



# Agenda

## Planning Committee

Date:	Wednesday 26 July 2017 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Heather Speak, Ray Thomas.</p>

### Public Speaking at the Planning Committee (Item 4 refers)

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">28 June 2017</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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### 26 July 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 (Submission Version) December 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 2017
- 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](http://www.fylde.gov.uk/resident/planning) or for inspection by request at the Town Hall, St Annes Road West, St Annes.



# Planning Committee Schedule

## 26 July 2017

Item Number: 1

Committee Date: 26 July 2017

<b>Application Reference:</b>	16/1029	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Metacre Ltd and Mr J. Bowdler	<b>Agent :</b>	De Pol Associates Ltd
<b>Location:</b>	LAND NORTH OF SANDERLING WAY OFF FLEETWOOD ROAD, MEDLAR WITH WESHAM		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF UP TO 68 DWELLINGS AND ASSOCIATED OPEN SPACE AND INFRASTRUCTURE. (ALL MATTERS RESERVED)		
<b>Parish:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	29	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Replies to consultations awaited		

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

<https://www.google.co.uk/maps/@53.7962681,-2.8852051,681m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

### Summary of Officer Recommendation

The application is an outline proposal for the residential development of a greenfield area of agricultural land located to the north of the Mowbreck Lane development currently under construction and so between the Wesham Marsh BHS and properties that front Fleetwood Road in Wesham.

Looking at the positive aspects of the planning balance, the site is considered to be in a suitably accessible location and the 68 dwellings proposed will assist in the delivery of housing. The development has been found to not have a severe impact on the existing highways network and could be safely accessed. The biodiversity of the site and the adjacent BHS and pond has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. Residential development will be located outside of any flood zone and the development will not increase the likelihood of flooding on or off the site.

However there are negative factors also in that the visual impact of the development is unacceptable and would have significant harmful impacts on the local landscape character. Whilst this landscape is not designated for its special landscape quality it is considered that due to the site area of the development, the development proposed would cause unacceptable landscape harm.

Overall, the visual harm to the local area of the site and the setting of Wesham is such that it is considered to be substantial and demonstrable and so of a significance that outweighs any benefit experienced by way of housing supply.

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

The application is a Major application and whilst the recommendation is for refusal and so the application could be determined under delegated powers the Head of Planning and Regeneration has decided that the amount of recent development in this area and number of objections raised make it appropriate that the application be determined by Committee.

### **Site Description and Location**

The application site is a 2.92 ha of grassland to the east of Fleetwood Road, northeast of the settlement of Kirkham and Wesham. The land is currently used for grazing and is bounded by hedgerows and occasional trees. The site is generally flat with a gentle slope falling towards the eastern boundary from the west. There is currently no public access to the site. It is located 120m east of Fleetwood Road on the opposite side of which is the Mill Farm development. Immediately west of the site is a field located to the rear of residential dwellings fronting Fleetwood Road. To the north and east of the application site is open countryside and Wesham Marsh Biological Heritage Site. To the south of the site is the North of Mowbreck Lane residential development which constitutes 259 dwellings in total and is accessed off Fleetwood Road and Mowbreck Lane. The access to this site would be taken from the main spine road to this development which is called Sanderling Way

### **Details of Proposal**

The application has been made in outline with all matters reserved for future consideration for 68 dwellings and associated public open space and infrastructure. The application details within the submitted planning statement, design and access statement and indicative masterplan state that the development would comprise a mix of 2, 3, 4 and 5 bedroom mews, semi-detached and detached dwellings. 30% of these dwelling would be affordable dwellings. It is proposed that the site be accessed off Sanderling Way on the sites southern boundary and this would serve as a central spine road around which dwellings and access roads would be located. The masterplan indicates 0.58ha of amenity space, to include an open water feature, ecological mitigation and landscape buffers. It is proposed that the loss of amenity space created by the access is compensated for within the site. The layout is indicative only as all matters are reserved.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0590	DISCHARGE OF DETAILS ASSOCIATED WITH CONDITIONS 2 (DRAINAGE DETAILS), 4 (DRAINAGE MAINTENANCE), 5 (POLLUTION MANAGEMENT), 7 (HIGHWAY MAINTENANCE), 8 (HIGHWAY CONSTRUCTION), 9 (PEDESTRIAN ACCESS DETAILS), & 11 (HEDGEROW DETAILS) ON RESERVED MATTERS APPROVAL 15/0724	Advice Issued	10/02/2017
16/0195	ERECTION OF 2 NO. DWELLINGS WITH ASSOCIATED GARAGE, BOUNDARY FENCE/WALL AND PARKING AREA, AND CREATION OF A FOOTPATH LINK TO FLEETWOOD ROAD RECREATION GROUND	Granted	13/06/2016
16/0196	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION	Granted	13/06/2016

15/0782	14/0041 TO REPOSITION PLOTS 73 TO 81 AND ASSOCIATED CAR PARKING APPLICATION UNDER S106A TO VARY AFFORDABLE HOUSING TENURE MIX AND PROVIDER DEFINITION ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 14/0779	Withdrawn by Applicant	23/12/2015
15/0786	APPLICATION UNDER S106A TO VARY AFFORDABLE HOUSING TENURE MIX AND PROVIDER DEFINITION ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 11/0763	Withdrawn by Applicant	23/12/2015
15/0724	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 159 DWELLINGS ASSOCIATED OUTLINE PLANNING PERMISSION 14/0779	Granted	15/02/2016
14/0779	RESUBMISSION OF APPLICATION 13/0754 FOR OUTLINE PLANNING PERMISSION FOR ERECTION OF UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED)	Approved with 106 Agreement	12/03/2015
14/0041	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 100 DWELLINGS ASSOCIATED WITH OUTLINE PLANNING PERMISSION 11/0763	Granted	09/07/2014
13/0754	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	28/05/2014
12/0589	RESUBMISSION OF PLANNING APPLICATION FOR 11/0763 FOR OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Declined to Determine	10/01/2013
11/0763	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Refused	11/10/2012

08/1072	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Refused	26/03/2010
08/0856	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR 215 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Withdrawn by Applicant	11/12/2008

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0754	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Withdrawn	12/12/2014
11/0763	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Allowed	01/08/2013
08/1072	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Dismiss	23/03/2011

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

**Medlar with Wesham Town Council** notified on 09 January 2017 and comment:

*Medlar-with-Wesham Town Council (MWWTC) object to the development on BMV agricultural land north of Sanderling Way, Medlar-with-Wesham.*

*The application 16/1029 is in addition (although not by the same developer) to 14/0779 an application for 264 houses made in 2008 (08/1072), this application which was declined by Fylde Borough Council (FBC) Development Control Committee, then dismissed on appeal by the Secretary of State, a judgement which was then deemed lawful by the High Court.*

*MWWTC recognise there have been changes in the current situation regarding housing supply in recent years. In particular, the current 5 year supply figure has now been achieved (as at April 2017). These changes only strengthen the reasons to decline permission, based upon the following existing*

policies:

- 1 SP2 (Revised to GD4) of the Emerging Local Plan
- 2 EP22 (Revised to GD1) of the Emerging Local Plan
- 3 EP17 (Revised to ENV2) of the Emerging Local Plan
- 4 HL2 (Revised to GD7) of the Emerging Local Plan
- 5 NPPF policy 111 (Re-use of Brownfield Land)
- 6 NPPF policy 112 (BMV)

#### Environmental Sustainability

The application would negatively impact on the surrounding countryside of Wesham. To follow policy set out in the saved Local Plan, FBC need to seek to promote environmental sustainability and protect countryside areas. Granting permission of this application would be contrary to policy SP2 of the Local Plan and core planning principles as set out in the NPPF.

#### Disruption to Agricultural Industry

MWWTC actively support one of the main industries in Fylde. The Council recognises the economic importance of farming within the area as well as the valued custodianship of our countryside this role demands. To build on this land. FBC would be in direct contravention of Local Plan policy EP22, also NPPF policy 111 & 112, in that current housing supply has been positively affected by recent permissions on sites at Queensway, Warton, Wrea Green and Kirkham. These sites (or parts thereof), although classed as agricultural land were not in constant use as such, nor intrinsically necessary in crop/grazing rotation, nor were graded as Best Most Versatile agricultural land, as is needed in this Dairy Operation. To this end, the land should not be treated within the same minimal necessary use of agricultural land for housing supply.

#### Protection of Biological Heritage Site

The proposed site borders onto a Biological Heritage Site (BHS), Wesham Marsh, listed at page 225 of the ELP (Grid Reference SD419337). The aims of the Biological Heritage Sites Project are firstly to compile and maintain a definitive list of non-statutory sites which make a significant contribution to the bio-diversity of Lancashire and secondly to conserve and protect those sites through the planning system and by co-operation with site owners, occupiers and managers. Policy EP17 in FBC's Local Plan is designed to protect these important areas. Policy EP17 of FBC's Local Plan states "Development which is likely to impact significantly or fundamentally on the biological/geological resources of sites defined as biological heritage sites, will not be permitted". MWWTC are resolute in the opinion that due to the close proximity of the BHS to the application site and the proposed mitigation involving heavy landscaping directly adjacent to the boundary, would significantly impact on the BHS, both from the construction phase and in the future because of the lack of a sizable buffer between the urban boundary which farmland currently serves as. This will increase disturbance by people using the BHS as a rural recreation area due to the ease of access to what is currently a remote haven for wildlife. The inherent danger associated with marshland with such an ease of access to children is also a concern to MWWTC.

#### Scale of Development

MWWTC are concerned that an addition 68 built outside the settlement boundary on the edge of a Local Service Centre will result in the degradation and oversubscription of local services in Wesham. This will directly affect existing residents and residents of any homes built on this application site. Recent development within Wesham must also be taken into account. Redevelopment of land previously not used for housing over the past few years, has undeniably increased the population of this geographically small town exponentially. With Arundel Lodge (12), Stearns Nurseries (12) and Oak Wood, Derby Road (26) recently completed, along with the Pastures (264) due for completion

*shortly shows that Wesham has already grown on a huge scale. Local Plan policy HL2 is in place to protect communities such as Wesham from the harmful effects of excessive development.*

#### Emerging Fylde Local Plan to 2032

*MWWTC are concerned that approval of this site on the basis of the area appearing in the Preferred Option Document Part 1, which is as yet unadopted and is not yet ratified as the Fylde Local Plan to 2030. An approval for this application would be seen as an acceptance of an incomplete document. The Local Plan to 2030 is still in the evaluation phase and approval would show disregard to the public consultation carried out in Fylde. MWWTC fear approval of this application would set a damaging and dangerous precedent, harmful to a democratic process. No weight should be given to any preferred options until ratified in the right and proper manner and the Fylde Local Plan to 2030 is actually produced.*

#### Conclusion

- 1. There would be a loss of BMV agricultural land to the Fylde. (EP22).*
- 2. The planned development is outside the settlement border and is not included in the emerging local plan (SP2).*
- 3. The application is not environmentally sustainable*
- 4. Highways – traffic will increase exponentially on A585, Fleetwood Road and Mowbreck Lane and throughout the towns of Wesham and Kirkham as this application does not take into consideration the Little Tarnbrick Farm , Mill Farm and the Pastures Developments. Nor do those developments take into account this application. In addition the increase in traffic related to the Fracking operations at Preston New Road utilizing the A583 and A585 roads will have an additional impact on the road network.*
- 5. The roundabout at Fleetwood Road/A585 is totally unsuitable for the traffic entry from Sanderling Way and Mill Farm Development. The S278 works previously requested by Lancashire CC have not be actioned.*
- 6. The Town Council are concerned about the impact on the Infrastructure of Wesham and Kirkham - schools, doctors, dentists etc. (HL12)*
- 7. There is a potential flood risk.*
- 8. The neighbouring Biological Heritage Site would be irreversibly damaged and protected species put in danger. (EP17)*
- 9. The scale of development would degrade the community of Wesham. (SP2)*
- 10. The Town Council is concerned about the loss of the countryside views and rural landscape. (SP2)*

*Medlar-with-Wesham Town Council object to this application and respectfully request Fylde Borough Council Development Management Committee carefully consider the concerns set out in this document. Please refuse permission for application 16/1029 Land North of Sanderling Way, off Fleetwood Road, Medlar with Wesham.*

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

##### **Natural England**

Natural England has no comments to make on this application.

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

*The proposed scheme protrudes into open countryside and agricultural land to the north of Wesham. The form of the proposed development is disconnected from the existing settlement and is not contained by any obvious visible or physical barrier.*

*The landscape character of this area of Coastal Plain is agricultural, with large fields which are predominantly dairy farmed. The low clipped Hawthorn hedges which enclose the fields are often gappy in places and allow long views across the flat landscape.*

*The position of the site within this landscape results in it being visible from roads (particularly the A585), properties and footpaths to the north and from land which is slightly raised to the north east and north west. Planting proposed around the periphery of the site would not be sufficient to mitigate the impact of this development on the landscape or views.*

*The layout of the proposed scheme does not demonstrate the principles of good design required by the Council nor respect the character of the local area. The scheme does not include sufficient green infrastructure between the dwellings, which is not private garden, to provide a sustainable drainage solution and allow the natural percolation of surface water. Areas set aside for open green space and landscaped drainage swales are to be expected in this low-lying and flood prone landscape.*

*In addition, it does not provide open spaces and linkages to the wider landscape as part of the Green Infrastructure network, enhancing the public realm and enabling the development to fit alongside the existing settlement and countryside.*

The plans were subsequently revised in order to overcome ecology and landscape objections with the comments being;

*In response to the revised scheme presented by the applicant, my view remains that the proposals in their current form would have a negative impact on the open countryside to the north of Wesham and the landscape and views of which it is a part.*

*The proposed scheme still protrudes into open countryside and agricultural land to the north of Wesham and remains disconnected from the existing settlement. The development does not fit with the local landscape character, its scale or pattern and it would have a negative impact upon the adjacent, unique open landscape of the Wesham Marshes Biological Heritage Site.*

*There are long views across the flat landscape of this area and the site would be very visible within those views. From several locations around the site the proposed development would appear as an extension to the urban area. Planting proposed around the periphery of the site would not be sufficient to mitigate the impact of this development on the landscape or views, particularly at night.*

*The proposed layout is based on a tight cluster of residential development with a 'stand off' area doubling as amenity space around the periphery. There is no green infrastructure at its heart nor does it provide sufficient sustainable drainage solutions in an area which is susceptible to ground and surface water flooding. Areas set aside for landscaped drainage swales would be expected in this low-lying and flood prone landscape.*

*I am unable to support this scheme on landscape or visual grounds.*

#### **Electricity North West**

*We have considered the above planning application submitted on 09/01//2016 and find*

*it has no impact on our Electricity Distribution System infrastructure or other ENW assets.*

#### **LCC Education**

Shortfall of Primary school places, development would create 26 places and request this amount totalling £350,337.78. Development would create 10 Secondary School places and request this amount totalling £203,035.90.

#### **Strategic Housing**

There should be a requirement of 30% affordable units on this site but the illustrative site plan details 15 units or 20%.

A breakdown of the Choice Based Lettings Scheme MyHomeChoice Fylde Coast indicates 448 households registered as an area of preference for Kirkham or Wesham. In terms of housing need, of those: 5 households have priority Band A as they are homeless. 42 are in Band B, 4 in Band C and 82 in Band D which means they have a need for alternative accommodation with varying degrees of severity ie category 1 hazards, under-occupying their current home, urgent social, welfare, medical or disability needs, they are armed forces personnel, overcrowded, unintentionally overcrowded or have a notice to leave their current accommodation. 100 Households are in Band E which means they are working or contributing to the community with voluntary work and 215 are in band F which means they are adequately housed and in no urgent housing need.

The majority of households, 171 are current in a private sector tenancy, with 64 living with families or friends on a temporary basis and 4 are in accommodation that is tied to their employment. 39 households own their own home.

In conclusion there is sufficient housing need to justify the requirement of 30% affordable housing on this site. In terms of tenure we would be looking for a mix of affordable rent and low cost home ownership options, such as shared ownership or discounted market sale.

#### **Environment Agency**

It is not a type of application the Environment Agency comment on.

#### **United Utilities**

No objections. Request conditions that the development is carried out in accordance with the submitted FRA. They also request a condition in relation to the future management and maintenance of the surface water scheme.

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

LCC initially commented on the 31 March requesting further information, this was provided in the form of an Addendum to the TA. They summarise their response that they

have no highway objection to the principle of the development and would not object to this application subject to agreement on the proposed mitigation measures and planning contributions as set out above and detailed under the headings 'S278 Works' and 'Planning Obligations (s106 Planning Contributions)'. They consider that these measures are necessary, directly related and reasonable in both scale and kind.

They note all matters are reserved including access. The TA assumes 100 dwellings and includes indicative access proposals, network assessment and consideration for



sustainable movements.

LCC have concerns in regard to capacity issues on the A585 corridor as the network beyond the site does suffer from a level of congestion, with queuing occurring at peak times on the A585, in particular on the approach to the M55 J3 roundabout. LCC's consultation comments for recent applications in this area have set out the local highway authorities concerns in regard to the number of major planning applications coming forward and the piecemeal nature of development in the area all of which will impact on the local highway network and in particular the A585 corridor.

LCC are currently developing a strategy of initiatives that would allow the LHA to support a level of further development with an impact in the A585 corridor, these include:

- Public Transport facilities (bus stops to QBS);
- Public Transport service improvements (frequency, destinations, times of day & week/weekend service improvement);
- Pedestrian and cycle improvements (in particular provision on A585) to support connectivity of developments and amenities;
- Speed Limit Review and necessary changes;
- Junction improvements;
- Crossing facilities;
- review of on street parking; and
- review of signing/signing declutter.

The delivery of these initiatives would be expected through a combination of s106 agreement and s278 works as deemed appropriate by the LPA and LHA. It will be expected that any major development proposal seeking to come forward in this area will support the developing strategy.

#### Indicative main access strategy

LCC consider that an access for the sale of development proposed can be delivered in the location shown on the indicative plan provided. The scale of development is 68 dwellings LCC consider that an access for the sale of development proposed can be delivered in the location shown on the indicative plan provided. The scale of development is 68 dwellings and that is what they have considered.

#### TA and Addendum

Scope of the TA and addendum is agreed and the committed development covered is a reasonable basis from which to assess the impact of the proposal. The additional junctions covered are appropriate and the estimated traffic from this proposal to/from A585/M55 Jct. 3 is 20 vehicles in the AM peak and 17 vehicles in the PM peak. While this impact on its own may not be considered severe, the cumulative impact of all piecemeal development remains a concern to LCC and is why A585 corridor sustainable transport improvements are considered necessary. They regard the trip rates and distribution presented as acceptable. This development proposal is on the edge of the built environment. However, it is acknowledged that some improvements are proposed as part of recently committed development. A s278/s106 funding contribution for improvements to pedestrian and cycle facilities and speed control measures along the A585 is appropriate, should the LPA be minded to approve this development proposal. Improvements to bus services (frequency/routeing) will be requested to support sustainable development. Any service improvement provided should seek to provide a frequent service throughout the day and also consider evenings and weekends to a

range of destinations

#### Site layout

This is an outline application and internal site layout would be dealt with at reserved matters.

#### 278 works

Will be expected that appropriate s278 works will be required and controlled by condition as part of a subsequent application if the LPA were minded to approve this proposal. Section 278 agreements (s278) are appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with highway improvements required by the development so that public funds are not used in the provision of these features).

#### Planning obligations

Should the LPA be minded to approve this application, it is considered appropriate to seek planning contributions to support improvements to sustainable transport links on the local highway network, in line with LCC's developing A585 Corridor Sustainable Transport Strategy. This funding will be used to implement changes to limit the negative impact of this large development on the existing, at times, congested network.

The trigger point for s106 sustainable transport planning contributions should be prior to commencement of development unless otherwise agreed with LCC and the LPA.

The mitigation measures requested by the LHA to be funded by the developer through s106 contributions, include the following:

- Public Transport service improvements - Requested contribution, £60,000
- Pedestrian and cycle improvements (provision on A585 to support connectivity of developments and amenities in line with the principles of the developing A585 Corridor, Sustainable Transport Strategy - Requested contribution, £100,000
- Travel Plan Support contribution - Requested contribution, £6,000

#### Summary

Would not object to this application subject to agreement on the proposed mitigation measures and planning contributions as set out above and detailed under the headings 'S278 Works' and 'Planning Obligations (s106 Planning Contributions)'. I consider that these measures are necessary, directly related and reasonable in both scale and kind.

