impact on trees which this revised proposal seeks to overcome.

The current development proposes the erection of an external canopy to the elevation of the building facing Clifton Square. This alters from the previously refused scheme which wrapped around the full ground floor frontage of the property. The canopy is of a lean-to design and projecting 5.1m from the building to an overall height of 4.2m (3m to eaves). The structure would be built above a stone clad plinth, set at the current floor level of the building, which, due to the fall in the site, raises the existing land level by a maximum of 300mm above the current Square level. Construction materials have not been stated, though drawings indicate the roof to be glazed and a glass balustrade (1m in height) about the perimeter of the covered area.

Since this revised proposal was first submitted, a further revision has been received which has moved the siting of the canopy 2m from the adjacent protected tree. The applicant has also provided a construction statement for the canopy plinth which states *'a void to allow the tree and its roots to grow without affecting the structure. To achieve this the plinth will be raised over a block and beam concrete construction leaving a large cavity area around the roots, which is then bridged, in marine ply and a 75mm screed before final floor finish.'*

This proposal also includes the enlarging of the existing windows facing Clifton Square to form two doorways which would allow direct access between the covered area and the premises.

It should be noted that a separate planning application to change the use of the building to a restaurant and bar (16/0728) was approved on 22nd November 2016, under the adopted scheme of delegation.

Relevant Planning History

Application No.	Development	Decision	Date
16/0728	CHANGE OF USE OF EXISTING BANK (CLASS A2) TO RESTAURANT (CLASS A3) WITH ANCILLARY BAR (CLASS A4)	Granted	24/11/2016
16/0731	EXTERNAL CANOPY	Refused	13/01/2017

Relevant Planning Appeals History

None

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

"The present building is prominently located at an important junction facing The Square and within the built hierarchy of the town centre was obviously designed with a prestige, well detailed façade. It has clean lines and is solid in appearance as befitted bank design from the late Victorian era. It has much in common in this respect with the adjoining Nat West Bank. The window proportions, fenestration and surrounding stone surrounds are an important architectural feature and the stone plinth is similarly important. It also relates well to the grouping of buildings on Dicconson Terrace. However, it has a greater scale and height than the more domestic character of properties further along Dicconson Terrace and so the impact of a forward extension warrants particular consideration. It would be a strong candidate for local listing.

The former bank was not conceived as a retail premises there was, therefore, no need to incorporate a verandah. These structures, essentially sheltered walkways, were designed to provide access to and offer a facility to browse the frontage retail displays within the shops. Thus there was no design reason for such a forward extension to this building as it was not designed for traditional retail purposes. There is no historical basis or justification for such an extension.

The plans have been amended now such that the forward extension is proposed only to the Dicconson Terrace frontage, which whilst better and less intrusive, obviously presents a forward extension.

The frontage has been designed to resemble a verandah but is much deeper than those to be found, for example, on Clifton Street.

The concern here is in respect of what is proposed and what might result. This is unlikely to be seen as a verandah as it is to be used as a sitting/dining space. Experience elsewhere has demonstrated that to make this a viable space (given its somewhat exposed position), there is likely to be pressure for weather protection to the end elevations and this, coupled with a balustrade and floor covering, is likely to give the appearance of a 'conservatory type' extension. This has occurred further along Dicconson Terrace. The extension would have a somewhat squat appearance in view of the fact that the building is of a significant scale with very high storey heights and this would be especially the case when viewed from distance in the context of the even taller Natwest Bank Building.

The idea to drop the existing windows to form folding door openings – in effect doors – is considered to be detrimental to the architectural character of the façade of the building. As outlined the plinth would be breached and the large openings would appear out of character with the expression of the existing building. The window detailing is a common

feature across the whole building frontage. A conservatory type appearance would also tend to weaken the dominance of the building façade as the internal spaces and external space will tend to merge.

The setting of the tree and its long term prospects are seen as a key issue, as well articulated by the Tree and Landscape Officer.