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

No objections to the proposed development subject to conditions including that the reserved matters application to include details of surface water drainage scheme. No occupation of development until completion of SuDS in accordance with agreed scheme and management plan.

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

As you are aware the information submitted with the application includes an ecological survey and assessment together with an addendum report for the adjacent Biological Heritage Site (BHS).

#### Statutory Protected Sites

The application site lies within the SSSI Impact Risk Zone for a number of SSSIs. These

identify that there is a risk to Newton Marsh SSSI from “any residential development of 50 or more houses outside existing settlements/urban areas”. The site is for over 50 houses and lies outside the existing settlement but I note that Natural England have no comment on the application.

#### BHS

As you are aware the application site lies directly adjacent to a Wesham Marsh BHS. The Ecological Assessment states that the proposals will have no impact on the BHS due to the proposed design of the development and precautionary construction measures. However, I have several concerns relating to the potential impact of the proposals.

The report identifies post development impacts on the BHS to include such things as “as fly-tipping or garden encroachment”. However it does not identify increased disturbance to the BHS from the new residential properties such as increased recreational pressures and disturbance from domestic pets. There is also likely to be a cumulative impact from the other housing schemes in the area. The proposals include some short term management options for the BHS to add biodiversity gain as required by the National Planning Policy Framework. However these proposals are just that, short term and limited in their extent. To be true biodiversity gain and offset any impacts of the proposals on the BHS we would expect to see a comprehensive long term management plan for the BHS, including a mechanism for implementation. This matter requires addressing before the application can be determined.

In addition the Flood Risk Assessment shows the pumping station in a different location to the illustrative master plan in the Design and Access Statement. In the Flood Risk Assessment the pumping station is shown in the buffer area for the BHS and again this matter requires clarification.

#### Great Crested Newts

The survey work found a small population of great crested newts in a pond which on the OS base is approximately 20m from the site boundary and the possibility exists that newts may be present on the development site and/or harmed during the construction works. A great crested newt mitigation strategy has been proposed in Appendix 2 of the ecology assessment. However I do have several concerns about these measures and the overall design of the scheme.

The current proposal has been designed to allow connectivity around the northern, western and eastern boundaries of the site, albeit rather narrow in places. However, there is no direct connectivity in the south of the site where as far as I understand new amphibian ponds are being built as part of another housing scheme. Direct connectivity to these areas should be included in the design.

The ecology assessment states that the new pond in the north east of the site will be designed for great crested newts. However in the Flood Risk Assessment and the Design and Access Statement the pond is referred to as an attenuation pond. While the use of attenuation ponds by newts is possible, it requires careful design and management due to the often conflicting requirements of these two functions. This matter therefore required clarification.

#### Other issues

Notwithstanding the above, there are a number of other ecological issues that could be

addressed through appropriate conditions, should permission be granted. These issues include:

- A Construction Environmental Management Plan to include measures such as protection of sensitive area, timing of vegetation clearance and construction lighting.
- Pre-commencement surveys for water voles.
- Occupation Phase lighting design.
- Biodiversity enhancement measures in the built areas (e.g. bird and bat boxes).

In conclusion there are a number of issues that require either clarification or addressing prior to the application being determined.

The plans were subsequently revised and GMEU consulted with their comments being;

*The commitment to prepare and implement a 10 year management plan of the adjacent Wesham Marsh Biological Heritage Site (BHS) is welcome. We would recommend that this be secured either through a planning condition or section 106 agreement, with full details to be submitted with any reserve matters application.*

*The amended scheme layout is also acceptable and, together with the measures outline, should ensure the favourable conservation status of great crested newts, and other wildlife, to be maintained. The mitigation strategy for great crested newts submitted originally (included in The Ecological Survey and Assessment) will need to be adjusted to reflect these changes. However as this is an outline application we would recommend that a condition be attached to any permission, requiring full details of a great crested newt mitigation strategy to be submitted with any reserved matters application. An appropriate Habitat and Landscape Creation and Management Plan for the areas within the housing site will also be required (Paragraph 3.1.4 of ERAP's letter) through a condition/section 106*

#### **NHS Fylde and Wyre CCG**

No comments received.

#### **Highways England**

*Having considered the application against the requirements of the governing Policy Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development', our view is that these proposals would not, in isolation, result in a severe traffic impact upon the strategic road network that we operate at M55 Junction 3 that would necessitate Highways England to raise an objection or impose conditions calling for engineering mitigation measures at the junction. Consequently, we have no objection to these proposals. Highways England notes however that this site is not allocated for development within either the extant or emerging Fylde Local Plan. Highways England has worked with Fylde Council to understand the implications for Local Plan growth within the Kirkham area upon M55 Junction 3 with a view to seeking future improvement to accommodate this planned growth. Highways England is therefore concerned that a series of non-plan-compliant developments such as this has the potential to, cumulatively, add a significant amount of additional traffic at M55 Junction 3; something that is not anticipated by Highways England in managing the impacts of the emerging Local Plan growth upon the strategic road network based upon the assessments that it has already carried out. In effect, whilst this site in isolation would not be expected to have a substantial impact in isolation, further developments such as this will be*

*additional to the Local Plan growth and thus could have a significant impact once all Local Plan development sites have been built-out.*

#### **Lancashire Archaeological Advisory Service**

*The above application is for a further phase of residential development to the north of Wesham, and lies between the Fleetwood Road and the Wesham Marsh BHS, a lowerlying wetland site. The sites immediately to the south of the present proposal (the present Sanderling Way development and the 'phase 2' site north of Mowbreck Lane) were both subject to archaeological desk-based assessment, and the Mowbreck Lane site is subject to a planning condition requiring a further scheme of field investigation work. This new site has not come with a heritage statement or other archaeological report and has therefore been assessed using the Lancashire Historic Environment Record and the reports from the adjacent sites.*

*The proposed development site would appear, like the adjacent sites, to have significant but unquantified potential for early occupation, particularly for sites of the mid-later prehistoric and Romano-British periods. It would also appear to have been less disturbed by modern activities such as the construction of the Thirlmere Aqueduct than the adjacent sites. It is considered that a programme of archaeological field investigation should be undertaken prior to development, but that this work can be required by planning condition rather than being necessary prior to a planning decision being made. We would therefore suggest the following planning condition is applied to any consent granted to the application.*

#### **CPRE**

Our grounds for objection to this planning application are set out in detail below and cover:

1. Conflict with saved Local Plan policies
2. There is a 5-year supply of housing land in Fylde
3. The site is not proposed for housing in the new Local Plan
4. Loss of agricultural land (potentially high grade)
5. Potential disturbance to Wesham Marsh Biological Heritage Site

#### **Neighbour Observations**

<b>Neighbours notified:</b>	12 January 2017
<b>Site Notice Date:</b>	10 January 2017
<b>Press Notice Date:</b>	12 January 2017
<b>Number of Responses</b>	16
<b>Summary of Comments</b>	Object – summary of comments as follows;

- Increase in traffic. Access from Fleetwood road will be hazardous.
- Noise pollution in the area.
- Proximity of pumping station to my dwellings.
- Overall number of developments in area increasing traffic.
- Loss of POS from existing Sanderling Way Development.
- Loss of outlook from existing dwelling.
- Contrary to Local Plan.
- Impact on ecology.

- Drainage and sewage issues.
- Inadequate infrastructure and amenities.
- When buying house told land would not be built on.
- Impact from light pollution.
- Proximity to Biological Heritage Site
- Back development.
- Loss of agricultural land.
- Public safety issue from helicopters flying over.
- Growth of nearly 20% to Wesham if approved.
- Council has a 5 year supply of housing.
- Not part of the Councils allocated sites.
- Road is gridlocked on match days – not enough parking at Mill Farm.
- Don't need affordable housing.

### **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
ENV5	Historic Environment

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

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

#### **Site Constraints**

Within countryside area

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

The main issues when considering this application are;

The principle of the development

Does the proposal form sustainable development?

Visual impact on character of the area.

Highways

Flooding and drainage

Residential amenity

Ecology

Other issues

#### **The principle of the development**

##### **The weight to be accorded to relevant policies**

The application site was considered as part of the call for sites and was allocated as H16 in the Local Plan Preferred Option 2013, reference WS10 in the SHLA before being removed from the revised preferred option, because whilst the site was considered accessible with regard to the social infrastructure of Kirkham and Wesham there were other preferable sites that were allocated, and that too much development in this area would have negative impacts. Development should be well distributed throughout the Borough in line with the sustainability appraisal of the Issues and Options and Preferred Option of the Local Plan. The site was found in the high level landscape assessment undertaken to have a medium sensitivity to development and the northern and eastern boundary would have the greatest visual impact. It was also found to have a potential significant effect on the setting of the town and was constrained by the Biological Heritage Site which because of the buffer required meant the site could not be considered strategic. As such it was not included as an allocation within the Local Plan to 2032, and other sites such as the site at Kirkham Triangle were allocated as housing sites. The site is therefore allocated as countryside in both the Adopted Local

Plan and the Local Plan to 2032 and the proposed development of 69 dwellings does not comply with the countryside policy allocation. Although of moderate weight in the decision making process, policies in the Local Plan to 2032 are a material consideration. It identifies Kirkham and Wesham as a strategic location for development and states that within the settlement hierarchy Kirkham serves the role of a Key Service Centre, the same as St Annes and Lytham. Paragraph 216 of the NPPF states weight should be given to these emerging Local Plan policies according to their stage of preparation, the extent to which there are unresolved policy objections and the degree of consistency with the NPPF.

The starting point in determining planning application remains the saved policies of the Local Plan. If there is a conflict between these policies and the NPPF then the NPPF should take precedence but be read as a whole and in context. The NPPF is a material consideration in planning decisions and should be given considerable weight. Thus, the statutory starting point is the development plan and development that accords with an up-to-date Local Plan should be permitted, unless material considerations indicate otherwise. The NPPF seeks sustainable development. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - which are mutually dependant, so that gains in each should be sought jointly and simultaneously.

In addition, the first and third bullet points to the 'Rural Housing' chapter of the NPPG identify that:

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

#### Housing Need

The NPPF emphasises the importance of housing delivery and requires a five year supply for market and affordable housing to be maintained by Local 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 most recent adopted 5 Year Housing Supply figure was a 4.8 year supply as of 31st March 2016. 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 and taking account of representations made to the examination regarding likely delivery rates. This revised approach indicates that the Council is able to demonstrate a 5.1 year supply. Members should note that this revised figure will be the subject of further public consultation during the summer and is yet to be tested by the Examination, including the annual housing requirement of 415 dwellings and the deliverability of certain sites. However, at this time, the Council's position is that it is able to demonstrate a 5 year housing supply.

Policy DLF1 of the SV sets out a targeted strategy for new residential development within Fylde, identifying Kirkham and Wesham as a strategic location for development, with SL4 allocating 1141



dwelling for this area over 12 sites. The nearest site to this application site being HSS8 Fleetwood Road Wesham which is adjacent to the application site and currently being constructed and provides 262 dwellings. Other sites such as 15/0547 at Brook Farm for 170 dwellings have also been approved in this strategic area, this was also a site taken out of the Revised Preferred options. The development of this site for 68 dwellings would take development beyond that anticipated for this area. However it is 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.

#### Does the proposal form sustainable development?

The NPPF requires developments to be sustainable. There are several different elements to what constitutes sustainable development, with the NPPF making it clear that to be truly sustainable development needs to take account of the three interdependent dimensions to sustainable development; the economic role, social role and environmental role. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity. The application as proposed will provide up to 68 dwellings, of which 30% will be affordable dwellings. The provision of affordable housing is also a key element of sustainability as well as being a policy requirement. There are a number of main factors to assess in determining if a particular development proposal constitutes sustainable development. The main ones here are the scale of the development that is proposed, the accessibility of the site to services, and the impact it has on the landscape character of the site and the settlement. Other factors such as the ecological impact, site drainage, highway safety and capacity are also relevant, but in this case are looked at separately in following sections of this report.

#### Accessibility of the site

Application 14/0779 was an outline application for up to 264 dwellings to the south of the application site; land east of Fleetwood Road and north of Mowbreck Lane. This was retained as an allocated housing site in the Plan to 2032 so the weight given the development site as a future allocation for housing was greater than when the previous application relating to this site was considered by committee. The site was originally refused for 100 dwelling and allowed at appeal. This site was found to be sustainable with regard to its location, with the development making £157,000 contribution to improve accessibility at the train station. The site is located in close proximity to the A585 which provides vehicular transport links to the wider area, it is 0.19 miles from St Joseph's Primary School and 1.35 miles from Carr Hill. The train station is approximately 1km walk along Fleetwood Road and there is a recreation ground near to the site, with Mill Farm Sports Village opposite Fleetwood Road which has retail and leisure facilities. It is considered that with the appropriate measures identified in the highway sections of this report that this site could be considered to be sustainably located. Kirkham and Wesham is also identified as a strategic location for development and a Key Service Centre in the emerging Local Plan, which in itself is a recognition that there is an existing level of service provision that offers more than the basic provisions available in smaller settlement. Taking all the above it has to be considered that Kirkham and Wesham is an appropriate location for growth. The site can therefore be seen to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55). Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the sites sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

### Scale of development

As stated above Kirkham and Wesham is a key service centre and a significant settlement which serves both residents of the town and the surrounding rural area. The proposed development of upto 68 dwellings in a sustainable location adjacent to such a centre and strategic location for development is considered to be of an acceptable scale in terms of the number of dwellings proposed in relation to the size of the settlement. Policy HL2 of the Fylde Borough Local Plan, Development Control Criteria for New Housing Proposals, lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance. Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality in terms of scale, space around buildings, materials and design.

### **Impact on the character of the area**

Whilst the accessibility of the site has been accepted another key issue is the impact of the development visually on the character of the area. The NPPF states that the intrinsic character and beauty of the countryside should be recognised. The site is not in an area designated for its landscape quality (AONB for example). The site falls within the Natural England National Character Area 32 Lancashire and Amounderness Plain (2011). The landscape is described as a relatively flat and gently rolling plain broken by isolated hills, and a large scale agricultural landscape with a patchwork of arable fields and blocks of wind sculptured mixed woodland. More detailed descriptions of landscape character types and landscape character areas are provided in the Lancashire Landscape Strategy. The development lies within the Coastal Plain (15), which is described as gently undulating or flat lowland farmland. The development is located within the Fylde landscape character area (15d), which the Lancashire Landscape Strategy describes as comprising gently undulating farmland. 'The field size is large and field boundaries are low clipped hawthorn, although hedgerow loss is extensive. Blocks of woodland are characteristic, frequently planted for shelter and/or shooting and views of the Bowland Fells are frequent between blocks. There are many man-made elements; electricity pylons, communication masts and road traffic are all highly visible in the flat landscape. In addition, views of Blackpool Tower, the Pleasure Beach rides and industry outside Blackpool are visible on a clear day'. Within the Fylde Borough Green Infrastructure Strategy the site is within the Fylde Coastal Plain and described as 'predominately lowland agricultural plain characterised by large arable fields whose generally poor drainage results in ponds that provide important wildlife habitats. Shelter belts of trees and estate woodland and modern societal infrastructure such as telecommunication masts, electricity pylons, roads and rail tracks are all highly visible in the Borough's flat landscape'.

The character of the site itself consists of a roughly square gently undulating field used for agriculture. The site is bounded by hedgerows and occasional trees. The site is generally flat with a gentle slope falling towards the eastern boundary from the west. There is currently no public access to the site. It is located east of Fleetwood Road on the opposite side of which is the Mill Farm development. Immediately west of the site is a field located to the rear of residential dwellings fronting Fleetwood Road. To the north and east of the application site is open countryside and Wesham Marsh Biological Heritage Site. To the south of the site is a residential development named Sanderling Way which constitutes 259 dwellings in total, this site is accessed off Fleetwood Road and Mowbreck Lane. It is considered that the site whilst possessing few landscape features of importance, which was the finding of the Inspector when allowing the development of the site to the south the site location is critical when considering the relationship between the settlement and the countryside.

The proposed development would bring residential development into this area. Whilst the applicants statement says that the development would form a logical extension to the settlement it is the Councils landscape officer's view is that the proposals would have a negative impact on the open countryside to the north of Wesham and the landscape and views of which it is a part. She states that the proposed scheme protrudes into open countryside and agricultural land to the north of Wesham and remains disconnected from the existing settlement. The development does not fit with the local landscape character, its scale or pattern and it would have a negative impact upon the adjacent, unique open landscape of the Wesham Marshes Biological Heritage Site. She states that there are long views across the flat landscape of this area and the site would be very visible within those views. Planting proposed around the periphery of the site would not be sufficient to mitigate the impact of this development on the landscape or views, particularly at night.

It is considered that due to the sites location to the north of the settlement village where the open countryside predominates the proposal would detract from the rural nature currently experienced. The sites projects north into the open countryside and because of the Biological Heritage site to the east is unable to project any further to the east, meaning that the northern projection of 170m would be restricted to the site itself and would appear almost linear in appearance being set back 1 field from Fleetwood Road to the west. This location is critical as a transition between the settlement and the open countryside and the proposed development would not be in character with the local landscape character, scale or pattern where open countryside predominates. The development if allowed would erode that character with a substantial urban extension into a sensitive part of the setting of Wesham, being out of character with the surrounding area and the general pattern of development and would result in an uncharacteristic depth and projection of dwellings to the north. This would conflict with criterion 2 of LP Policy HL2 as it would be out of keeping with the character of the area.

The main direct visual impacts would be from Fleetwood Road to the north and Mowbreck Lane to the east. Views from these locations are of open countryside adjacent to the heritage site and the introduction of built development into these views would have a detrimental landscape impact. The development will introduce an incongruous residential development into this area of countryside in the Fylde landscape character area that is currently undeveloped and open and which would have a significant visual impact due to its location and shape of the site Paragraph 58 of NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. This is a similar requirement to criteria 2 of Policy HL2 which requires that a development is in keeping with the character of the locality. The development of the site in the open countryside could not be said to be in keeping with the character of the locality.

#### Impact on the settlement of Wesham

The application site is located adjacent to the proposed settlement boundary. The development site is considered to be rural in character, with views of the site from the north and east. In this agricultural landscape directly adjacent to a rural setting and a biological heritage site the extent of the residential development would be a prominent feature, exacerbated by the shape and size of the site projecting north; which would have an adverse impact on the immediate landscape context. There would be no credible relationship between the proposal and the established built form of Wesham. The landscape setting with the Biological Heritage Site adjacent means that the development would be seen as visually prominent and difficult to assimilate and upsets an otherwise natural balance of the rural character between fields and settlement. This incongruous form of development would be visually prominent due to the flat open nature of the surrounding area. The sheer scale of the development means the proposal cannot fail to have a visual impact and overall this is considered to be unacceptable. The site would still be visible from both short and wider views and would clearly be seen as a manmade intrusion into the rural landscape that would

be an alien and incongruous mass of dwellings out of character to the rural area. In this open, rural, agricultural landscape setting directly adjacent to the rural village the residential development would be a prominent feature which would have an unacceptable impact on the immediate landscape context. This appreciation of the landscape character of the locality renders the proposal's impact on the setting of the settlement unacceptable.

Paragraph 58 of the NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. Policy SP2 criterion 5 and Policy HL2 criterion 2 follow the aims of the NPPF in this regard. The site referred to in this appeal is not in compliance with these policies and the guidance in the NPPF for the reasons outlined above. It is the LPA's opinion that the scale of harm in this location is such that it would not be outweighed by the benefit of housing provision. This visual harm will be significant and will adversely affect the character of the area and the pleasant rural setting that it provide. This is contrary to criteria 2 of Policy HL2 of the Fylde Borough Local Plan and to criteria a, c, g, h, j and l of Policy GD7 of the Fylde Local Plan to 2032.

#### Principle of the development – conclusions

The site is located directly adjacent to the proposed settlement boundary of Wesham, but is located in an area classified as open countryside in the Fylde Borough Local Plan. It is adjacent housing to the south. The site is located reasonable distance of local and community services in Kirkham and Wesham. The development is considered sustainable in relation to the settlement and would not be an unacceptable growth to the settlement in terms of housing numbers. The proposal would contribute to meeting the identified need for dwellings in the Local Plan to 2032 and the housing supply for the Borough as a whole which weights in the applications favour however this needs to be balanced against the visual impact of the development which officers have assessed as having substantial and demonstrable harm to the local landscape and the setting of Wesham is of great significance and its harm outweighs any benefit experienced by way of housing supply. As such having regard to the NPPF, it is not considered to be sustainable development and therefore the presumption in favour set out in the NPPF does not apply. The adverse impacts of the proposal would outweigh the benefits and the proposal is considered to be unacceptable having regard to the NPPF

#### **Highways**

Paragraph 34 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. The NPPF promotes sustainable transport. It requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decisions should take account of whether;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- 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.

It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.

LCC Comments are reported in full in the consultee section. They have no objections to the proposal.

The application was submitted with a TA which was supplemented by an Addendum following discussions with LCC. This reassessed the impact of the development on the surrounding highway network. The revised assessment includes a number of additional committed developments in the Wesham and Kirkham areas, as requested by LCC. It also includes the most up-to-date Transport Assessment traffic flow counts from the Mill Farm Development. This Addendum has measured the impact of the development on the following junctions:

- Proposed development access/ Sanderling Way;
- Sanderling Way / B5192 Fleetwood Road;
- A585/ B5192 roundabout, including new arm from the Mill Farm Sports Village development; and
- Mowbreck Lane / Park Lane, including new arm from Phase Two access onto Mowbreck Lane.
- The southern approach to the M55 Junction 3;
- Weeton Road / Station Road / Garstang Road North mini-roundabout and nearby T-junction of Station Road/ Garstang Road South.

The analysis at each junction listed above has shown that the impact of the development proposals do not significantly impact upon their operational performance. Traffic flow estimates at the junctions were calculated based on the future scenario of the year 2021 + committed developments + development proposals. The traffic flows predicted are that the development will generate 15 AM arrivals, 58 departures, and 40 PM arrivals with 23 departures in the peak hour. The distribution routes has been calculated as being;

North via A585 39.0%

South via A585 32.7%

South via B5192 Fleetwood Road 28.3%

With these junctions above found to have the capacity to deal with this level of growth generated by the development. LCC have no objections to the presented trip rates and traffic distribution. They do however state that the cumulative impact of traffic on the A585 is a concern and as such it is appropriate that each scheme that comes forward in the area contributes towards the strategy of initiations identified to support development on the A585 corridor. For this development they request a contribution of £60,000 towards public transport improvements, £100,000 towards pedestrian and cycle improvements in line with the principles of the developing A585 Corridor, Sustainable Transport Strategy; and £6000 towards Travel Plan Support. They request various conditions. It is considered that with these contributions and conditions in place there are no highways issues.

### **Flooding and drainage**

The submitted Flood Risk and Drainage Strategy confirms that the application site is located within Flood Zone 1 on the Environment Agency's flood maps and that the site is at low risk of flooding from various potential sources. The submitted drainage strategy confirms that drainage for the proposed development is achievable. As historical hydrological assessments confirm that infiltration is unlikely to be feasible as the primary source for surface water disposal, the strategy considers that an attenuation basin is the best available solution for collecting surface water and discharging it to the local environment, in accordance with the SuDS hierarchy. Surface water drainage systems will be designed to control and attenuate rainfall events up to and including 1 in 100 year + climate change scenarios without flooding, whilst controlling discharge to greenfield run-off rates. The submitted site plan shows an attenuation pond with storage of 1280 cubic metres and package

treatment plant for foul water.

None of the flooding consultees, LCC as Lead Local flood Authority, the Environment Agency or United Utilities raise any objections to the development. Both the EA and UU have requested conditions and that is that the development is carried out in accordance with the FRA and relating to the design of the surface water scheme to be submitted, that no development will be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details and that a management and maintenance plan for the drainage system is submitted and approved. There are therefore no flooding or drainage issues with the application.

### **Residential Amenity**

Policy HL2 of the FBLP and GD7 of the SVFLP supports new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period. The SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is safeguarded. The proposed layout whilst indicative shows that dwellings can be appropriately located so as not to create any unacceptable overlooking or loss of light to neighbouring dwellings. Dwellings within the site are located to meet the Councils spacing standards and will not create any unacceptable overlooking or loss of privacy. 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 and construction hour's restriction, wheel wash facility and dust controls are recommended.

### **Ecology**

The site is located directly adjacent to a Biological Heritage site and as such the impact on this needs to be carefully considered. The site itself lacks features of ecological importance but the heritage site to the east and the pond to the west are significant ecological landscape features for the area. The application has been submitted with an ecological survey and assessment for the site and BHS, including for newts and breeding birds. GMEU the Councils ecologist initially objected with regard to the sites relationship with the BHS because the report identifies post development impacts on the BHS to include such things as "as fly-tipping or garden encroachment". However it does not identify increased disturbance to the BHS from the new residential properties such as increased recreational pressures and disturbance from domestic pets. There is also likely to be a cumulative impact from the other housing schemes in the area. The proposals include some short term management options for the BHS to add biodiversity gain as required by the National Planning Policy Framework. However these proposals are just that, short term and limited in their extent. To be true biodiversity gain and offset any impacts of the proposals on the BHS we would expect to see a comprehensive long term management plan for the BHS, including a mechanism for implementation. This matter requires addressing before the application can be determined. And the Flood Risk Assessment shows the pumping station in a different location to the illustrative master plan in the Design and Access Statement. In the Flood Risk Assessment the pumping station is shown in the buffer area for the BHS and again this matter requires clarification. They also commented that as newts have been found on the pond near the boundary the possibility exists that newts may be presence on the development site and/or harmed during the construction works. There is no direct connectively in the south of the site where as far as I understand new amphibian ponds are being built as part of another housing

scheme. Direct connectivity to these areas should be included in the design. They state that issues around a Construction Environmental Management Plan to include measures such as protection of sensitive area, timing of vegetation clearance and construction lighting, Pre-commencement surveys for water voles, occupation Phase lighting design and Biodiversity enhancement measures in the built areas (e.g. bird and bat boxes) can be dealt with via a condition.

The proposed parameters plan was subsequently amended to address these issues and the applicants stated that they were committed to preparing and implementing a 10 year management plan of the adjacent BHS which is within the ownership of the applicants and part of the blue edge for the plan. GMEU comment this is welcomed and that this needs to be secured through condition or legal agreement with full details submitted with any RM application. They comment that the revised layout is acceptable and together with the measures outline, should ensure the favourable conservation status of great crested newts, and other wildlife, to be maintained. The mitigation strategy for great crested newts submitted originally (included in The Ecological Survey and Assessment) will need to be adjusted to reflect these changes. However as this is an outline application we would recommend that a condition be attached to any permission, requiring full details of a great crested newt mitigation strategy to be submitted with any reserved matters application. An appropriate Habitat and Landscape Creation and Management Plan for the areas within the housing site will also be required (Paragraph 3.1.4 of ERAP's letter) through a condition/section 106. Therefore with such conditions and legal agreement to manage the BHS the impact of the development with regard to ecology is acceptable.

## **Other issues**

### Affordable housing

The provision of affordable housing is an accepted element of residential development and is underpinned by para 50 of the NPPF. The council's position on this is established by Policy H4 of the Fylde Local Plan to 2032 which confirms that all residential schemes of more than 10 dwellings should provide for 30% of the total dwellings for affordable purposes and secured through that policy and Policy INF2. With this scheme being for 68 dwellings that would amount to 20 dwellings. If members were minded to approve the scheme, the Applicant will have to enter into a section 106 agreement to ensure the provision of up to 30% of the site as affordable dwellings, which would then be resolved through the usual reserved matters applications. At this moment there is no legal agreement so this can form a reason for refusal.

### Agricultural Land

An agricultural land classification survey has been undertaken by DEFRA (previously MAFF) confirms that the site is categorised as subgrade 3b and does not therefore comprise Best and Most Versatile agricultural land.

### Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with Policy CF2 of the Fylde Borough Local Plan providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case there is an anticipated short fall of 26 primary school places in the area to accommodate the additional children that would result from the development and the applicant would have to make a contribution in the order of £350,337.78 towards this. There would be a shortfall of 10 secondary school places and the applicant would have to make a

contribution of £203,035.90 towards this. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application. This contribution would be secured through a section 106 agreement, if permission was granted. A named school for both these contributions has not been identified but if members supported the application this would need to be established for the legal agreement.

### Archaeology

The advisory service states that the proposed development site would appear, like the adjacent sites, to have significant but unquantified potential for early occupation, particularly for sites of the mid-later prehistoric and Romano-British periods. It would also appear to have been less disturbed by modern activities such as the construction of the Thirlmere Aqueduct than the adjacent sites. It is considered that a programme of archaeological field investigation should be undertaken prior to development, but that this work can be required by planning condition rather than being necessary prior to a planning decision being made. As such a condition requiring this work to be done would need to be placed on any approval.

### Public Open Space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, however because of the BHS and pond the illustrative layout shows POS to the periphery which would be provided as part of the development. The scheme also compensates for the POS lost to form the access if it is taken from Sanderling Way. It is considered that the proposal would provide the POS than required by Policy TREC17 and so no reason for refusal on this matter is justified.

### Conclusions

The application is considered to be in a sustainable location and will assist in the delivery of housing. The development has been found to not have a severe impact on the existing highways network and could be safely accessed. The biodiversity of the site and the adjacent BHS and pond has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. Residential development will be located outside of any flood zone and the development will not increase the likelihood of flooding on or off the site. However it is considered that the visual impact of the development is unacceptable and would have an unacceptable impact on have significant impacts on the local landscape character. Whilst this landscape is not designated for its special landscape quality it is considered that due to the site area of the development, the development proposed would cause unacceptable landscape harm. Overall, the visual harm to be experienced has to be balanced against the gain of housing which should be afforded weight. However it is considered that the substantial and demonstrable harm and unacceptable visual impact to be experienced to the local landscape and the impact on the setting of Wesham is of great significance and its harm outweighs any benefit experienced by way of housing supply.

### Recommendation

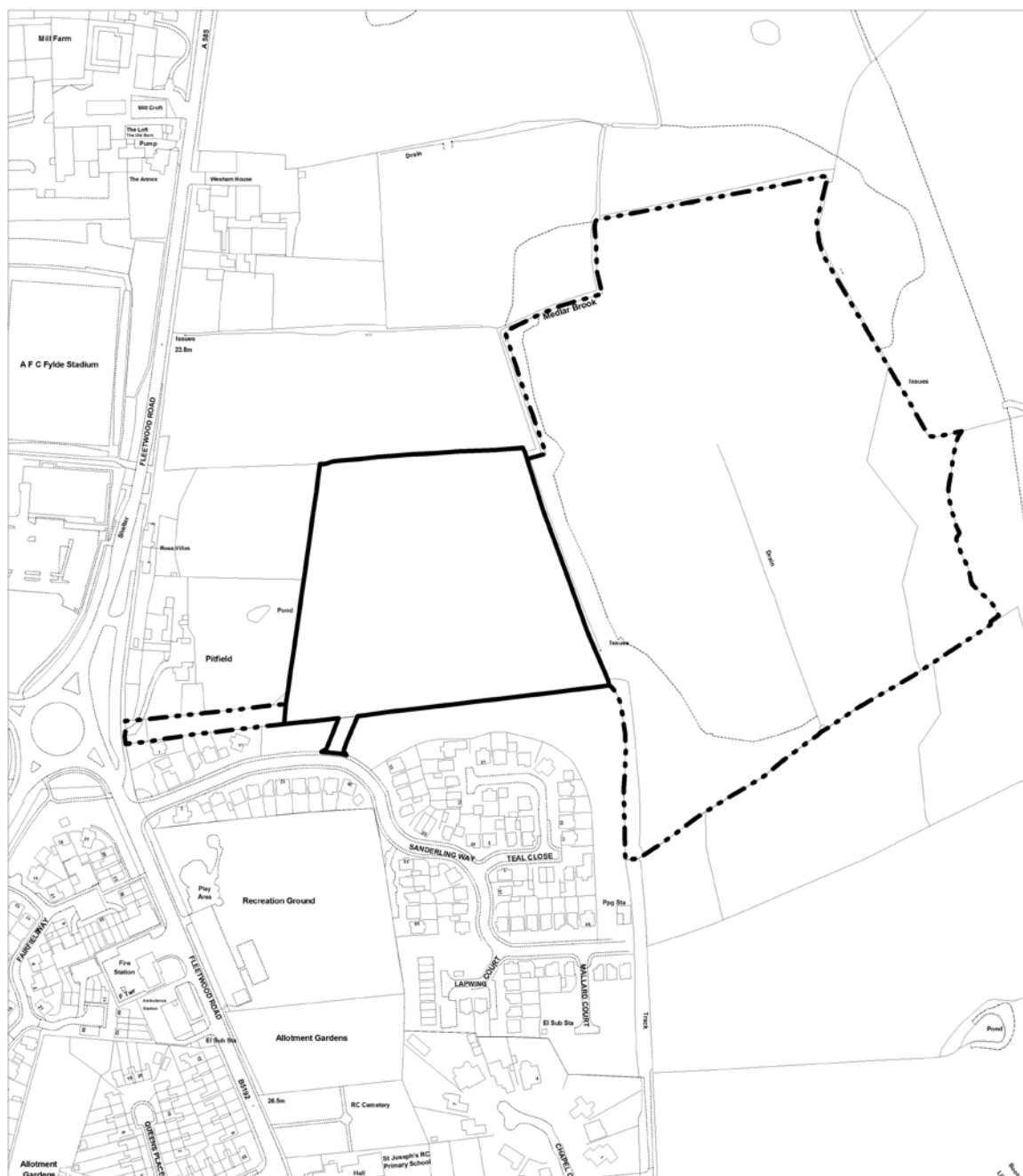
That Planning Permission be REFUSED for the following reasons:



1. The proposed development is located at a critically sensitive transitional location on the northern edge of the settlement where the character of the open countryside predominates. The application site makes a positive contribution to the defined rural character of the area. Whilst the council accepts that the delivery of these dwellings will assist with the borough's housing supply, it is the case that this proposal will cause significant and demonstrable harm to the established character of the area that outweighs this benefit. The residential development proposed will detract from that rural character both by the nature of the land use and the loss of open countryside views from the north and east and the existing edge of settlement properties. The development by virtue of its siting, extent and projection to the north of the settlement in a location that is constrained from further development due to the sensitive habitat on adjoining land would have a significant detrimental visual impact on the landscape character of the area. As such it is considered that this would be a significant and demonstrably harmful consequence of this development that would ensure that it does not constitute sustainable development as required by the National Planning Policy Framework.

The residential development of the countryside is contrary to Policy SP2 of the Fylde Borough Local Plan and Policy GD4 of the Submission Version of the Fylde Local Plan to 2032; and the harmful visual impact of the development is contrary to criteria 2 of Policy HL2 of the Fylde Borough Local Plan, to criteria a, c, g, h, j and l of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032, and to the guidance in para 17 of the National Planning Policy Framework.

2. The proposed development would result in substantial harm to the setting of Wesham by virtue of the siting, scale and pattern of development adjacent to this rural settlement when viewed from points on the approaches to the settlement from the north. The development would lack any logical relationship with existing development and would have a detrimental impact that is out of keeping and does not respect the form, character and setting of the locality contrary to criteria 2 of Policy HL2 of the Fylde Borough Local Plan and paragraphs 17, 58 and 109 of the National Planning Policy Framework. Accordingly, the proposal does not represent sustainable development and there is, therefore, no presumption in favour of the proposed development, notwithstanding the position relating to the supply of housing land within the borough.
3. The proposed development fails to deliver any certainty over the provision of affordable housing, education contributions or sustainable transport improvements as part of the development. In the absence of any on-site provision or of any legal agreement or other such mechanism being in place to secure the provision of affordable housing, education contributions and sustainable transport improvements there can be no certainty that the requirements of Fylde Borough Council's Housing and Infrastructure Policy and that of the local highway authority will be provided for. Accordingly the scheme is contrary to the provisions of Policy CF2 of the Fylde Borough Local Plan, and Policies H4, T4 and INF2 of the Fylde Local Plan to 2032 in that regard, and to guidance in Section 4 and paragraph 50 of National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/1029	Address Land north of Sanderling Way, off Fleetwood Road, Wesham	Grid Ref. E.3417 : N.4336	Scale 0 15 30 45 60 m 

**Item Number:** 2

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0016	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mill Farm Ventures	<b>Agent :</b>	PWA Planning
<b>Location:</b>	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM		
<b>Proposal:</b>	CONSTRUCTION OF PERMANENT CAR PARK BETWEEN STADIUM AND FLEETWOOD ROAD (60 SPACES) AND TEMPORARY CAR PARK ON PROPOSED HOTELAND BULKY GOODS SITE (95 SPACES) FOR AFC FYLDE FOOTBALL CLUB		
<b>Parish:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	28	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7962681,-2.8852051,681m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is the Mill Farm Sports Village in Wesham where construction is almost complete for the various approvals on the site. This application relates to works associated with the football stadium operation and is for permanent car parking on an area of land to the east of the stadium where it was proposed that hardstanding, a footpath and landscaping would be located in the hybrid permission; and for a temporary car parking on an area of land within the site where there is outline planning permission for a hotel and bulky goods store.

The development will provide 155 car parking spaces. The development is considered acceptable in principle and will have an acceptable visual impact in the wider area. Appropriate landscaping can be secured and matters around drainage and car park management can be subject to condition. There are no objections to the proposal from LCC Highways. The development is therefore recommended for approval.

**Reason for Reporting to Committee**

This application is presented to the Planning Committee for consistency with other decisions made on this site.

**Site Description and Location**

The application site is part of the Mill Farm development granted planning permission under reference 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium, 11,431m<sup>2</sup> warehouse and distribution centre (class b8), 1,518m<sup>2</sup> neighbourhood retail store (class a1), internal spine road with access from A585 roundabout,

associated parking, landscaping, drainage and infrastructure and outline planning permission (access approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room block, petrol filling station, 785m2 non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the formation of a surface water attenuation pond.

The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Brackirk Brook and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside. Construction is now almost complete on the site but some of the uses granted planning permission in outline have not been commenced. This includes the hotel site which is now the subject of this application for a temporary car park. The site is allocated as a Countryside Area within the Fylde Borough Local Plan. Within the submission version of the Fylde Local Plan to 2032 the land is allocated as a mixed employment/leisure use. The application site forms part of the area approved for a hotel use and bulky goods site and an area to the east of the stadium where it was proposed to be hard standing and landscaping.

### **Details of Proposal**

The application is submitted retrospectively and seeks consent to use the area which has outline approval for a hotel and bulky goods building as a temporary car park for 95 spaces (Car park D), and a permanent car park (Car Park C) for 60 spaces to the east of the east stand between the site and Fleetwood Road which was initially proposed to provide the route for a PROW with landscaping and hardstanding.

The parking on the hotel site is undefined and provided with a gravel surface. The area to the east of the stadium is currently gravel surfaced and undefined, but under this application is to be surfaced and marked out with a landscaping scheme provided to soften views from Fleetwood Road. The PROW has since been diverted around the stand so no longer follows this route.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/1016	ERECTION OF TWO-STOREY BUILDING TO PROVIDE COMMUNITY SPORT (CHANGING AND FUNCTION ROOM FACILITIES ) AND EDUCATION CENTRE TOGETHER WITH ALTERATIONS TO APPROVED CAR PARKING ARRANGEMENTS.	Granted	16/03/2017
16/0397	DISCHARGE OF CONDITIONS ON APPLICATION 13/0655 FOR CONDITION 33 (CAR PARKING MANAGEMENT STRATEGY), AND CONDITION 46 (HOURS OF OPERATION) ASSOCIATED WITH USE OF BRADLEY'S SPORTS BAR AND AROMA CAFE	Advice Issued	07/03/2017
15/0898	PROPOSED EXTENSION OF CAR PARK TO NORTH OF STADIUM TO PROVIDE NET INCREASE OF 95 SPACES	Granted	21/03/2016
15/0742	DISCHARGE OF CONDITION 3 ON APPLICATION 15/0309 FOR A SCHEME (DRAWING NO. 2255 - 13) IS SUBMITTED WHICH SHOWS A BUND / CHANNEL TO CONNECT THE APPROVED ATTENUATION POND WITH THE ADJACENT	Advice Issued	

15/0733	BROOK CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.	Approved with 106 Agreement	11/07/2016
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	04/02/2015
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015
	FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE		
	OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.		