It is appreciated that there may be an economic justification and a commercial wish for such as extension there has nothing been provided to demonstrate how the long term use/viability or success of a business, overall, would be compromised in the absence of the proposed extension. The building is relatively pristine in condition and so there appears to be no immediate regeneration case that would override other design considerations and the impact of the development on the street scene.

It is well known that the quality and townscape of Lytham has of itself a macro economic value and so care is needed to ensure that this character is conserved and enhanced, that draws in the patronage in the first place. For this reason particular care should be taken in the scrutiny of design proposals that can impact on that character, and which over time can have a notable effect.

In conclusion, it is considered that in having paid special attention to these factors, the development would not from a design perspective preserve or enhance this part of the conservation area.

The verandah and use of the frontage would add vitality to this corner, facing Lytham Square and although from an architectural point of view the problems identified are supported the benefits of a reuse of the building that will have to be considered in the planning balance. This is something for Development Management and Committee to consider.”

Regeneration Team (Trees)

“Context of this tree:

Although on a private frontage the lime tree is experienced as a public realm feature. It is the largest and most visually-dominant of Clifton Square’s trees. It is TPO’d and located in the Lytham Conservation Area. It’s an important tree to the town and forms a part of the special character of Lytham centre.

A well –looked after public realm tree can last for several development cycles and needs to be appreciated as a public asset not a disposable commodity.

Technical information not supplied to support the proposal:

The council would require of any applicant the following reports in regard to a tree of this stature and importance: a tree survey to BS5837:2012. An Arboricultural Impact Assessment; a Method Statement arising out of the issues identified in the Arboricultural Impact Assessment so that we know how the propose to construct all aspects of this development while reducing or negating any impact on the lime tree.

Depending on the content of these submissions, it might be demonstrated that the canopy can be installed without need to prune or damage the tree in any part. That is yet to be proven.

Technical drawings are required so that we can use them to condition any permission.

Post-Development issues:

The tree is Tilia X europea – the common lime. It's known to host large aphid populations during high Summer and these in turn secrete carbohydrate rich residue that drips from the foliage. This will foul the glass canopy and the result be will "tree resentment" – they will approach the council to prune or remove the tree. Their position will be that the tree is nuisancing the structure or affecting trade, but this will be a problem they have designed in.

Other issues with leaf litter, shading and the overhanging branches are entirely foreseeable.

It will be difficult for the council to resist pressure to prune the tree and yet pruning will be detrimental to its public visual amenity value and thereby undermines the TPO.

Tree Officer Perspective:

Objection because the proposal makes no attempt to demonstrate at a technical level how the canopy might be installed without impacting the tree. A competent arboricultural consultant must be retained.

Objection because even if successfully installed the long –term effect of the proposal is to reduce the visual importance of the tree by crowding a structure too close to it.

Objection because if installed the structure will foreseeably result in the spoiling of the tree by pruning. The applicant implies that tree retention is the same as tree protection. This is wrong; tree protection results from sustainable tree retention, which is the product of a properly considered and supported application."

Environmental Protection

No objection subject to public use being restricted to 10pm, due to increased late night noise and the need to safeguard neighbouring properties.

Neighbour Observations

Neighbours notified:	05 April 2017
Press Notice Date:	27 April 2017
Number of Responses	0
Summary of Comments	Not applicable.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
TR01	Improving pedestrian facilities
EP03	Development within conservation areas
EP01	Environmental Improvement Schemes
EP12	Conservation trees & woodland
EP18	Natural features

EP27	Noise pollution
SH16	Restaurants & hot food shops

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
T5	Parking Standards
ENV2	Biodiversity
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

The main issues pertinent to the assessment of this proposal are principle of the development, design bearing in mind the site's location within a Conservation Area, amenity, trees and highways.

Principle

The application site is located within the urban area of Lytham to where development is primarily focussed by Policy SP01 of the adopted Local Plan, and GD1 of the emerging Local Plan. The principle of the proposal is, therefore, acceptable, subject to other relevant policy considerations of the development plan.

Design

The application site is also located within the designated Lytham Town Centre Conservation Area.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 56 recognises that good design is a key aspect of sustainable development and that permission should be refused for poor development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 131 of the Framework states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy EP3 of the adopted Local Plan states that development will only be supported where the character or appearance of the area, and its setting, are appropriately conserved or enhanced. This includes the physical setting of the area, settlement form, townscape, character of buildings and structures, character of open spaces, and views into or out of the conservation area.

Emerging Policy NP1 reflects the sustainable development requirements of Framework. Policy GD7 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. Emerging Policy ENV5 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.

More importantly, 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. This means that they must take account of this in development control decisions and controls relating to trees.

The application site maintains a highly prominent position in the Conservation Area, being located to an exposed corner plot adjacent to the main thoroughfare through Lytham. Whilst not listed, 84 Clifton Street is considered to be of architectural merit making a strong contribution to the special historic character of the street and Area. There are external views of the building façade, including at close quarters from Clifton Square, but also more distant views from adjacent streets. It is one of a number of commercial premises which has a front facing aspect over Clifton Square. This pedestrianised square is used by other businesses for alfresco dining, its openness and landscaped qualities are an important feature of the Conservation Area.

The previous canopy proposal was refused on design grounds, and was considered to detract from the character of the conservation area. This was due to a number concerns:

- The proposed canopy would wrap around the ground floor of the building and mask important features, such as stone surround to windows and stone detailing about the pedestrian entrance to the premises.
- The projection of the canopy from the building introduces a sprawling footprint which introduces a horizontal emphasis to the ground floor, at odds with the more vertical scale of the existing building (and those in the locality), giving the property an unbalanced appearance.
- The proposal will extend out into Lytham Square, and impose on the openness of this important space.
- Mature trees make an important contribution to the landscape character of the conservation area and removal of two from such a prominent location would exacerbate this harm.

The revised scheme has significantly reduced the footprint of the canopy, restricting works to a single elevation opposing Clifton Square. This acts to reduce prominence of the canopy when compared to the previous submission by removing the proposed extension to Clifton Street. This amendment will also ensure that some of the more important building features are not masked by the proposal and would remain visible to public vantage points such as the main thoroughfare through Lytham. The reduction in footprint also ensures that the 2 trees adjacent to Clifton Street will not be required to be felled, the third is located in close proximity to the canopy but is shown for retention on submitted drawings. The relationship of this 3rd tree to the canopy is discussed in more detail below. Other works include replacement of windows with doors to provide access from the

premises to the new floor area without the need to use the main entrance. This alteration will retain the existing stone surround features and maintain the rhythm and vertical emphasis proportions of existing windows. It is considered that this current design has improved the visual appearance of the proposal and reduced the overall impact on the Conservation Area, particularly when compared to the previously refused development. Notwithstanding, it is recognised that the canopy would still project out into Clifton Square and impinge on the openness of this space.

The submitted Heritage Statement refers to the proposal securing the long term future of the building, providing an active frontage and having a positive effect on the vitality of vibrancy of the town centre.

On balance it is considered that the revised submission has addressed majority of the design concerns of the previously refused scheme, and whilst it is recognised that the proposal would impinge on the openness of Clifton Square it should be recognised that there are regeneration benefits associated with the proposal of encouraging a vacant building back in to use.

Amenity

Policy SH16 of the adopted Local Plan supports restaurant/ bar uses provided the amenity of nearby residents are not unduly prejudiced by the development, taking into account the characteristics of the area concerned. Policy EP27 (Noise) is also relevant to the assessment and supports new development provided it does not give rise to unacceptable levels of noise.

The site is designated as a Secondary Shopping Frontage, emerging Policy EC5 states that development within such areas should not create unacceptable disturbance to residents or other users of the centre and surrounding areas.

The development could impinge on neighbouring land uses by virtue of noise from the external eating area proposed. The submitted application form does not provide detail of opening hours, though the application form for the change of use proposal confirmed opening hours to be 10:00 – 01:00.