#### **Relevant Planning Appeals History**

None

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

The site is in the area of **Medlar with Wesham Town Council** who were notified on 20 January 2017 and comment:

- Whilst the Council welcome to recognition of the current need for additional car parking spaces there is already approval for 491 spaces yet to be built (drawing (10401\_L11))
- The Council notes that this application requires the removal of the last piece of landscaping on the site and requests that adequate screening should be enforced

It is in the general vicinity of **Greenhalgh with Thistleton Parish Council** who were also notified on 20 January 2017 but have not provided any comments.

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

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

##### *Permanent car Park – Car Park C (60 spaces)*

*I have no highway objection to the provision of the proposed permanent Car Park, which I consider is necessary to support the current and expected future use of the AFC Fylde Football Stadium.*

*A number of the spaces as shown on the submitted plan do not appear to provide suitable spaces in practice, with insufficient room to manoeuvre. Appropriate provision for mobility impaired users should be incorporated into the final agreed layout.*

##### *Temporary Car Park on Proposed Hotel Site – Car Park D (95 spaces)*

*I have no highway objection to the provision of the proposed Temporary Car Park, which I consider is necessary to support the current and expected future use of the AFC Fylde Football Stadium.*

*The consultation letter refers to 45 spaces, however the recently submitted AFC Fylde Traffic Management Plan states this car park currently takes 95 cars. This matter should be clarified. While both car parks are clearly intended for use in respect of match day parking for AFC Fylde, I would expect to see the use set out in a car parking strategy that fully considers the relationship with the wider Mill Farm site and all other land uses and for this to be controlled by condition. Appropriate provision for mobility impaired users should be incorporated into the final agreed layout.*

##### *General Parking Position*

*The Car Park Extension Site Location Plan (DRG. No. 5763\_PARKING\_L01 (Revision B) shows the location of car parking associated with this proposal and also other car parks associated with the Mill Farm site. I must note that this plan, in keeping with plans submitted at the outline application stage for the wider Mill farm site, shows an overflow car park for some 491 spaces. In securing LCC support for the original outline application at Mill farm (PA No. 13/0655) the applicant provided an AFC Fylde Traffic Management Plan (TMP) set out in Cameron Rose Associates (CRA) Technical Note 3, dated 17th April 2014. While the current application (Car Parks C and D are welcomed, they are necessary as a direct result of the applicant failing to step up to the commitments deemed necessary by LCC Highways at the time and subsequently set out in the April 2014 AFC Fylde TMP. LCC correspondence with the applicants Transport Consultant CRA set out, at that time, our grave concerns with the inadequate Transport Assessment and that it was clear, in LCC's opinion, that the TA was seeking to underestimate the likely future traffic impact of the Football Club on the local highway network and therefore the associated car parking that would be necessary. The applicant subsequently provided an Addendum to the TA and significant highway improvement works, as requested by LCC (bus stops and formal crossing) ,and also the AFC Fylde TMP (April 2014). It was only the provision of the 2014 TMP in combination with the use of conditions to secure an agreed Car Park Management Strategy, Major Event Management Plan and Traffic Management Plan that led LCC to not recommend refusal at the outline stage.*

*It remains disappointing that the parking requirements for AFC Fylde (and this 6000 capacity Stadium) remain an outstanding issue. And I must note that I do not consider this current application resolves the issues. However, I acknowledge that the current discharge of conditions application in relation to the conditions referred to above is ongoing and that there has been a recently submitted revised Traffic Management Plan. I will be responding on the latest information in regard to the 'Discharge' application under separate correspondence shortly.*

*In summary, I have no highway objection to the current application for one Permanent and one Temporary car park, subject to suitable conditions being attached.*

#### **United Utilities**

No objections subject to conditions in relation to surface water drainage.

#### **Landscape Officer**

##### Permanent car park – Car park C (60 spaces)

*I have no landscape or visual objections to the provision of the proposed permanent car park. However, the layout of the proposed site would appear to be tight and leave insufficient room for manoeuvre at the southern end. Bays should be a minimum of 2.5 x 5.0m to accommodate increased UK car size, with at least 2 parking spaces for disabled users. The existing hedge along Fleetwood Road shall be protected from damage during construction with temporary fencing according to BS 5837 and a no dig construction method should be adopted in Car Park C.*

##### Temporary car park – Car park D (95 spaces)

*I have no landscape or visual objections to the proposed temporary car park provision.*

#### **Neighbour Observations**

<b>Neighbours notified:</b>	20 January 2017
<b>Number of Responses</b>	None received.

#### **Relevant Planning Policy**

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

TR10	Car park design
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##### **Fylde Local Plan to 2032:**

T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
SL4	Kirkham and Wesham Strategic Locations for Development

##### **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 issues surrounding parking at Mill Farm associated with AFC Fylde matches are well documented, and this application has been put forward by the applicants in order to address some of those issues. The original permission for the stadium included a requirement for a car parking management plan, the submitted plan is currently not acceptable but officers are working with highways officers and the applicant in order to find a way forward. This includes accurately identifying the extent of parking at the site, regular review periods in the event that parking that is currently available is not available and off site works. It is anticipated that the application for the car parking management condition to be discharged will be presented to members at the 6 September Planning Committee. It is likely that the management plan will refer to the parking proposed by this application if approved by members.

### **Principle of the development**

The site is located as part of the mixed use site granted planning permission through hybrid application 13/0655 which allowed the development of the wider site, including an area of car parking to the north of the existing stadium. This application seeks to use the area which has outline approval for a hotel and bulky goods building as a temporary car park for 95 spaces (Car park D), and a permanent car park for 60 spaces to the east of the east stand between the site and Fleetwood Road. This was an area that was proposed to be landscaped and have a PROW adjacent with some hardstanding in the original permission. The PROW has since been diverted around the stand so no longer follows this route.

The principle of parking in this area to serve the stadium is acceptable. The site is allocated in the emerging Fylde Local Plan to 2032 under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham. This allocates the site as a mixed use site, stating that it is a mixed use site for employment, leisure and retail. The proposed parking would support these uses and thus complies with that policy.

The application has been made for a temporary car park, and normally it would be appropriate to condition that this use ceases after a period of time. However, that is not considered appropriate in this instance as the parking will be controlled by the Car Parking Management Plan. Were a proposal, such as a hotel, be proposed on the site in the future this would require a planning application and so the implications of the loss of the parking provision could be considered at that time. This will also be secured by the Car Parking Management Plan would need to be amended to compensate for this loss of car parking.

### **Visual impact and landscaping**

The area of the application where the temporary car park is proposed has outline permission for a hotel and bulky goods building. As such the open use of a car park will have a reduced impact than those proposals and nevertheless is located well within the site.

The proposed permanent car park will not be widely visible from the wider area, as car parking is a land use rather than physical development and will have minimal visual impact. However despite having a minimum visual impact the issue here is the loss of landscaping that was approved as part of the hybrid application as a whole. The erosion of landscaping at the site has been a concern of



both officers and ward Councillors and this development further reduces the amount of landscaping on the site.

It is accepted that due to the size of the development that it cannot be screened and the approval of the hybrid application has changed the rural character of the site permanently however in order to address concerns raised by officers the applicants have produced a landscaping plan and CGI images of how the development will look when completed. The area where the car parking is proposed is adjacent to a significant hedgerow and it is proposed to extend this hedgerow around the southern end of the car park with heavy duty trees planted in this location. This being the most prominent location when travelling from south to north. When travelling from north to south the exiting hedge softens the appearance of the development sufficiently. The area to the south of the car park is proposed to be landscaped with trees.

There are no objections to this from the Council's Landscape Officer who requests that the hedgerow shall be protected from damage during construction with temporary fencing according to BS 5837. Whilst it is regrettable that the landscaping originally proposed is being reduced, the development leaves the key area that requires additional planting still landscaped and makes use of an otherwise empty area for much needed car parking. Therefore on balance it is considered the loss of landscaping and the visual impact of the car parking is acceptable.

#### Residential amenity

The proposal will not have any unacceptable impact on residential amenity. The area of additional car parking is adjacent parking already approved and in that location will not have any additional impact on any residential dwellings. The uses directly north of the site are commercial enterprises.

#### Highways issues

The provision of additional parking at the site will provide parking for people going to the stadium when a football game is taking place and also provide parking for other uses when matches are not taking place. LCC Highways have confirmed that they have no objections to the development. They comment that the permanent car park is necessary to support the current and future use of the stadium. They state that the temporary car park is also necessary and that while both car parks are clearly intended for use in respect of match day parking for AFC Fylde, they would expect to see the use set out in a car parking strategy that fully considers the relationship with the wider Mill Farm site and all other land uses and for this to be controlled by condition. As referred to above the overall Car Parking Management Strategy is subject to an application that will be brought before members at a future committee. This condition will apply to these car park but should be repeated on this permission. Overall it is considered that the provision of additional parking is a good thing in respect of serving the site.

#### Flooding and drainage

The application results in a greater area of hardstanding to that previously approved, with the application stating that surface water will be dealt with using a sustainable urban drainage system then discharging to the existing watercourse. This is an acceptable arrangement and is the principle that has been established by the rest of the site with details supplied through the drainage conditions applied to the hybrid application. However as this is a full application it is appropriate that a condition be placed on the permission requiring full details of the drainage of the car park to be submitted and approved in writing prior to the commencement of development as per the UU request.

## **Conclusions**

The provision of additional car parking to serve the Mill Farm development is considered acceptable in principle despite the reduction in landscaping on the eastern boundary. Conditions will be placed on the permission with regard to the parking being available and appropriately managed, drainage and landscaping. As such there are no issues with the application and it is acceptable in principle.

## **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:

- Car Park Extension Location Plan - fwp plan 5763\_PARKING\_L01 REV B
- Car Park C - fwp plan 5763\_PARKING\_L02 REV B
- Car Park D - fwp plan 5763\_PARKING\_L03 REV B
- Extension Planting plan UG plan 10401\_L14 P01

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

3. That the car parking areas hereby approved shall be surfaced, demarcated as shown on the plans hereby approved under condition 2 prior to their first use for parking and retained available for the parking of vehicles associated with lawful operations at the Mill Farm site only at all times thereafter.

Reason: To ensure that the parking operates in an appropriately safe manner and increases the availability of parking to serve the needs of the development in the interests of highway safety.

4. Within 3 months of the grant of this planning permission, a fully detailed Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking at the site shall be fully implemented and operated in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory car parking management strategy is implemented for the development associated with the AFC Fylde Stadium.

5. The whole of the landscape works, as approved and shown on drawing number 10401\_L14 shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the

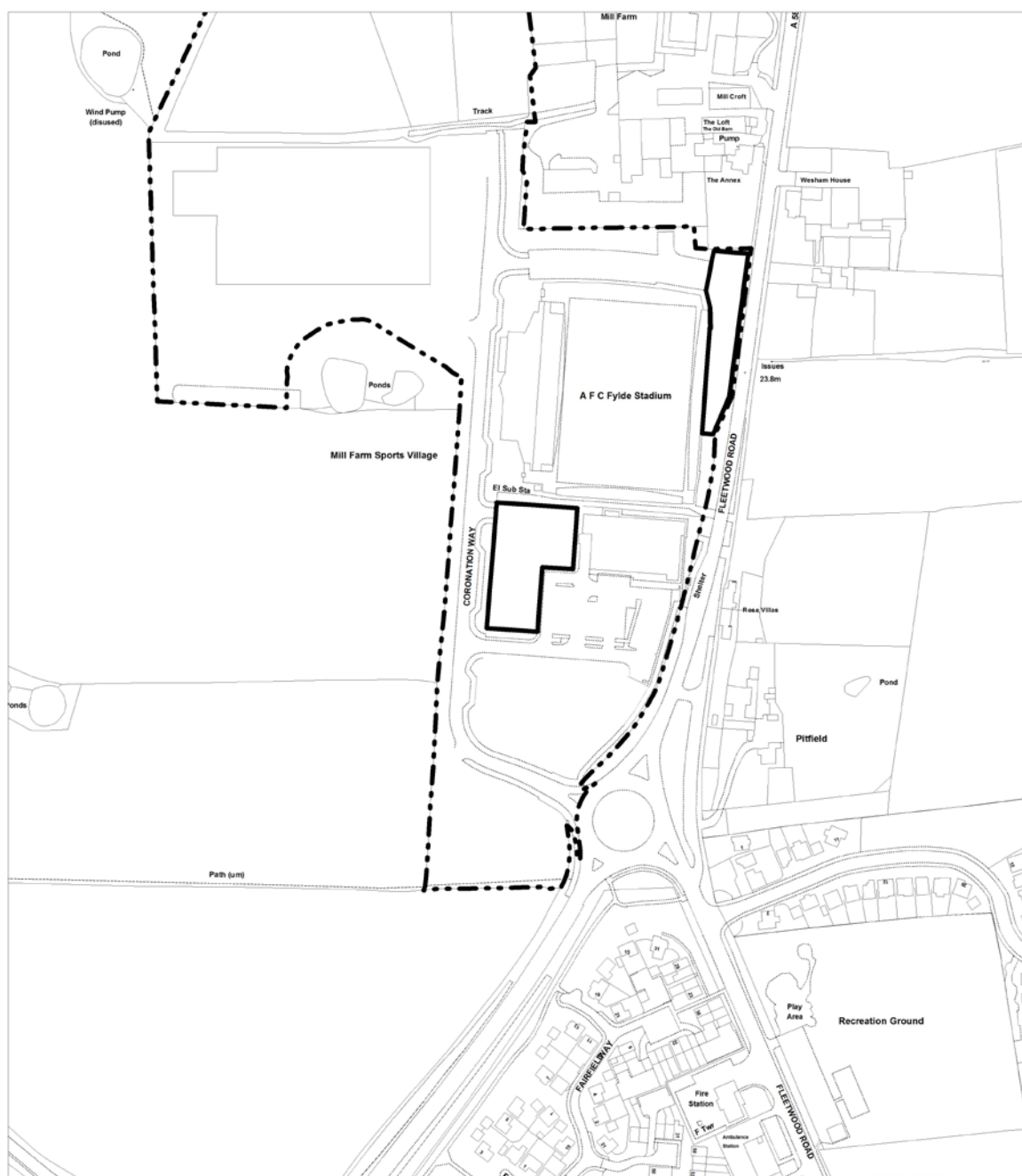
appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

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

6. Prior to the implementation of the revised layout of the car park C hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0016	Address Mill Farm Sports Village, Fleetwood Road, Wesham	Grid Ref. E.3415 : N.4337	Scale 0 15 30 45 60 m 

**Item Number:** 3

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0031	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr SINNOTT	<b>Agent :</b>	RDJ CREATIVE LTD
<b>Location:</b>	ROSE COTTAGE, BRYNING LANE, BRYNING WITH WARTON, PRESTON, PR4 1TN		
<b>Proposal:</b>	PROPOSED ERECTION OF ONE DETACHED TWO STOREY DWELLING		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	26	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7565538,-2.9056146,170m/data=!3m1!1e3?hl=en>

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

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

The application site forms part of the existing garden to a detached dwelling located in the Countryside outside of Warton in the vicinity of the Birley Arms pub. The proposal is to erect a two storey dwelling in the garden area with integral garage.

The erection of a dwelling does not comply with Policy SP2 of the adopted Local Plan which is restrictive of new dwellings in Countryside areas, but with the council's current 5 year housing supply it is necessary to examine if there are any overriding reasons why the development is not acceptable. In this case the site has reasonable access to the services available in Warton, and is compatible with adjacent land uses that feature a number of dwellings and so prevent the property being isolated. Due to the distance from the neighbouring residential properties there will be no detrimental impact to amenity and the scale of the building proposed is in keeping with the surrounding properties. The impact to the character and openness of the countryside is considered acceptable due to the orientation of the site with the surrounding land uses. Issues of ecology and drainage can be adequately controlled via the use of appropriate conditions.

Taking the above into account the revised proposal complies with the provisions of the NPPF and Policies SP2, HL2, HL6, EP11 and EP14 and is therefore supported by officers. As the latest plans were received shortly before the publication of the agenda they are subject to a public consultation process which is on-going. As such it is recommended that the final decision on the application be delegated to officers on conclusion of this consultation period and the consideration of any comments received.

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

This application has been brought before Committee for determination as the officer

recommendation for approval conflicts with the objection raised by Bryning with Warton Parish Council.

### **Site Description and Location**

The application site is an area of land/garden to the southwest of Rose Cottage and is adjacent to Bryning Lane to the southwest. The site is located in an area designated as countryside and it is located to the north of Warton. The land is elevated above the level of the highway and there are well-established trees and bushes on the western and southern boundaries of the site.

The site is adjacent existing residential properties namely, Rose Cottage and Kellamergh House and there are other nearby properties which together form a cluster of residential dwellings. These properties vary in style, size and design. Immediately to the south there is a small field and beyond that is the Birley Arms.

### **Details of Proposal**

The proposal is full application for the erection of a single two-storey dwelling with an integral double garage. The initial submission proposed a taller dwelling which after assessment was considered unacceptable. As a result a revised plan for a lower dwelling was submitted. The description below is of the revised plan.

It is situated to the southwest of Rose Cottage to the east of Bryning Lane. The proposed layout is a detached dwelling with an L-shaped foot print measuring 17m by 14m at its maximum. The scale of the dwelling is to be two-storey and the roof is gable ended either side and has a ridge height of 7.89m. The roof also consists of a dormer over the integral garage and there is a two-storey forward projecting gable ended central feature which also includes the front door. The proposed access is to the existing access track to the site off Bryning Lane.

The orientation of this revised dwelling was revised immediately prior to the compilation of the agenda and so is subject to a further neighbour consultation.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
95/0741	DETACHED DOUBLE GARAGE, CONSERVATORY TO SIDE AND EXTENSION TO PORCH	Granted	03/01/1996
87/0853	TWO STOREY EXTENSION & ALTERATIONS	Granted	24/02/1988
82/0502	DOUBLE GARAGE.	Granted	18/08/1982
81/0715	SITING OF CARAVAN FOR STORAGE PURPOSES.	Refused	14/10/1981
80/1159	EXTENSIONS TO FORM ENTRANCE PORCH AND UTILITY ROOM AND TOILET.	Granted	04/02/1981
80/0738	OUTLINE - ONE DETACHED DWELLING.	Refused	17/09/1980
74/0776	EXTENSION - ADDITIONAL BEDROOM.	Granted	18/12/1974
74/0184	ALTERATIONS AND EXTENSIONS TO FORM DINING KITCHEN.	Granted	11/06/1974

### **Relevant Planning Appeals History**

None

## **Parish/Town Council Observations**

**Bryning with Warton Parish Council** notified on 16 March 2017 and comment:

### **Initial Plans:**

Object - *The Parish Council are of the view that a three storey building is not in character of the environs of the rural area and will impact negatively on the visual amenity because of its height in context to the surrounding neighbourhood.*

### **Revised Plans:**

The Parish Council were formally re-consulted on the initial revised plans but have not responded to that or follow-up correspondence on the application.

A further revised plan was received immediately prior to the compilation of this agenda and is the subject of a further consultation, hence the recommendation to delegate the decision to officers. The Parish Council have been included in that consultation and any views received will be reported to Committee in the late observations report.

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

### **BAe Systems**

Comments - No objections

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

Comments - No objections

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

Comments - No objections

## **Neighbour Observations**

<b>Neighbours notified:</b>	27 January 2017
<b>Amended plans notified:</b>	16 March 2017
<b>Site Notice Date:</b>	07 February 2017
<b>Number of Responses</b>	2 responses to the original plans and 2 responses to the first revised plans
<b>Summary of Comments</b>	<p><b>Original Plans:</b></p> <ol style="list-style-type: none"><li>1. Proposal is a garden grab</li><li>2. Site is within a countryside area</li><li>3. Drainage issues on site</li><li>4. Proposed dwelling out of keeping with other properties</li><li>5. Impact to highway safety</li><li>6. Insufficient parking</li><li>7. No need for the proposal due to other development being approved</li><li>8. Loss of privacy</li><li>9. Loss of light</li></ol> <p><b>Revised Plans:</b></p> <ol style="list-style-type: none"><li>10. Proposal is a garden grab</li><li>11. Site is within a countryside area</li><li>12. Drainage issues on site</li><li>13. Proposed dwelling out of keeping with other properties</li></ol>

14. Impact to highway safety
15. Insufficient parking
16. No need for the proposal due to other development being approved
17. Loss of privacy
18. Loss of light

### **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
EP11	Building design & landscape character
EP25	Development and waste water

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape

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

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
BWWNP	Bryning with Warton Neighbourhood Plan

#### **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 application is a full application for the erection of a dwelling house with integral garage. The main issues regarding this application from the plans submitted are:

- The principle of the development
- The impact to the character of the countryside
- Design
- The impact to neighbouring residential amenity

#### **Principle of the development**

The site is located within the countryside as shown on the adopted Fylde Borough Local Plan (FBLP) therefore Policy SP2 applies which restricts the majority of development to preserve the rural character of the countryside. The policy does allow for some exceptions, and whilst the proposal does not fall within these exceptions the principle of the development is in this particular case considered acceptable as is explained below. This designation is continued in the Fylde Local Plan to 2032, with similar controls under Policy GD4.



The site is adjacent residential properties directly to the north and is close to other nearby properties which form a small hamlet a short distance from the northern edge of the settlement boundary of Warton. Therefore when taking into account the provisions of Policy HL2 of the local plan the proposal is considered compatible with nearby and adjacent land uses. The location of the application site is such that it is not isolated from the services offered within Warton with a continuous pavement with lighting available from the site to Warton village centre.

Para 49 (Delivering a wide choice of high quality homes) of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. As the site is not within a more sensitive area, such as Green Belt, and is a short distance to the Warton settlement boundary the site is considered to be within a sustainable location i.e. not detached from local services. Furthermore policies relevant to housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of housing. Whilst this matter does not on its own outweigh other material planning considerations the Council nevertheless cannot demonstrate a five year housing supply therefore taking all the above matters into account the principle of the application is considered acceptable.

#### Impact to the character of the countryside

The proposal will have minimal impact to the character and openness of the countryside. The site will not appear isolated nor incongruous and will appear as part of the existing cluster of buildings. Although on elevated land in comparison to the adjacent highway, the scale of the development is of comparable height with the neighbouring properties, Kellamergh House, Thornley Cottage and Rose Cottage, which are all two-storey and all of which will establish a context for a dwelling of this scale. Therefore the proposal will not appear out of keeping with the general rural character of the area. In addition the scheme proposes to retain much of the established vegetation along the southern boundary of the site which will lessen the visual impact of the dwelling from views further afield, and in the latest revision has increased the separation from those off-site views to lessen the visual impact on the landscape further.

The revised location of the property on the plot will soften the impact when viewed on the approach to the site from Bryning Lane and ensures that the visual impact of the development in the wider countryside is acceptable.

#### Design/Appearance

The appearance of the proposed dwelling is considered acceptable. Its style is not out of keeping with the surrounding area and sits well within the site by not appearing cramped nor dominant. There is a good level of amenity space and is of a scale that is comparable with the neighbouring properties.

#### Impact to neighbouring residential amenity

The proposal will have an impact to the amenity of the neighbouring properties, Rose Cottage and Kellamergh House, however this impact is considered acceptable.

Rose Cottage is located directly to the northeast of the application site with the application property situated to the southwest of the side elevation of Rose Cottage. The application property would be adequately separated from this dwelling to ensure that there will be no detrimental overbearing nor loss of light. All main elevations windows and the entire rear garden would remain unaffected. There will be no detrimental loss of privacy as no windows face Rose Cottage

Kellamergh House is directly to the northwest of the application site. The application property would be on the opposite side of the access road which serves the properties and is adequately separated

from primary habitable windows and private garden areas of this dwelling to ensure that there will be no detrimental overbearing nor loss of light. In addition the well-established vegetation along Kellamergh House's southern boundary means that the application property will be well screened. There will also be no detrimental loss of privacy from the new dwelling due to the layout, with the vegetation identified previously further limiting any inter-visibility.

#### Highways

The County surveyor raised no objection to the proposed access which utilises the existing access that serves the surrounding dwellings and connects them to Bryning Lane with a suitable junction. The proposal provides sufficient off street parking provision and turning within the site, and retains space for the same within the existing property. There would be no detrimental impact to highway safety.

#### Ecology

The site is adjacent residential properties and agricultural land with some fields demarcated by well-established vegetation. The proposal, for one dwelling, is not considered to be of such a significant development that there would be an unacceptable risk to protected species. However conditions should be attached to any consent ensuring adequate mitigation measures are taken during construction.

#### Drainage

The proposal will have an impact on the natural drainage of the site by reason of the addition of hard standing and other built development. The topography of the land means that runoff would likely run into the neighbouring property, Rose Cottage and also downhill towards the highway. However it is considered that the site can be adequately drained and a condition should be attached to any consent for a full drainage scheme to be agreed prior to commencement of works.

#### Conclusions

The proposed development whilst not strictly complying with Policy SP2 of the adopted FBLP is considered acceptable in principle as it is in a sustainable location and is compatible with adjacent land uses. Due to the distance from the neighbouring residential properties there will be no detrimental impact to amenity and the scale of the building proposed is in keeping with the surrounding properties. The impact to the character and openness of the countryside is considered acceptable due to the orientation of the site with the surrounding land uses. Issues of ecology and drainage can be adequately controlled via the use of appropriate conditions. Taking the above into account the application complies with the provisions of the NPPF and Policies SP2, HL2, HL6, EP11 and EP14 and is therefore supported.

#### Recommendation

That the decision to GRANT planning permission be delegated to the Head of Planning and Regeneration following consideration of any consultation or neighbour comments received on the revised scheme and securing revisions to address any concerns he has as a result of those comments.

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
- Proposed Site Plan - F/17/37/02
- Plans and elevations - F/17/37/04

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building (including sill, lintels, windows, doors and drain pipes) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the materials have a satisfactory appearance.

4. Prior to the commencement of works samples of all hard and soft landscape works (including the access driveway of the site) shall be submitted to and confirmed in writing by the Local Planning Authority. The works shall be carried out using the agreed materials.

Reason: To ensure a satisfactory appearance of the development in the countryside as required by Policy SP2 of the Fylde Borough Local Plan.

5. Prior to the commencement of development details of all fencing, gates or other means of enclosure (including access gates) shall be submitted to and approved in writing by the Local Planning Authority, with any gate adjacent the public highway designed to only open away from the highway. The development shall be implemented in accordance with these approved details.

Reason: To ensure an appropriate standard of design is achieved within the Countryside and prevent a potential source of danger to other road users.

6. Prior to the commencement of development, hereby approved, a scheme for the disposal of foul and surface waters for the entire site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems. The development shall be implemented, maintained and managed in accordance with the approved details.

Reason: To ensure the site and development are adequately drained.

7. Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved plan.

Reason: To ensure that the development has an acceptable impact on neighbouring amenity and the character of the wider rural area.

8. Prior to any development activity commencing, retained trees, either individually or, where appropriate, as groups, as shown on the submitted plan (ref: F/17/37/02) will be protected by erecting HERAS fencing at the Root Protection Areas (RPAs) identified on a plan to be submitted to and agreed in writing by the Local Planning Authority.

Within, or at the perimeter of, these root protection areas, all of the following activities are prohibited:

- Lighting of fires;
- Storage of site equipment, vehicles, or materials of any kind;
- The disposal of arisings or any site waste;
- Any excavation;
- The washing out of any containers used on site.

HERAS fencing must not be removed or relocated to shorter distances from the tree without the prior agreement of the Local Planning Authority. Any work to retained trees to facilitate development or site activity must (a) be agreed in advance with the Local Planning Authority and (b) must meet the requirements of BS3998:2010 Tree Work - recommendations.

Reason: To ensure that tree root damage and damage to the aerial parts of retained trees is avoided so that the trees' health and visual amenity is not diminished by development activity.

9. No works shall be undertaken until a walkover survey of the site (including its boundary hedges) has taken place in order to establish the presence of protected species and the results submitted in writing to the local planning authority. Should the presence of any protected species be identified, a mitigation and phasing scheme for demolition and construction work in the vicinity of their nesting sites shall be submitted to and approved in writing by the local planning authority and implemented throughout the construction of the dwelling.

Reason: To ensure adequate protection to protected species.

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

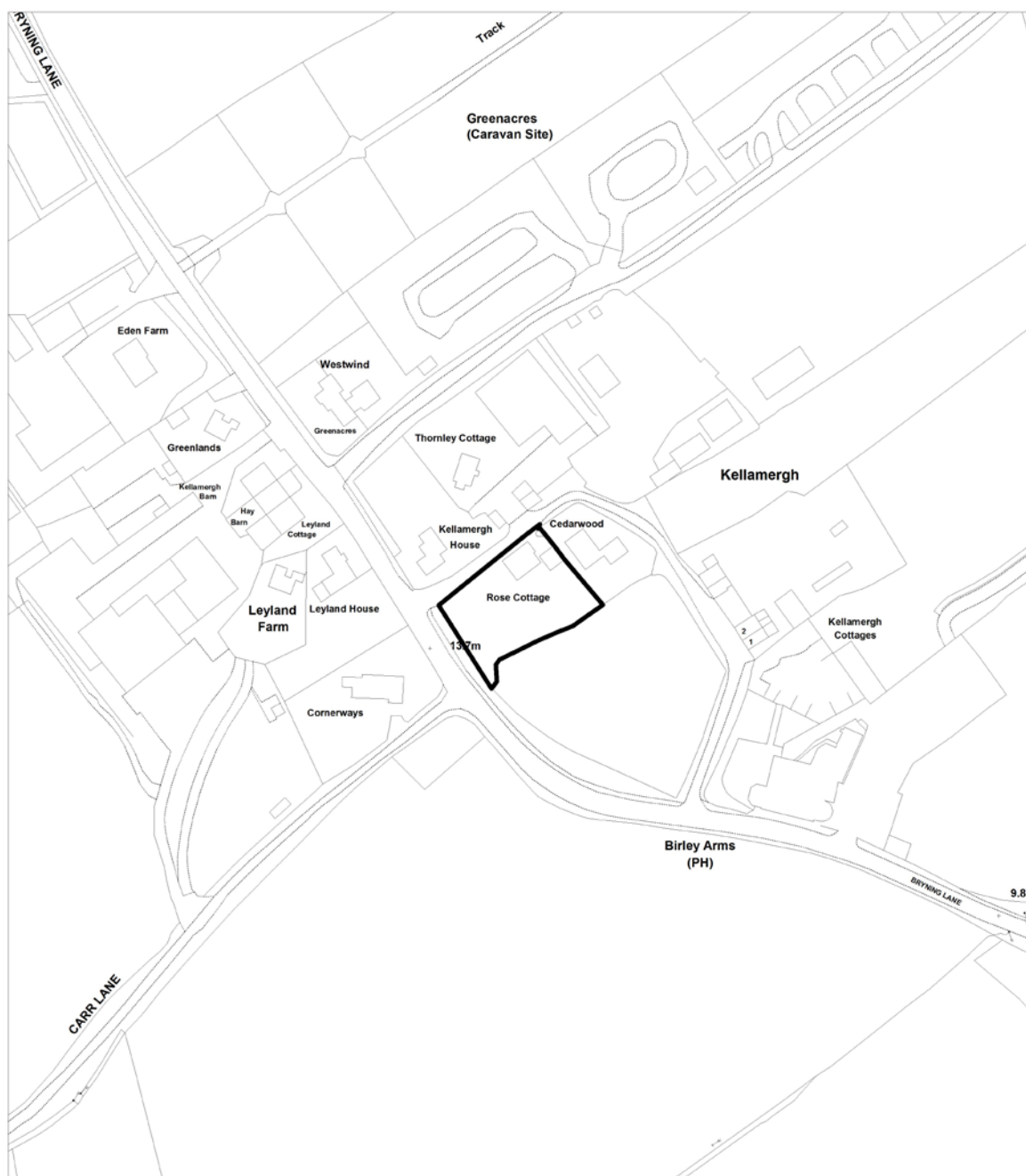
Part 1 - Development within the curtilage of a Dwelling House

CLASS VARIABLES

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

Part 2 - Minor Operations

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



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0031	Address Rose Cottage, Bryning Lane, Warton	Grid Ref. E.3403 : N.4292	Scale 0 10 20 30 40 m

**Item Number:** 4

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0247	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Story Homes	<b>Agent :</b>	
<b>Location:</b>	LAND NORTH OF MILL LANE, ELSWICK		
<b>Proposal:</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8390524,-2.8769983,680m/data=!3m1!1e3?hl=en>

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

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

The proposal for consideration by Members is an outline application (access) for up to 50 dwellings, on land north of Mill Lane, Elswick, and is an identical resubmission of a previously refused scheme by Members of the February 2017 Planning Committee.

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

The most recent adopted 5 Year Housing Supply figure was a 4.8 year supply as of 31<sup>st</sup> March 2016. The supply figure has been revised for the Public Examination of the SV and demonstrates a 5.1 year supply, though this figure is subject to further public consultation during the summer and is yet to be tested by the Public Examination.

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 exceed the 50 unit target by 46 units. 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 housing 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 11% (21% when including committed development) 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. 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.

Notwithstanding the previously refused application, the officer recommendation is that Members support the application, subject to condition and a legal agreement to secure affordable housing, contributions to secondary education provision and bus service enhancements.

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

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

Members will recall an identical submission being refused at the February 2017 Planning Committee, for the following reasons:

1. The development of the site for up to 50 dwellings will, in combination with recent planning approvals, result in a level of development in Elswick that will exceed that assumed in the emerging Fylde Local Plan, which is at an advanced stage of preparation, and identified Elswick as a tier 2 settlement expected to support only limited expansion. In the absence of any significant community facilities within the village and a limited public transport service in the village, the proposal would result in increased journeys by private motor vehicle and so would be economically, socially and environmentally unsustainable and contrary to the provisions of Policy S1 of the emerging Fylde Local Plan to 2032.

And,

2. Lack of mechanism for the provision of affordable housing, education and bus service

enhancement contributions.

This refusal has been appealed, with the Hearing date scheduled for 30 August 2017.

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

The application site is adjacent to the eastern boundary of Elswick, being bound by housing to the west on Linden Fold/ Ash Close, two dwellings to the south on Lodge Lane/ Mill Lane, and farm holdings to the north on Bond Lane and east. The site is 4.7 hectares in size and is almost rectangular in form, comprising of a relatively flat, grassed parcel of land with centrally located pond. Trees, hedgerow and residential fencing define the current 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**

The proposal is identical to that previously refused by Members of the Planning Committee, with Outline planning consent being sought for up to 50 dwellings on the site, 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).

The submission indicates that the sole vehicular access to the development will be via a new access road to the north of Mill Lane. This proposed arrangement will result in a change of priority with vehicles using the access road having priority over those vehicles using the existing Mill Lane carriageway. A pedestrian access is provided to Bonds Lane.

The submitted indicative layout does not provide a detailed plot layout, instead highlights development blocks of housing which are sited adjacent to the eastern edge of the village envelope. A landscape buffer and Public Open Space area wrap around the defined housing area and centrally located pond and land to the south of the housing area will also be landscaped as an 'Arrival Impact Green'. The road layout encourages housing to be generally outward facing where opposing the countryside boundaries of the site. The Planning Statement refers to scale of buildings being 2 storey, though the Design and Access Statement refers to housing being predominantly 2 – 2.5 storeys in height, designed with an ethos of a modern version of traditional suburban architecture similar to that in the locality.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0180	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Refused	10/02/2017

#### **Relevant Planning Appeals History**

16/0180	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Ongoing
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## **Parish/Town Council Observations**

**Elswick Parish Council** notified on 30 March 2017 and comment that the application should be refused, based on their objection to the previous application (16/0180) and the following additional comments:

- *Examination of the emerging Local Plan has already commenced and the Parish Council feels it would be prudent to await the outcome of this.*
- *Five Year Housing Land Supply – the covering letter submitted by the applicants agent notes the “Applicant’s concerns regarding the Council’s ability to demonstrate a robust five year housing land supply”. However, Fylde Borough Councils 5.58 year housing supply land statement should be used to decipher applications unless this figure changes.*
- *There appear to be discrepancies within the Accessibility and Availability of Services statements, for example:*
  - *There is a convenience store in Elswick - this is a small newsagent with a limited supply of groceries.*
  - *There is only one place of worship – not three*
  - *There is not a primary school in Elswick*
  - *There is not a takeaway in Elswick*
  - *The restaurant in Elswick closed down last year.*
  - *Whilst there are some facilities in Great Eccleston, the walking distance is over 1.5 miles*
  - *Public transport may have been introduced (75A), but this is only a two hourly Preston to Fleetwood day service and has only been funded for 12 months. The 76 service which ran through Elswick and covered Blackpool and St Annes was withdrawn last year.*

*The Parish raised strong objection to the previous proposal, on the following grounds:*

### **Size and Scale**

*There is a risk that if approved, a further application could be submitted to increase the numbers of housing on the same site. Due to its size and existing amenities, the Parish Council considers that this proposal is inappropriate development. Following a resolution at the Parish Council meeting held on the 24th November 2016, the Parish Council requests that if the Development Management Committee is minded to approve this amended outline proposal from 100 houses to 50 – that part of the scheme is designated as public open space.*

### **Sustainable Development**

*Elswick scored low in sustainability assessments taken at the beginning of the Local Plan process. The Development Control Committee in March decided that Elswick should be defined in the emerging Local Plan as a Tier 2 Smaller Rural Settlement with an allocation of 50 houses.*

*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, one for 50 and one for 36 houses. If these are also approved, the village could be faced with more than 3 times the number allocated in the emerging Local Plan - increasing the size of Elswick by 36%.*

*Elswick has no school, no health centre and one newsagents. Nearest health centre is 1.5 miles and supermarket 6 miles away. Similar distances must be travelled for shopping or recreational purposes. Very little employment opportunity. Since designation as a Tier 2 settlement, sustainability has further deteriorated with the loss of the bus service to Blackpool and the announcement that the largest employer in the village (Bonds) will close. The proposal will place additional burden on the local health service(s) which has a 3-4 week waiting list and no space to*

expand. A senior partner at the Centre has confirmed the need for an additional GP but with no space to accommodate. 160 houses have been approved and applications for a further 330, it is essential therefore that a new Health Centre is built before any further housing applications are approved.

Whilst many people are attempting to find affordable housing, by moving into a rural location such as Elswick will result in higher transport costs resulting in a negative effect on any savings made on affordable house costs. For affordable housing to be sustainable it must be closer to employment and offer multiple transport options.

#### Fylde Borough Local Plan/ Emerging Local Plan

The site is allocated as open countryside and residential development is therefore contrary to Policy Sp2 and GD4, since it is not one of the five identified categories of acceptable development,

#### Undermining the Developing Neighbourhood Plan

Bringing about changes proposed in this scheme will undermine the spirit of Localism that governs the neighbourhood planning process introduced in the Localism Act 2011. If an application of this scale is approved by the Planning Authority, it runs the risk of causing considerable damage to the Neighbourhood Planning Process.

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.

#### Transport and Traffic

Concerns for impact of the development on the Thistleton junction with the A585. People describe crossing the A585 at the northerly Thistleton junction a 'nightmare' and turning left at the southerly junction 'highly dangerous'. 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.

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.

#### Site History

The proposed site has severe drainage problems spending most the year under water. Mill Lane also has severe flooding issues. Furthermore, there is a culvert from Mill Lane lying below Lodge Lane which creates flooding at the Elswick United Reformed Church. Any development which includes draining into the culvert will compound these flooding issues.

#### Summary

Elswick Parish Council strongly objects to this planning application by 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. The Parish Council believes this proposal:

- undermines the development of the Neighbourhood Plan

- *places a further burden on existing stretched facilities*
- *fails to be of an appropriate scale for the village of Elswick*
- *does not meet standards for sustainable development*
- *will compound the traffic issues already experienced at the junctions of the A585*
- *planning for health care considerations have not been addressed causing extra demand pressures on the local health centre.*

*The Parish Council therefore asks the Development Management Committee to reject this application outright.*

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

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

No objection subject to condition requiring wheel wash facilities, access design to be agreed, design and implementation of off site highway works and construction management plan, and a £250k contribution toward bus service enhancement payable by S106.