The application site is located within the heart of Lytham and there are a number of similar late night establishments in the locality, including restaurants, wine bars and public houses; some also have alfresco dining. The presence of these existing premises and associated internal/ external activity results in increased late night noise levels, particularly focussed about Henry Street and Clifton Square. Whilst the proposal will increase late night activity, this would be akin to the late night activity created by existing premises and it is considered that the proposal would not significantly increase noise levels in the locality. The Environmental Protection officer has requested hours of use restriction (no use after 22:00) to mitigate noise escape from the external dining area which can be conditioned appropriately if planning permission were to be granted.

Trees

Policy EP12 of the adopted Local Plan states that trees which individually or in groups make a significant contribution to town scape, quality and visual amenity will be protected. Emerging Policies GD7 and ENV1 requires existing landscape feature to be conserved, maintained, protected and wherever possible enhanced. In the event of loss like for like replacement will be expected.

Given the location of the site within the conservation area, all trees effectively have protected status. In addition the tree located on Clifton Square has a Tree Preservation Order (TPO).

The proposal indicates retention of the 3 trees adjacent to the proposal, revision has also been

received to site the canopy further away from the protected tree. The applicant has also provided a construction statement during assessment of the proposal.

The reduced footprint of the canopy has enabled retention of two trees and moved the structure further from the protected tree circa 2m. The construction statement confirms that the plinth of the canopy will be raised over a block and beam concrete construction leaving a large cavity area around the roots, which is then bridged, in marine ply and a 75mm screed before final floor finish. The Tree officer comments that it would be possible to construct the proposal in such a fashion so as to ensure minimal disturbance to the root protection area of the tree. Notwithstanding, the Tree officer has raised concern to the close proximity of the proposal to the protected tree which, in part, would be beneath the tree canopy. This would heighten risk of damage to the structure from falling limbs and liken growth, providing justification for felling of the tree post construction. The applicant has provided written assurance that no such request for felling would be forthcoming.

On balance, it is considered that the revised scheme has retained trees and reduced risk of disturbance or damage to the protected tree. Notwithstanding, it must be acknowledged that there is risk to the longevity of this tree in the future. On balance it is considered that the risk of tree loss is outweighed by the regeneration benefits associated with the scheme.

Changes to main elevation

In addition to the amendments to the proposed canopy, this application varies from the previously considered scheme by the proposed introduction of new doorways on the Clifton Square elevation in order to allow customers and staff to access the covered area directly from the main building. It is proposed that these doorways would be created by the lowering of the sills of the existing windows on this elevation. The openings would be fitted with bifold doors. As the proposal would retain the width of the existing windows, the rhythm of the building would be retained, as would the external window surround details. Notwithstanding the reaching of the main plinth of the building, it is considered that the proposed alterations are in keeping with the main building and would allow for the interior of this former bank premises to be "opened up" to provide for a new use. It is considered that these alterations have been proposed in a manner that respects the character of the building and the conservation area within which it sits, however, details of the exact nature of the proposed doors and extended door/window surrounds would need to be agreed by condition.

Highways

Policy SH16 supports restaurant uses provided the local road network can accommodate the expected levels of vehicular traffic and adequate parking facilities are available nearby. It is also expected that new development provide parking provision in accordance with the Joint Lancashire Structure Plan Parking Standards (March 2005), which for restaurant development in accessible locations is 1 space for every 8 square metres of development. Policy T5 of the emerging Local Plan states that car parking should be provided on site where possible, so as to ensure there is no detrimental effect on highway safety and that a flexible approach to provision will be applied dependent on location.

Paragraph 32 of the Framework also states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The proposal would require a parking provision of approximately 16 spaces (131sqm footprint approximately), but does not provide for any off street parking. Notwithstanding this, it is considered that there is ample public car parking available in the vicinity whether on street or visitor car parks, which outweighs the requirement for on-site provision and according with requirements

of Policies SH16 and Policy T5. Any detrimental impact of this on street parking could not be classed as severe for the purposes of assessment against the Framework.