When application 16/0180 was originally submitted the proposal was for 100 dwellings and subsequently reduced to 50 dwellings prior to determination. LCC did not oppose this proposal subject to a number of planning conditions and an s106. Since the time of application 16/0180 being considered by LCC additional development proposals have been submitted / determined such as application 16/0846 (Land north of High Gate and east of Copp Lane. LCC have considered the additional impact of these developments and have determined that there will not be any significant impact on highway safety or highway capacity on the local highway network. As such LCC's views on this proposal remain unchanged.

#### **Travel Plan:**

The submitted Travel Plan is only relevant to when the proposal was for 100 dwellings. LCC do not consider it essential that a Travel Plan be produced for a development of 50 dwellings at this location.

#### **Access:**

The access arrangement should be those that have previously agreed and shown on drawing 0826-F02 Rev C. The access works will need to be carried out under an s278 agreement.

#### **Off Site Highway Improvements:**

A number of off-site highway improvements were on the previous application (16/0180), these should be repeated here and include;

- a) Alterations to the Roseacre Road / Lodge Lane junction (as shown on drawing 0826-F02 Rev C)
- b) Footway improvements on Lodge Lane between the site access and Roseacre Road (details to be agreed)
- c) Upgrading of 2 No. existing bus stops to include raised boarding areas (details to be agreed).

#### **Public Transport:**

Recent cuts to the funding of subsidised bus services throughout Lancashire has led to the removal or reduction of public transport services.

Services 75A & 80 both operate on a two hour frequency through Elswick. The nearest sustainable towns to Elswick where a good range of services, amenities and employment opportunities exist are Kirkham and Poulton. Both Kirkham and Poulton are reachable by one or the other service giving a two hour frequency to either destination.

Both the 75A & 80 services are subsidised by LCC and future continuation of these services cannot be guaranteed. Previously £250K (spread over 5 years) was requested bus service provision and improvements in Elswick. This request is repeated.

## Highways England

No objection, subject to condition for provision and implementation of a Travel Plan.

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 seek to enter the A585(T) due to insufficient gaps in mainline traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.

Calculations presented in the Technical Note demonstrate that the development would generate between 15 and 16 trips that would use the Thistleton junction in the AM or PM peak hours. This equates to an additional vehicle every 3 to 4 minutes.

Accident analysis presented within the TN found that between from 2011 to October 2016 that 11 accidents have occurred at the junction, six accidents have occurred at the junction alone in 2016. 9 of the 11 accidents involved vehicles using the junction and making turning manoeuvres at the junction. 4 of the incidents during 2016 occurred outside of peak times. 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 submission refers to *forecast increases being minimal, 6 right-turners from Thistleton Road in Weekday AM peak and 9 right-turners from Mile Road in Weekday PM peak, equating to an additional right-turning vehicle every 10 and 15 minutes. Concluding that this will not result in any material changes to the operation or highway safety of the junction.* Notwithstanding, HE comment that however small these increases in traffic are, the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward that is served by Thistleton junction in areas such as Elswick.

HE conclude A single development of 50 dwellings will possibly raise the risk only marginally. In this case, HE gives weight to the fact that this development of 50 dwellings is within the agreed housing allocation for Elswick within the Submission Version Fylde Local Plan. As a result, HE view is that they do not raise any objection to this application subject to a condition requiring a Travel Plan.

HE have raised concern that the incremental development coming forward in this area is cumulatively and significantly increasing the number of turning movements at the Thistleton junction, with a corresponding significant increase in risk to safety.

HE is of the view that, should this development be granted consent, further speculative development within Elswick would 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 as described above. 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.

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 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 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.

In light of the Copp Lane approval (16/0846), Highways England have provided the following comments:

Our existing responses set out the relevant points that we draw Fylde Council's attention to in determining these applications.

#### **United Utilities**

No objection to the proposal, subject to condition requiring drainage for the development to accord with the principles set out in the submitted Flood Risk Assessment, with no surface water drainage to the public sewer, unless otherwise agreed in writing by the Planning Authority.

A condition is also requested relating to management and maintenance of the any sustainable drainage system on the site.

#### **Natural England**

Based on the information provided, Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.

NE have not assessed this application and associated documents for impacts on protected species.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

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

##### Summary

Ecological issues on this site were resolved to the satisfaction of the GMEU as part of the previous application 16/0180 and recommendations made with regards to informatives and conditions. The new application is based on the same layout and ecological

information and the ecological data is still under two years old. Previous recommendations therefore largely apply.

#### Great Crested Newts

Whilst the pond within the development site has a historic record of a great crested newt (GCN) over 20 years old, the ecological consultants found no evidence of GCN being present in this pond or other ponds within 250m of the development. As a number of the more distant ponds were not however accessed it was agreed that a reasonable avoidance method statement was required via condition. Our previous recommendation of the 28 April 2016 still largely applies. The survey data is now however nearly two years. I recommend a condition along the following lines be applied to any permission.

Prior to any earthworks a reasonable avoidance method statement for amphibians shall be provided to and agreed in writing to the LPA. If the development hereby approved does not commence before 1 April 2018, the ponds will be reassessed great crested newt breeding potential and the finding supplied to and agreed in writing by the LPA and an informative also applied

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

#### Bats

Trees were assessed for their bat roosting potential and bat activity surveys carried out. A number of trees were regarded as high risk for bat roosts and information previously requested regarding whether these trees were to be retained. Whilst I note that both the D & A statement and indicative masterplan have as objective the retention of the majority of the boundary trees, I can find no evidence that there was ever a response to my request for confirmation that trees with high roost potential are to be retained (apologies if this information was supplied) and whilst it is clear that most of the high risk trees are avoidable, T1 & T2 in particular could be lost. Prior to determination please request further information on whether any high (or moderate) risk trees are to be lost.

As this is outline however I accept that such information may not be known. If this is the case I would recommend conditioning retention of all moderate and high risk trees unless otherwise agreed in writing by the LPA

Bat activity surveys were also carried out. These demonstrated no significant impacts on foraging and commuting activity. I therefore still recommend a condition along the following lines is applied to any permission.

The development shall be carried out in accordance with the details contained in the Bat Activity Appendix 2016, TEP Ref 5194.005 Section 4.0 as already submitted with the planning application and agreed in principle with the LPA prior to determination.

### Other Protected Species

The site was assessed as low risk for all other likely protected species. I accept these findings no further measures required.

### Nesting Birds

Some impacts on boundary hedges are likely to occur in order to create access to the site, potential bird nesting habitat. The field also could provide nesting habitat for ground nesting birds such as lapwing and skylark. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Please apply the following condition to any permission.

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

### Ecological Impact of the Development (excluding bats and gcn)

The site will result in the loss of a significant area of semi-improved grassland a low value ecological feature. The majority of the high value habitats: the pond, hedgerows and mature trees are to be retained. The NPPF states that the planning system should contribute to and enhance the natural environment through a range of actions. Adequate land is being retained to enable mitigation to occur, as long as adequately enhanced. I am therefore happy that mitigation for the loss of semi-improved grassland, short sections of hedgerow, potentially trees and associated bird nesting habitat can be provided on site and conditioned along the following lines.

An ecological management plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include:

- mitigation for loss of semi-improved grassland;
- mitigation for Loss of trees and hedgerows and associated loss of bird nesting habitat;
- enhancement of the retained hedgerows;
- protection and buffering habitat for the pond;
- a five year implementation and management plan

The approved plan will be implemented in accordance with the approved details.

### **LCC Contributions**

Taking into account all relevant secondary schools (Kirkham Carr Hill, Hodgson Academy and Baines School) and committed development, a shortfall of 134 secondary school places has been confirmed. The pupil yield from the development is equivalent of 8 secondary places. On this basis, given the shortfall of secondary school places LCC will be seeking a contribution for 8 secondary school places at the closest secondary school of Hodgson where there is also a deficiency of places.

The contribution equates to £24,423.27 x 8 places = £171,386.16

The named infrastructure project is Baines School Poulton-le-Fylde.

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.

#### **Regeneration Team (Trees)**

No comments have been received to this current application, however the following comments were provided to the previous application 16/0180:

*“The illustrative masterplan indicates existing trees to the site boundaries for retention and the contents of the tree survey suggest this is feasible. Having looked at all trees from within the site yesterday I’m left in an unusual position because I feel that the tree survey rates them, in the main, as better trees than they are.*

*Site photographs accompanying the survey show that it was done in the early Summer and I feel that seen in full leaf these trees do possess high levels of beauty and amenity, but focused inspection during Winter reveals a different picture.*

*Several of the visually dominant ash trees to the northern boundary are declining and not suitable for the long-term. It’s therefore best to regard the site as substantially unscreened on this boundary.*

*Trees to the south on Mill Lane are mostly self-sown sycamores and many have been damaged, presumably by managing the drainage ditch. They’ve all grown in competition with one another and have that leggy, attenuated form as a consequence. Ivy has added to their suppression. They work as a collective, scoring low as individuals. Some would be lost to the proposed access but I see no strong defence for them on amenity grounds at any rate it’s difficult to see these trees as ideal long-term screening for the site. Among these trees is a veteran ash tree (T38 in the survey): it’s the best tree on this boundary and is a landmark specimen, but it has signs of internal decay such as nesting holes in primary branches that indicate the wood is not as it should be. Since these overhang the lane, which would post-development become a busy thoroughfare, I feel it probably isn’t realistic to suggest the tree will be a long-term feature of the site.*

*Of those few trees internal to the field, only T2, a mature sycamore on a boundary with a private property, has wider amenity value. One other boundary tree has been rated as a ‘B’ in the survey but it’s lost one of its two primary stems and is in effect only a part of a previously twin-stemmed sycamore.*

*The overall picture then is one of trees that have amenity but which would not be suitable for retention within a development.*

*Drainage infrastructure is also bound to impact trees and tree roots since it must be routed through the site to the existing mains, and the pond appears to have formed a natural “sluice” where it runs overland to Bonds Lane. This would have to be culverted to a drain, or otherwise remedied, and I imagine difficulties there viz-a-viz construction, pipework and tree retentions.*



*The proposal to culvert the existing ditch on Mill lane will also cost trees, but these are low-value and are growing so tightly to property boundaries that they're not ideal for retention, and again, many are already damaged at their stems.*

*In all, this seems to turn on appropriate landscaping rather than integrating existing trees into a large development. What seems clear is that the current screen of trees can't be relied upon to remain for an indefinite period. If the Council were minded to consent to this proposal, I feel it should include the provision for a substantial buffer plantation around the site so that successor trees are growing in readiness for when the existing ones have to be removed."*

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

No objections subject to conditions relating to hours of construction restrictions and land contamination survey/ remediation being secured by condition.

#### **National Air Traffic Services**

The proposed development has been examined from a technical safeguarding perspective and does not conflict with our safeguarding criteria. Accordingly, NATS (en route) has no safeguarding objection to the proposal.

#### **Strategic Housing**

No comments have been received to this current application, however the following comments were provided to the previous application 16/0180:

No objection to the proposal, subject to the provision of 30% affordable housing within the development. Concerns raised to whether apartments could be let in this location.

#### **Electricity North West**

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

If there is a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant.

#### **Lancashire County Archaeology Service**

No comments have been received to this current application, however the following comments were provided to the previous application 16/0180:

No objection to the proposal, it is not considered that any formal archaeological investigation is justified.

The site appears to lie to the east of the medieval settlement of Elswick and aerial photography suggests that the plot has been ploughed or drained heavily in the early to

mid-20th century and that it was originally more than one field. It also contains a large pond, which probably originated as a marl pit in the 18th or early 19th century. The Historic Environment Record does not list any sites within or immediately adjacent to the proposed development site, beyond the site of Elswick Windmill, which is shown on William Yates' map of 1786 but not on Greenwood's 1812 map or the first edition OS 1:10,560 sheet. The mill, which probably gave its name to Mill Lane, seems to have been located to the east of the development site, perhaps in the vicinity of Mill House Farm.

**Wyre Borough Council**

No comments received.

**Environment Agency**

No comment to make – no need for consultation.

**Lancashire CC Flood Risk Management Team**

No objection to the proposal, subject to conditions requiring surface water drainage scheme as part of any subsequent reserved matters application, construction of pond/detention basin prior to construction and management/ maintenance of sustainable drainage systems on the site.

The Flood Authority are aware of localised flooding at this location and expect to see the drainage scheme to take account of existing surface water issues so surface water flooding from the development would not exacerbate the existing situation and if possible betterment could be achieved.

**Lancashire Constabulary**

No objections raised, but do comment that the number of recorded crimes is low though there has been a number of burglaries and criminal damage offences. Recommendations are made to reduce crime risk where possible within the design and the development should be built to Secure by Design standards, including physical security, natural surveillance, car parking, rear gardens and site security during the construction phase.

**Neighbour Observations**

**Neighbours notified:** 30 March 2017

**Site Notice Date:** 5th April 2017

**Press Notice Date:** 06 April 2017

**Number of Responses** 54

**Summary of Comments:**

- An identical application was rejected by the Planning Committee in February and nothing has changed.
- Need for the development.
- Contrary to the NPPF and represents a huge intrusion into open countryside.
- Urbanise and destroy the character of the Village with no mitigating benefit.
- Other more appropriate sites that are available and have been submitted as part of the call for 'Non Strategic Development Sites'.
- Contrary to Elswick classification as a Tier 2 Smaller Rural Settlement which allocates 50 dwellings in the new local plan, and almost half of this allocation has been built already.
- Cumulatively with development already approved, 50 houses will exceed the Village allocation by 52%.

- Resubmission is premature to the Inspectors ruling on the emerging local plan. The previously refused application has been appealed and it is likely that this appeal will be considered against the newly adopted local plan.
- Despite being disputed by the applicant at the Local Plan Examination, the Council has a 5.58 Year Housing Supply and should be used by the Planning Committee to determine planning applications.
- Negate work on the Parish Plan which favours several small developments, scattered uniformly throughout the Village. The Neighbourhood Planning Team have spoken to land owners and do not anticipate problems in meeting the land requirements and allocation of sufficient land to meet remaining housing numbers.
- Lack of local services and amenities in Elswick – no post office, school or health centre.
- Lack of health services. The nearest health centre at Gt Eccleston Health is at capacity with waiting times of up to 4 weeks to see a Doctor or Nurse and there is no capacity for expansion.
- Lack of employment opportunities.
- Lack of local school and added pressure to existing schools, the nearest Primary School being in Gt Eccleston (at capacity) and Secondary School at Carr Hill, Kirkham.
- Deterioration of sustainability due to closure of Bonds, cessation of bus service, closure of the nursery.
- Validity of the Transport Assessment and Travel Plan.
- Highway safety. Speeding occurs on Lodge Lane with various accidents being reported. Poor access to Lodge Lane from Mill Lane and capacity to deal with traffic generated by the proposal (50 houses equates to 90 extra cars and an extra 300+ traffic movements each day).
- Exacerbation of existing congestion and highway safety problems at the Thistleton junction of the A585. Highways Agency are particularly concerned and would have objected but for the fact that the threshold of 50 dwellings is normally a level where they try not to get involved.
- Congestion on the roads from this and other residential development recently approved in Elswick.
- Highway safety during 4 year construction period.
- Entrapment of vehicles used by existing residents during the construction period.
- Damage to existing roads from increased car usage and associated costs.
- Limited Bus Service – hourly bus service, with no service after 19:00 and on Sundays. The 76 bus service has been discontinued and the existing infrequent service is only contracted for 12 months.
- Possible closure of Mill Lane during construction of the site access and impact this will have for existing residents/ businesses which use this access road.
- Unwillingness of the applicant to provide affordable housing within the scheme.
- Validity of the Flood Risk Assessment
- Exacerbate existing drainage and surface water problems. Photos illustrating flood problems at the junction of Mill Lane/ Lodge Lane, water logged ground conditions on the site, including over topping of the pond have been received.
- Ecology – use of the field and pond by wildlife such as ducks and swans, as a breeding ground for frogs and newts, trees and hedgerows are prime nesting sites and refuge for bats and woodpeckers.
- Lack of available countryside for the emergency landing of hot air balloons.
- Damage the local housing market.
- Upgrade of electricity and substation will be required.
- Loss of agricultural land.

#### **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
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
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
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
ENV5	Historic Environment

**Other Relevant Policy:**

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

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

The Planning Authority has issued a Screening Opinion which determined that residential development of the application site of up to 120 dwellings did not constitute EIA development for

the purposes of the definition contained within the Town and Country Planning (Environmental Impact Assessment) 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 Allocation*

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 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 and requires a five year supply for market and affordable housing to be maintained by Local 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 most recent adopted 5 Year Housing Supply figure was a 4.8 year supply as of 31st March 2016. 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 taking account of representations made to the examination regarding likely delivery rates. This revised approach indicates that the Council is able to demonstrate a 5.1 year supply. Members should note that this revised figure will be the subject of further public consultation during the summer and is yet to be tested by the Examination, including the annual housing requirement of 415 dwellings and the deliverability of certain sites. However, at this time, the Council's position is that it is able to demonstrate a 5 year housing supply.

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 capable of accommodating 50 homes over the plan period. To date 46 dwellings have been granted consent over the plan period, Copp Lane (24 units), Bonds Ice Cream (8 units), Elswick Trading Park (9 units) and Chapel Farm (5 units). The addition of this current proposal would therefore exceed the 50 unit provision within Policy SL5 by 46 units.

Representation has been received to Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement. Discussion at the Examination focussed on the sustainability of Elswick to demonstrate its Tier 2 status, as well as an upgrade of the Village to a Tier 1 settlement capable of accommodating 150 new homes over the plan period. Whilst the SV is a material consideration, the Inspector is yet to publish her findings of the Examination. Since the SV has unresolved objections with specific reference to housing provision in Elswick, relevant policies can only have limited weight in the decision making process. Notwithstanding this, the Council's housing supply statement includes an allowance for dwellings coming forward during the next 5 year period at Elswick in line with the SV. It should also be noted that the Inspector has been very clear that, in order to comply with national policy as set out in the Framework, the figure of 50 dwellings set out for Elswick must not be regarded as a 'cap' on development.

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 location 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. As the Council cannot defer the determination of planning applications pending the adoption of a neighbourhood plan, the lack of allocated sites within a development plan cannot be a reason to refuse planning permission.

#### *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*

Objectors have suggested that there is a lack of services which are capable of supporting a development of the size proposed. It should be noted that Elswick Parish Council have raised concern to the sustainability of the development, based on the settlement scoring low in the sustainability assessments used to inform the emerging Local Plan. This is based upon a lack of health centre, education facilities, post office, supermarket and further eroded by 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 east of the village on the edge of the settlement boundary of Elswick. Elswick has a number of local services within its envelope, including two public houses, Bonds café, Church, Village Hall/ Community Centre, 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, the closest secondary school being Carr Hill in Kirkham. It is noted that

there are few employment opportunities in Elswick, indeed the manufacturing element of Bonds Ice Cream has recently closed, and that residents rely on connections to other villages for some services including Post Office and health care.

According to the Lancashire County Council web site, there are bus stops within the Village in proximity of the application site providing services 75A (Fleetwood to Preston every 2 hours) and 80 (Preston to Myerscough every 2 hours). A third service, 78, has been withdrawn by the provider this year.

Concern has been raised by residents with regards to existing pressures on the health centre in Gt Eccleston with waiting times of up to 4 weeks, and, education facilities, lack of employment opportunity and reduced bus service affecting the sites sustainability. It is acknowledged that these matters do affect the sustainability of Elswick, however it is considered that such matters alone are not sufficient to refuse the development on sustainability grounds. LCC Education comment that there is sufficient capacity at Gt Eccleston and Copp Lane Primary Schools to accommodate the development and that of other committed development within the locality. The development will generate a need for 8 additional secondary school places and there is a reported shortfall of provision requiring a financial contribution of £171,386.16 in mitigation, to be used at Hodgson Academy.