Conclusions

The application relates to the resubmission of a previously refused external canopy at 84 Clifton Street, Lytham and the installation of new doorways onto Clifton Square. The revised scheme has reduced and shrunk the footprint of the canopy, reducing prominence of the structure within the street scene and conservation area, and has reduced the amount of important building features screened by the structure. Three adjacent trees will be retained and risk of disturbance to the protected tree during construction has been minimised, the applicant has also provided reassurance that request for felling post construction would not be forthcoming. For these reasons it is considered that the current proposal has significantly reduced the impact to the character and appearance of the conservation area, and, protected trees when compared to the previously refused application.

On balance it is now considered that the regeneration benefits of the proposal, outweigh the limited impact of the proposal on the character of the conservation area and the adjacent trees.

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 consent relates to the following details:

Approved plans:

- Location Plan - drawing no. PR-01
- Proposed Ground Floor Layout drawing number PR-02 rev A.
- Proposed First Floor Layout drawing number PR-03 rev A.
- Proposed Second Floor Layout drawing number PR-04 rev A.
- Proposed Roof Layout drawing number PR-05 rev A.
- Proposed Front Elevation drawing number PR-06 rev A.
- Proposed Side Elevation drawing number PR-07 rev A.
- Proposed Rear Elevation drawing number PR-08 rev A.
- Proposed Rear Elevation drawing number PR-09 rev A.
- Proposed Section drawing number PR-10 rev A.

Supporting Information:

- Planning, Design and Access Statement, incorporating Heritage Statement.
- Licensed Bat and Barn Owl Survey (ERAP- Ltd Ref: 2016-318, November 2016).

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. Prior to commencement of the development hereby approved, details of all construction materials including stone cladding, canopy frame and doors shall be submitted to and approved in writing by the Local Planning Authority. 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.

4. Prior to commencement of the development hereby approved, section drawings scaled at 1:50 (or other appropriate scale), illustrating the detailed design of:

1. new windows and their stone surround.
2. new stone cornice to the parapet wall.
3. roof of the extensions.
4. glazed balustrade.

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and retained thereafter.

Reason: In the interests of visual amenity, in accordance with Policy HL5 of the adopted Fylde Borough Local Plan (October 2005) and GD7 of the Submission Version of the Fylde Borough Local Plan 2032.

5. Prior to commencement of the development hereby approved, a scheme for construction of the canopy foundation and plinth shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide detail of construction to minimise impact of adjacent trees and the development shall be implemented in accordance with the approved scheme.

Reason: To safeguard trees in vicinity of the proposal, in accordance with Policy EP12 of the adopted Fylde Borough Local Plan and Policies GD7 and ENV1 of the submission version Fylde Local Plan to 2032.

6. The area beneath the external canopy hereby approved, shall not be open to customers except between the hours of:

08:00 hours and 22:00 hours on each day

and

there shall be no amplified music or other amplified entertainment performed within the external canopy area.

Reason: To provide appropriate control over the use of the premises in the interests of safeguarding the amenity of the occupiers of nearby residential properties and the general area as required by Policy SH16 of the Fylde Borough Local Plan.

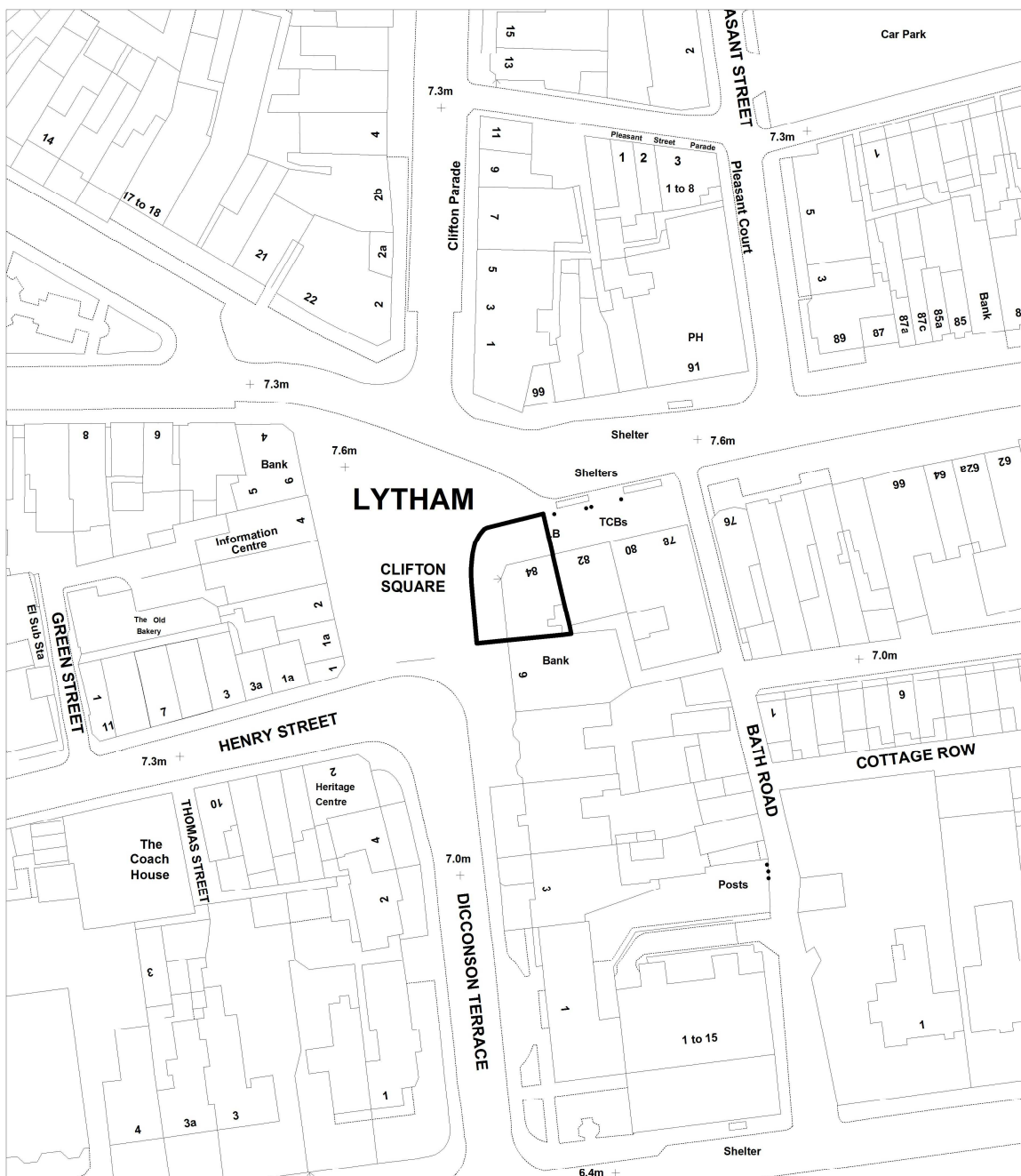
7. The doors into the canopy area hereby approved that front on to Clifton Square shall

remain locked and closed between the hours of 20:00 hours and 08:00 hours on the following day.

Reason: To provide appropriate control over the use of the premises in the interests of safeguarding the amenity of the occupiers of nearby residential properties and the general area as required by Policy SH16 of the Fylde Borough Local Plan.

8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any legislation that subsequently amends or replaces that Order), the balustrade glazing surrounding the canopy hereby approved shall be retained as clear glazing and shall not be replaced with obscured, etched or frosted glazing without the prior extent permission of the local planning authority.

Reason: In order to ensure that the visual appearance of an open area is retained in the interests of the preservation of the character of the conservation area.



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Application No. 5/16/0731	Address 84 Clifton Street, Lytham St Annes	Grid Ref. E.3365 : N.4271	Scale 0 5 10 15 20 m