As identified in paragraphs 34 and 38 of the NPPF, 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, the addition of up to 50 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. Gt Eccleston Copp C of E Primary School is within walking distance and Gt Eccleston Primary school is further afield, both have capacity to accommodate the development, and, there are other facilities including shop, primary school 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 in a sustainable location, would not result in the introduction of isolated homes in the countryside and will enhance or maintain the vitality of the rural area (paragraph 55). 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 due to the sites sustainable location, housing objectives and 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. Elswick Parish Council comment the proposal will increase the size of Elswick by 36% when added to approved developments and current housing applications. Residents have raised concern to the scale of development and how this would alter the village character.

The indicative layout provides for a density of 11 dwellings per hectare (DPH), based on a site area of 4.7 hectares referred to in the submitted application form. This DPH figure is low in comparison to policy requirements, though it is recognised that a significant amount of open space is provided indicatively within the scheme. 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 could be supported.

The nature of the outline application has not provided detailed layout or elevation drawings of dwellings proposed. The submission refers to development over 2-2.5 storeys, which would be in-keeping with the predominant 2 storey character of the locality and wider village envelope. It is recommended that appropriate conditions to restrict the size of dwellings are attached to any subsequent approval notice

There are approximately 463 dwellings in the village of Elswick. The proposal would result in an 11% increase in the village size, and 21% when combined with other committed development (Copp Lane (24 units), Bonds Ice Cream (8), Elswick Trading Park (9) and Chapel Farm (5)). It is not considered that this proposal would be an unacceptable scale of growth to the settlement and that there are sufficient services within the settlement to meet the needs of existing and prospective occupants. These figures provide a quantitative context and there is no set percentage restricting the degree to which an existing settlement can expand. 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 importance 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 applicant has submitted a Landscape and Visual Appraisal of the development which concludes that there will be a moderate effect on the local landscape during the initial construction phase, which will reduce to slight-moderate following establishment of landscaping. The application site lies between 2 Lanes which contains the effect on the wider character area, being assessed to have a low change which corresponds to a slight moderate effect on wider landscape character. A high visual change is reported for housing adjacent to the application site and a low change to public footpaths once landscaping is established.

The applicant has submitted Arboricultural Impact Assessment (AIA) which includes a survey of trees within and overhanging the site in respect of their condition, retention category and root protection



area. The assessment concludes that a few trees must be removed to facilitate the proposed access, however it would be possible to develop the site whilst retaining all or majority of higher value trees and that majority of existing hedgerow could also be retained. The existing pond is also retained within the indicative layout. Accordingly, the most valuable landscape features on the site would be retained. Conditions are suggested requiring the implementation of tree protection measures and the submission of a landscape strategy which provides for the retention of these features.

The site is situated on the eastern edge of the settlement boundary of Elswick and forms part of an area of open countryside which extends to the north and east of the village. The site's eastern and southern boundary abuts the built up area of the village adjacent to dwellings on Lodge Lane, Linden Fold and Ash Close. Existing dwellings have either a side on or rear facing aspect to the countryside with rear gardens and associated boundary treatment adjoining countryside. A mix of trees and hedgerow form a natural boundary to other elevations of the site. The site is not considered to be in a particularly prominent location, with only glimpsed views through open fields, trees and individual housing being afforded when entering the village by road on Lodge Lane; as demonstrated in the Landscape and Visual Impact Assessment. There is a Bridleway located approximately 160m to the east though affords limited views of the application site being hampered by landscaping, housing and farm buildings. There are of course more prominent views of the site when seen at close quarters from adjacent housing, Bonds Lane and Mill Lane, these roads however are not heavily trafficked.

The Illustrative Framework Plan splits the application site in two, with housing to the village side of a deep landscape buffer which incorporates the retained pond. This is considered to be a natural expansion of Elswick which relates well to the defined Village boundary designated in the adopted FBLP. The proposal provides opportunity for an outward facing development, with significant landscaping buffer and retained 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, 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, though the site is not considered to be in a prominent location. Any harm would be minimised by virtue of the development's relationship with existing buildings on the edge of the settlement, retention of existing features and provision of new landscaping within the proposal. 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, substantial 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 Framework 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. The application is supported by an Agricultural Land Classification (ALC) assessment which concludes that land quality on the whole site is limited by soil wetness and topsoil texture, mainly to subgrade 3b (75%), with a smaller area of subgrade 3a (25%). Development of majority of the site therefore accords with NPPF and FBLP policy for use of poorer quality land in preference to that of a higher quality. With regards to the 3a classification on site, 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. Use of the 3a portion of the site is further constrained by its small size relative to the application site and detachment from other higher grades of land by field boundaries, roads and housing.

Given the above, it is not considered that the development would result in a significant loss of the Borough's best and most versatile agricultural land.

#### Principle of Development – Conclusion.

The site lies within the Countryside Area and outside the settlement boundary of Elswick as identified on the 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 SV Policy GD4 and is therefore in conflict with this policy.

The most recent adopted 5 Year Housing Supply figure was a 4.8 year supply as of 31<sup>st</sup> March 2016. 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. This revised approach indicates that the Council is able to demonstrate a 5.1 year supply though Members should note that this figure is subject to further public consultation during the summer and is yet to be tested by the Examination.

The proposal would add to the number of dwellings with planning permission in Elswick, increasing numbers to 96 and exceeding the 50 unit threshold advocated for Elswick within the SV. Discussion at the Examination focussed on the sustainability of Elswick to demonstrate its Tier 2 status, as well as an upgrade of the Village to a Tier 1 settlement capable of accommodating 150 new homes over the plan period. Whilst the SV is a material consideration, the Inspector is yet to publish her findings of the Examination. Since the SV has unresolved objections with specific reference to housing provision in Elswick, relevant policies can only have moderate weight in the decision making process. Notwithstanding this, the Council's housing supply statement includes an allowance for dwellings coming forward during the next 5 year period at Elswick in line with the SV. It should also be noted that the Inspector has been very clear that, in order to comply with national policy as set out in the Framework, the figure of 50 dwellings set out for Elswick must not be regarded as a 'cap' on development.

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 Village Boundary in this locality, a deep landscaping buffer

to open countryside and outward facing development will provide a transitional buffer between urban and rural and act to enhance the village setting. The site is not considered to be in a highly prominent location, retention of natural features and strengthening of landscaping to the site boundaries would ensure that any harm to landscape character and visual amenity is minimised.

As has been demonstrated through numerous appeals, the principle of housing development cannot 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 and contributions to bus service enhancement. 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.

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 the principle of development is acceptable, having particular regard to the requirements of the Development Plan and NPPF.

#### 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 SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is safeguarded.

The Illustrative Framework Plan sites development pockets adjacent to the eastern boundary of Elswick and there are a number of dwellings adjacent which could be affected by the proposals. Indeed concerns have been raised with particular reference to noise and vibration disturbance during the construction period.

The planning application is made in outline form with detailed siting of dwellings being reserved for subsequent application, the relationship between dwellings proposed and neighbours cannot therefore be assessed at this time. Notwithstanding 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 application is compliant with these Policies.

The proposal will intensify use of the site and increase the number of vehicles on access roads, including Lodge Lane and Mill Lane. 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 and construction hour's restriction, wheel wash facility and dust controls are recommended.

#### 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 transport 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 submission indicates that the sole vehicular access to the development will be via a new access road to the north of Mill Lane. This arrangement will result in a change of priority with vehicles using the access road having priority over those vehicles using the existing Mill Lane carriageway. The junction of Mill Lane/ Lodge Lane will be adapted to improve visibility and will entail a slight narrowing of the Mill Lane/ Lodge Lane junction to provide a junction build out. The existing footpath network will be continued from Lodge Lane into the application site and pedestrian linkage to Bonds Lane is also provided.

The applicant has submitted a Transport Assessment (TA) which relates to the original application for 100 units. In addition, a Technical Note (TN) has been provided to support the revised proposal of 50 dwellings.

The TA confirms that Traffic Surveys were undertaken at Am and PM peak times at 4 junctions which included two on Lodge Lane and two on the A585. It is reported that the development is forecast to generate a 2 way total of approximately 59 trips in the AM peak and 67 trips in the PM peak hours being spread on to the network. In summary the TA concludes that the development proposals would have a minimal impact on the local highway network, acknowledging that the site access junction off Mill Lane is designed to accord with highway safety design standards and will have sufficient capacity to accommodate additional traffic. Furthermore, the TA also considers that the junction of Mill Lane/ Lodge Lane and that of Lodge Lane/ Roseacre Road/ Ash Road are forecast to operate within capacity, and the proposal would have a minimal impact on the operation of the A585 Fleetwood Road/ B5269 Thistleton Road junction. The TA also considers the site to be highly accessible with linkages to the existing footpath network, close proximity to cycle routes and Bus Stops promoting alternative transport modes.

The TN provides additional information relating to the Thistleton junction of the A585. Traffic generated by the approved development of 90 dwellings at Copp Lane, Great Eccleston is referred to in the TN. It is expected that the development is forecast to generate a two way total of approximately 29 trips in the Am peak hour and 33 trips in the PM peak hour, resulting in approximately 16 two way trips during weekday peak times at the Thistleton junction, equivalent to an additional vehicle every 3 to 4 minutes. The junction has been forecast to operate within its theoretical capacity and in excess of its theoretical capacity by 2021. The development itself will result in minimal increase and on this basis the TN concludes that the proposed development will have minimal impact on the operation of the junction. The TN reports 10 accidents at the Thistleton junction between September 2011 and May 2016, 3 of which were classified as serious injury and the remaining 7 of slight injury. All accidents are considered attributable to driver error and not vehicle speed or deficiency in the layout of the junction. The proposal will result in an increase in right turn movements at the Thistleton junction, however these are equitable to an additional right turning vehicle every 10-15 minutes during the peak period and are not considered to result in any

material changes to the operation or highway safety of the junction. Visibility at the junction is also reported to have no deficiencies and that a bid is currently with Highways England for improvements to the junction, including signage and road marking improvements.

With regards to the highway assessment of the proposal, Highways England (HE) consider impact of the proposal on the A585 trunk road, LCC Highways are responsible for all other roads.

LCC Highways comment that no objections were raised to the previous application, subject to condition and financial contribution to bus service enhancement. The Highway Authority has considered the additional impact of the Copp Lane approval (16/0846), and conclude that there will not be any significant impact on highway safety or capacity on the local network. The vehicular access arrangement is supported.

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). 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.

Calculations presented in the Technical Note demonstrate that the development could generate between 15 and 16 trips that would use the Thistleton junction in the AM or PM peak hours, equating to an additional vehicle every 3 to 4 minutes. Accident analysis presented within the TN found that 11 accidents occurred at the 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 and 8 occurred outside of peak times. 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.

This impact is reported in the TN to not result in any material change to the operation or safety of the junction. This is disputed by the 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. In making this judgement, HE gives weight to the fact that the proposal of 50 dwellings 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 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, 95 dwellings split between three applications in Elswick (16/0645 50 units on Beech Road, 16/0846 36 units on Copp Lane and 16/1038 9 units on West View) and a further 93 properties at Gt Eccleston (16/0650) being considered by Wyre BC. 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.

Of the applications referred to by HE, 16/0846 (24 dwellings at Copp Lane, Elswick) is the only proposal to have the benefit of planning permission (subject to Legal Agreement) in Elswick, those others referred to (59 units at Beech Road and West View) have been refused. In addition, the 93 dwellings at Gt Eccleston (16/0650) referred to by HE as being approved by Wyre BC, was also refused. HE report only a marginal highway safety risk at the Thistleton junction resultant from this

current proposal, and it is considered that with the additional 24 units of the Copp Lane development this would not heighten highway safety concern to a severe level to warrant refusal of the proposal.

The development proposes pedestrian improvements through provision of footpath connectivity from the development to the existing network on Lodge Lane, a pedestrian link to Bonds Lane is also indicated on the Framework Plan. Measures to improve pedestrian linkages to the village centre have also been agreed with the applicant, this includes reduction in width of the Lodge Lane/ Roseacre Road junction by alterations to kerb lines and footways. This will improve access for existing and prospective occupants to facilities and services within Elswick, enhancing sustainability of the site. LCC Highways have requested that adjacent bus stops be upgraded to provide raised boarding areas to improve accessibility for a wider range of users, this can be controlled by condition.

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 £250k, payable over 5 years. LCC highways have previously commented that the contribution amount would not cover the full cost of service improvements (approximately £750k).

A request for contributions to cover the full cost of service improvement is considered unreasonable and a proportional amount is therefore sought. LCC Highways requested a one off £50k contribution for the Copp Lane development (24 units) and it is considered that the current £250k contribution request is not consistent with this position. On this basis, notwithstanding the Highway Authority request, to be consistent with approved development it is considered that in this circumstance a £100k contribution should be required. 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 improvements 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 TA makes reference to submission of a Construction Traffic Management Plan (CTMP) in order to manage the impact of the construction traffic on the highway network. The CTMP will consider elements such as parking for operatives and visitors, loading and unloading and storage of materials, vehicular routes to the site and wheel wash facilities. LCC Highways have raised concern to the effect of HGV's in the area associated to the Fracking proposals, and whilst not objecting to construction of this proposal, do consider that a CTMP would be beneficial. 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 of the proposal 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. The submission does not provide a detailed layout of plots and proposed parking arrangements cannot be assessed at this time. Notwithstanding this, Policy HL2 and TL5 are require that residential development provides for appropriate car parking and it is

expected that any subsequent reserved matters application is compliant with this Policy.

#### 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 and a Permeability Assessment.

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 reported flooding at the junction of Mill Lane/ Lodge Lane providing photos to demonstrate, reference is also made to flooding on site from overtopping of the pond, water retention on site including standing water and boggy ground. Concern is also raised to the accuracy of the submitted Flood Risk Assessment.

The FRA indicates that closest surface water features is the pond located centrally on the site, United Utilities have a combined sewer on Lodge Lane and Ash Lane and sewers within Ash Close and Linden Fold. It confirms the site to be in Flood Zone 1 'Low Probability', is not at risk from flooding and that surface water flooding does not pose a significant risk to the development. The FRA concludes that ground investigation and percolation testing has confirmed that the site is not suitable for an infiltration based sustainable urban drainage system (SUDS). Surface water drainage will therefore be stored and attenuated using a range of SUDS storage techniques including detention basins, attenuation ponds, geocellular crates and flow control chambers.

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.

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, whilst the concerns of residents is noted, it is considered that adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

#### Ecology

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, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused, opportunities to incorporate biodiversity in and around developments should be encouraged.

The site has no specific nature conservation designation in the Local Plan, though is within a Site of Special Scientific Interest (SSSI) impact risk zone associated with the Wyre Estuary SSSI. 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 SV reflect this current policy position.

Residents have raised concern to the development impinging on the current ecological value of the site, including use of the field and pond by wildlife such as ducks and swans, as a breeding ground for frogs and newts, with trees and hedgerows being prime nesting sites and refuge for bats and woodpeckers.

An ecology survey has been submitted in support of the application. The survey indicates desktop bird records obtained from LERN and Fylde Bird Club show no SPA, Ramsar or SSSI wintering bird species have been recorded within the 1km grid square where the site is located. The survey concludes that development will not impact upon the populations of wintering birds at Wyre Estuary SSSI and Morecambe Bay SPA/Ramsar. Given the location of the development in relation to the SSSI and SPA/Ramsar it is considered that development proposals will not have any direct impact as works will have no direct effect on the SSSI and it is not considered that any indirect impacts will occur (through increased visitor pressure, etc.) given that the SSSI is 3.5km away from the site. Natural England concur with the report findings, commenting that the application is not likely to result in impacts on statutory designated nature conservation sites or landscapes. GMEU also accept these findings and no further measures are required.

The dominant grassland habitat within the site was noted to be of moderate ecological value at the time of survey. The pond, hedgerows and trees around the boundaries are also of value as they provide good foraging, nesting, commuting and sheltering opportunities for a range of common and widespread fauna. Retention of important habitats including pond, trees and hedgerows is suggested and has been provided in the indicative layout. New landscaping of the site should provide for the native replacement of trees, scrub, wild flower area and hedgerow, retained trees and hedgerow should be protected during the construction phase.

Trees on site have been surveyed for bats and additional survey work has been undertaken. A number of trees must be felled to facilitate the access arrangement, but these trees have not been assessed to be Category 1 'with features suitable to support roosting bats'. GMEU comment that bat activity is primarily associated with foraging along the hedgerows and pond which are to be retained, the main species present being common pipistrelle. Given the retention of most of these features there is unlikely to be significant impacts on bat activity as a result of the proposal. Precautionary measures, nesting opportunities for birds and bats have been recommended and should be conditioned.



The site provides suitable nesting habitat for a range of bird species that use hedges, scrub and trees. The grassland also provides habitat for ground nesting birds. Any works that affect these features during the nesting season has the potential to disturb nesting birds. All birds in the UK are protected while undertaking nesting activities under the *Wildlife and Countryside Act 1981 (as amended)*, site clearance/ set up should therefore be avoided during this period unless further survey demonstrates otherwise. This can be controlled by condition. The site provides suboptimal habitat for wintering birds. Wintering birds would not be interested in the pond on site and prefer more open fields away from sources of disturbance. There is much more optimal habitat of this nature for wintering birds in the surrounding area. Adjacent residential development and road noise is likely to cause disturbance to these bird species. Taking into account the nature of the habitats on site and the desktop results from Fylde Bird Club there are no implications for development with regards to wintering birds. GMEU accept these findings and no further measures are required.

Ponds on and adjacent to the site have been sampled for great crested newt eDNA. All samples were found to be negative confirming that none of the ponds had been used for breeding by great crested newts during the 2015 breeding season. GMEU comment that it appears that the historic population of great crested newts is no longer breeding on the site. This does not preclude GCN from terrestrial habitat, but of the ponds not surveyed only one is close to the application site, the remainder sufficiently distant, combined with partial barriers to reduce the risk to an acceptable level. There is a road acting as a barrier between the closer pond and the application site. Given this barrier, associated risk to GCN from the development is categorised low and the Ecology Statutory Consultation response advises that no further survey work is necessary, subject to use of reasonable avoidance measures.

There are no records of badgers, water vole or otters within 1km of the site and there was no evidence of such during the extended Phase 1 habitat survey. The site has some foraging value for reptiles, however, there is limited sheltering and hibernation habitat and there are no reptile records. GMEU accept these findings.

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, as recommended above. 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 majority of trees and hedgerow to the site periphery are indicated to be retained within the development. Notwithstanding this, a number must be felled to facilitate provision of the new vehicular access from Mill Lane. The application is supported by an Arboricultural Impact Assessment (AIA) which states that the site can be developed without significant tree loss and majority of hedgerow can be retained, it is not considered that the trees to be removed will detract significantly from the character of the area. The AIA recommends that root protection areas (RPA) inform the detailed site layout with inbuilt stand-off distances to ensure trees can grow without

conflict to housing, services should also avoid RPA's. A detailed AIA should also be submitted with the reserved matters application, as well as replacement planting within the scheme.

The Tree Officer disagrees with the AIA, and considers trees are of lower value due to their health. Comments state that 'the current screen of trees cannot be relied upon to remain for an indefinite period and suggests a substantial buffer plantation around the site so that the successor trees are growing in readiness for when the existing ones have to be removed. On this basis the proposal is considered to accord with Policies EP12 and GD7, subject to protection of retained trees and hedgerows, and provision of additional tree planting within the development which can be controlled by condition.

#### Heritage

Elswick Memorial United Reformed Church is located approximately 60m to the south of the application site on Lodge Lane. According to the Historic England web site, the Robert Moss Gravestone and the Old Congregational Chapel located within the grounds of the church are Grade II Listed. Paragraphs 132 and 133 of the NPPF make clear that 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 SV which states that development which would harm the setting of a listed building will not be permitted.

The Grade II heritage assets are located approximately 60m to the south, on a similar land level to the application site. There are two dwellings with associated garden curtilage located opposite the Assets on Lodge Lane, which act to obscure a direct line of sight between the Assets and the application site. Glimpsed views may be obtained, but are interrupted by the presence of this housing and tree planting to the southern boundary of the application site on Mill Lane. The County Archaeologist has not raised any objection to the proposal.

On this basis it is not considered that the development would 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 areas of 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 300m from the application site. Some existing residents must walk a greater distance to access the facility. Provision is also required for a play area within the Copp Lane development some 400m to the north. This is a substantial distance for families of the development to walk and 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. If members are minded to approve the scheme, the Applicant will have to enter into a Section 106 Legal Agreement to ensure provision of 30% affordable dwellings within the development. The Legal Agreement will secure the contribution amount and any required phasing of the payment. Given the outline nature of development, the contribution will be reassessed once accurate bedroom information becomes available.

#### *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 in the area, with a deficiency of 80 places at the closest school of Hodgson Academy by 2020. The development will result in a pupil yield of 8 secondary school places, and given the shortfall of capacity a financial contribution equivalent to 8 secondary school places (£171,386.16) has been requested. The contribution will be used to provide additional secondary places at Hodgson Academy.

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.

#### **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 residential development within such areas. Notwithstanding this, the Council cannot demonstrate a five year supply of housing land and Policies SP2 and GD4 are in conflict with the NPPF. Consequently these policies are out-of-date and the principle of residential development cannot be resisted.

The most recent adopted 5 Year Housing Supply figure was a 4.8 year supply as of 31st March 2016. For the purposes of the Examination, the supply figure has most recently been revised to demonstrate a 5.1 year supply though Members should note that this figure is subject to further public consultation during the summer and is yet to be tested by the Examination. The Examination is also considering objection relating to Elswick as a Tier 2 Rural Settlement and the amount of housing provision in Elswick. Relevant emerging policies therefore carry limited weight. On this basis the figure of 50 dwellings referenced in policy SL5 cannot, at this time, be relied upon to restrict or support housing development in Elswick.

The proposed development, would result in an expansion of the village in the order of approximately 11% (21% when added to committed development) in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Elswick and existing shop, 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 Borough's 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. 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.

Therefore, on balance, given the sustainability of the development it is considered that the benefits arising 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 £171,386.16, to provide 8 secondary places at Hodgson Academy, 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 £100,000 payable prior to occupation of the 25th 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:
  - the expiration of three years from the date of this permission; or,

19. 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:

- Drawing number 15-063 LP01 (Site Location Plan).
- Framework Plan drawing number 15-063 FP02 Rev H.
- Proposed Access Arrangement drawing number 0826-F02 revision C.

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.

Supporting Information:

- Utilities Assessment (Story Homes revision P1).
- Arboricultural Impact Assessment (TEP.5294.001, Planning Design Environment, March 2016).
- Residential Travel Plan (TPS, 646T\_20160314, March 2016).
- Transport Assessment (CroftTransport Solutions, January 2016).
- Highway Technical Note - response to Highways England December 2016 (Croft Transport Solutions, 0826/response to highways england, December 2016).
- Highway Technical Note (Croft Transport Solutions, tsb/0826, November 2016).
- Infiltration SuDS GeoReport (GR\_211882/1, GeoReports, 27th July 015).
- Flood Risk Assessment & Outline Drainage Strategy revision B (RG Parkins & Partners Ltd, 16th May 2016).
- Design and Access Statement revision E (mck associates limited).
- Planning Statement (Barton Willmore, March 2016).
- Phase II Geo-Environmental Site Assessment (e3p, 10-743-r2, September 2015).
- Phase I Geo-Environmental Site Assessment (e3p, 10-743-r1, July 2015).
- Permeability Assessment (e3p, 10-743-L1, 14th October 2015).
- Landscape & Visual Impact Appraisal revision C (TPM Landscape Ltd, March 2016).
- Ecological Assessment (Planning Design Environment, 5194.002, November 2015).
- Bat Activity Appendix 2016 (TEP, 5194.005, October 2016).
- Agricultural Land Classification (ADAS UK Ltd, PE/KH11, November 2015).

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 15-063 FP02 revision H:

1. the developable areas of the site.
2. the areas to be laid out as open space and landscape buffer.
3. the scale of development being no greater than 2 - 2.5 storeys in height.

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 drawing number 15-063 FP02 revision H. The scheme shall include, but not be limited to, the following details:

1. retention of 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.
3. the introduction of a landscape buffer, arrival impact green and public open space to the north, south and east of the built form proposed.
4. the introduction of a play area within the development.
5. the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
6. 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 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

6. 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 and to minimise flood risk, 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.

7. 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:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
    - adjoining land;
    - groundwaters and surface waters;
    - ecological systems;
    - 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 safeguard the health and safety of residents by ensuring appropriate remediation of contaminated land in accordance with Policy EP29 of the adopted Fylde Borough Local Plan (October 2005) and GD9 of the Submission Version Fylde Local Plan to 2032.

8. 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.

9. 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 pursuant to condition 6 of this permission 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:
  - on-going inspections relating to performance and asset condition assessments;
  - operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
  - any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
  - means of access and easements for maintenance purposes;
3. 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.

10. All detention basins and flow control devices/ structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reason: To ensure site drainage during the construction process does not enter the watercourse at un-attenuated rate and to prevent the risk of flooding during the construction period, 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. 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.

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).

12. Prior to commencement of the development hereby approved, a detailed design of the site access, including the junction of the application site with Mill Lane and junction of Mill Lane with Lodge Lane, shall be submitted to and approved in writing by the Local Planning Authority. The approved access design shall be implemented prior to commencement of the the development 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).

13. Prior to commencement of any works on the site, wheel wash facilities shall be provided within the site which will be used to clean the wheels of vehicles before leaving the site. The wheel wash facilities shall be available for use throughout the construction period.

Reason: To avoid the spread of mud and debris from the application site on to the road network, 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 (October 2005).

14. Prior to commencement of the development hereby approved, a scheme for the construction of off site highways shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but is not limited to, the following:

1. Alterations to the Roseacre Road/ Lodge Lane junction, as detailed on drawing number 0826-F02 rev C.
2. Footway improvements on Lodge Lane between the site access and Roseacre Road.
3. The upgrade of 2 existing bus stops to include raised boarding areas.

The approved scheme of off site highway works shall be implemented prior to first occupation of the development and 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).

15. 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.

16. 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.

17. 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.

18. On site works 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.

19. Prior to commencement of the development hereby approved, a scheme for the control of noise, vibration and dust during the period of construction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be used throughout the construction process.

Reason: To protect the amenity of neighbours of the development, in accordance with Policies HL2 and EP26 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, 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 loss of semi improved grassland.
2. on site mitigation for any changes to the open water habitat on site, to include full design details for any alterations to the pond.
3. replacement trees and hedgerows on the site.
4. enhancement of retained hedgerows on or overhanging the site.
5. provision of bat and bird boxes within the development.
6. lighting scheme to avoid lighting to the pond and immediate surrounding vegetation.
7. 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.

21. There shall be no on site works, including site set up and the removal of any trees or shrubs, until a Reasonable Avoidance Measures (RAM) method statement for amphibians has been submitted to and approved in writing by the Local Planning Authority. The method statement shall outline the RAM measures to safeguard amphibians during any on site works associated to the development. The approved statement shall be implemented for duration of the construction period.

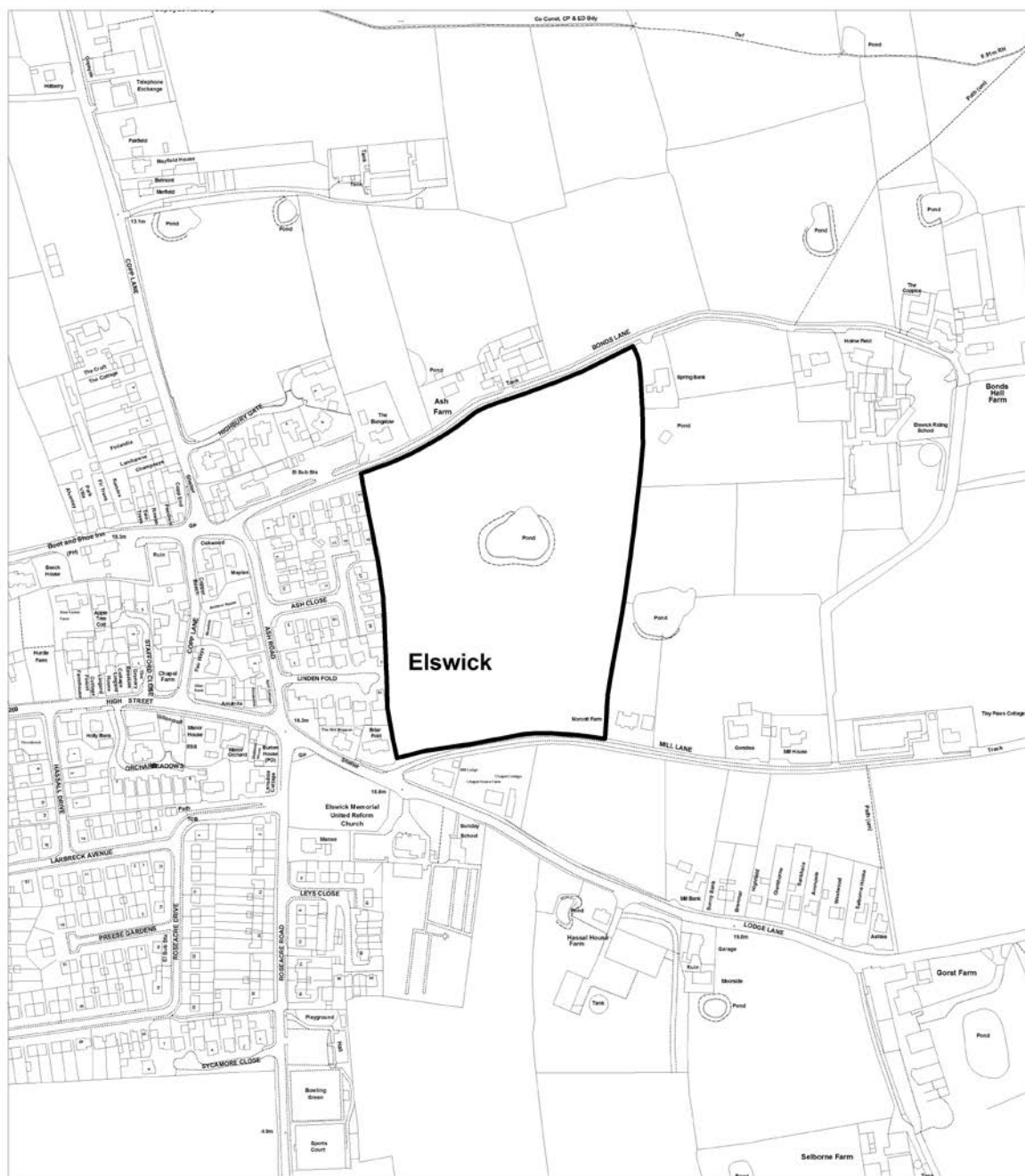
Reason: To safeguard features of ecological interest on the site during the construction period, in accordance with Policies EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

22. The development shall be carried out in accordance with paragraph 4.0 of the Bat Activity Appendix 2016 (TEP, 5194.005, October 2015), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard features of ecological interest on the site during the construction period, in accordance with Policies EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

23. 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, unless otherwise agreed in writing by the Local Planning Authority.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0247	Address Land north of Mill Lane, Elswick	Grid Ref. E.3423 : N.4385	Scale 0 20 40 60 80 m

**Item Number:** 5

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0289	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Rushcliffe St Annes PCC Ltd	<b>Agent :</b>	Mellor Architects
<b>Location:</b>	ST ANNES MEDICAL CENTRE AND FORMER RAILWAY PLATFORM, DURHAM AVENUE, LYTHAM ST ANNES, FY8 2EP		
<b>Proposal:</b>	PARTIAL ROOF LIFT TO EXISTING MEDICAL CENTRE TO CREATE ADDITIONAL OFFICE SPACE ON SECOND FLOOR. FORMATION OF ADDITIONAL PARKING FACILITIES AND LANDSCAPING ON PART OF FORMER RAILWAY PLATFORM		
<b>Parish:</b>	ASHTON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Replies to consultations awaited		

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

<https://www.google.co.uk/maps/@53.7548765,-3.0303676,170m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The St Annes Medical Centre is an existing 2 and 3 storey building providing the home for two GP surgeries and a pharmacy. It is located adjacent to the railway line beyond St Annes station with road access from Durham Avenue and Stephen Street. The site is within the settlement area and is largely surrounded by residential dwellings.

The application seeks approval for a roof lift of 2m to the existing three storey part of the Medical Centre and the retrospective consent for the use of the second floor as offices, the extension of the existing car park through the demolition of a dwelling and the change of use and associated works for a new car parking area on the old station platform to the east of the medical centre.

The principle of the development is considered acceptable as the site comprises of an existing Medical Centre and therefore it is in a sustainable location and compatible with adjacent land uses.

Although increasing the size of the building it is considered that there will be no detrimental impact to the appearance of the building or to the visual amenity of the wider area. It is also considered that the impact to neighbouring residential properties is acceptable provided an appropriate condition requiring obscure glazing to be inserted in the new second floor windows is attached.

The impact to highway safety is similarly considered acceptable. The resulting additional 16 car park spaces is considered to provide sufficient additional parking to accommodation both staff and members of the public. This conclusion is based on numerous site visits by the highways officer and them having regard to all relevant information.

This is a re-submission of a scheme that was refused by the council and dismissed at appeal last year. In that decision the Inspector accepted that the extension works were acceptable but that the level of parking provided was inadequate to allow the development to take place without unduly harming highway safety and residential amenity. This proposal maintains the same scale of the building as at the appealed scheme, and adequately addresses the parking concerns by the provision of the additional car park on the former railway platform. Taking the above into account it is considered that the proposed development allows the medical facilities to be enhanced at the site without causing undue harm to matters of planning importance. It is considered to comply with the NPPF and Policy CF1 of the Fylde Borough Local Plan and is recommended for approval.

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

This application has been brought before the Planning Committee as the officer recommendation for approval conflicts with the objection raised by St Anne's Town Council.

### **Site Description and Location**

The application site is the existing St Annes Medical Centre within the settlement of St Anne's. The Centre comprises of two GP surgeries (Park and Clifton) and an on-site Pharmacy. The building sits between Durham Avenue to the southeast and Stephen Street to the northwest. The site can be accessed from either road with areas of car park on either side of the building.

The building itself has a T-shaped footprint with the taller section running parallel with the railway line to the rear. This section is three-storeys tall with a pitched roof. The smaller section of the building runs perpendicular to the larger section and is two-storeys high with a pitched roof. This section runs behind the residential properties on Durham Avenue and Stephen Street.

Durham Avenue and Stephen Street are characterised by residential properties either side running down towards the railway line.

### **Details of Proposal**

The application is a re-submission of previously refused application ref: 15/0902 and consists of four elements: a roof lift to the three storey part of the existing building, retrospective consent for the demolition of No.5 Stephen Street and extension to the car park onto the area created by the removal of this dwelling, creation of a further extended car park to the south east providing 16 spaces on the old disused railway platform and retrospective consent to allow Class B1 use on the second floor.

The proposed roof lift proposes an increase in height to the ridge of the three storey part of the building by 2m. The eaves will also be increased in height by 2m. The roof lift will result in an increased second floor space to 893 square metres.

The new parking area to the southeast is to be accessed at the end of Durham Avenue and will run parallel with the railway line, and provides an additional 17 standard spaces in a chevron arrangement. Its exit will be at Glen Eldon Road and this is to be created by the removal of a section of wall.

The change of use of the second floor from storage space to office space was carried out in 2009. This required no external alterations and only minor internal alterations.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0902	RETROSPECTIVE APPLICATION TO ALLOW B1 USE OF EXISTING SECOND FLOOR, DEMOLITION OF 5 STEPHEN STREET AND EXTENSION TO CAR PARK AND PROPOSED ROOF LIFT TO EXISTING MEDICAL CENTRE TO CREATE ADDITIONAL OFFICE SPACE ON SECOND FLOOR	Refused	22/04/2016
15/0669	RAISING, ALTERATIONS AND ENLARGEMENT OF ROOF TO FORM SECOND FLOOR EXTENSION TO REAR OF MEDICAL CENTRE	Withdrawn by Applicant	08/12/2015
11/0079	PROPOSED EXTENSION OF EXISTING CAR PARK INCLUDING DEMOLITION OF EXISTING DWELLING.	Finally Disposed Of	08/08/2013
09/0453	PROPOSED CHANGE OF USE FROM WASTEGROUND TO CAR PARK	Finally Disposed Of	08/08/2013
09/0454	MODIFICATION OF CONDITION 13 ON PLANNING APPLICATION 07/1212 TO CHANGE THE USE OF THE SECOND FLOOR FROM ANCILLARY STORAGE SPACE TO OFFICE USE	Finally Disposed Of	08/08/2013
07/1212	ERECTION OF PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1) ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES. RE-SUBMISSION of 07/0057.	Approved with 106 Agreement	21/07/2008
07/0057	NEW PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1), ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES	Withdrawn by Applicant	30/09/2008

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0902	RETROSPECTIVE APPLICATION TO ALLOW B1 USE OF EXISTING SECOND FLOOR, DEMOLITION OF 5 STEPHEN STREET AND EXTENSION TO CAR PARK AND PROPOSED ROOF LIFT TO EXISTING MEDICAL CENTRE TO CREATE ADDITIONAL OFFICE SPACE ON SECOND FLOOR	Part allowed	29/09/2016

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

**St Anne's on the Sea Town Council** notified on 02 May 2017 and Object on the following grounds:

- 1. The Town Council objects to the application (as per the previous application) on the same grounds re massing, height, scale, visually domination, overbearing and loss of light are detrimental to residential amenity.*
- 2. Whilst we praise the use of derelict land to provide additional parking and access / egress this is*

- insufficient to meet the needs of an additional 9,000 patients plus associated stuff.*
3. *This was a purpose-built building designed to house 2 surgeries not 3. Have alternative sites been considered? Kilnhouse Lane, Fairways Garage site?*
  4. *The status / condition of Poplar House is not a material planning consideration.*

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

#### **Network Rail**

They highlight that the developer will need to secure consent from Network Road for the use of any land on the railway track bed (not former platform) under the terms of the covenants controlling that land, and provide details as to how that should be commenced.

They also provide standard advice over the types of fencing that is to be used in such proximity to the railway, the safe working methods that would need to be complied with, the nature of any excavations, and the planting species that are appropriate.

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

They have visited the site to observe traffic conditions and have provided comments on the application as follows:

*The TN indicates that 3pm to 4pm as the likely peak demand with additional patient demand being 11 vehicles. When the additional staff parking of 13 is added this would result in demand for an additional 24 spaces.*

*The proposal includes the provision of an additional 16 spaces and if the existing car park was full it would result in an additional 8 vehicles being parked on street at peak demand. It would also result in lesser demand at other times.*

*Observations undertaken by LCC indicated that on-street parking is not at a level where an additional 8 vehicles could not be accommodated. The parking survey undertaken by the developer and detailed in the TN also shows that it can be accommodated.*

*The way in which the TN shows the parking can be misinterpreted as showing that greater levels of parking are available. The use of "spot plots" to represent vehicle on the highway does not reflect how much road space a parked vehicle actually requires. Also the plans do not show areas that should be kept clear to ensure access to driveways and other accesses or where waiting restrictions are in place. The "spot plot" method therefore appears to show more available roadside space than is actually available.*

They then refer to the benefits of the site having a Travel Plan to help increase the number of trips taken by more sustainable modes of transport such as walking, cycling, public transport and car sharing. They ask that this be imposed by condition before summarising:

*LCC have no highway objections to this proposal.*

*Whilst the development proposals will lead to increased parking on streets such as Durham Avenue LCC do not consider that this additional parking will create highway safety or access issues. The additional parking may be considered to be an amenity issue for residents, however, this is not a reason for LCC to raise an objection on highway*



grounds.

### **Neighbour Observations**

<b>Neighbours notified:</b>	02 May 2017
<b>Site Notice Date:</b>	03 May 2017
<b>Number of Responses</b>	14 responses received
<b>Summary of Comments</b>	<ul style="list-style-type: none"><li>• Over development of the site/The building is big enough as it is</li><li>• Loss of light</li><li>• Increase in Overbearing</li><li>• Loss of privacy</li><li>• Loss of view</li><li>• Development will affect property prices</li><li>• Construction of development will cause additional problems e.g. disturbance and parking</li><li>• Severe impact to highway safety including existing poor visibility, insufficient parking</li><li>• Increase in road traffic down narrow residential streets</li><li>• Public Transport not adequate in the area to serve the site</li><li>• Residents parking scheme required</li><li>• There are more appropriate/better site elsewhere within the town</li><li>• Impact to services provided e.g. patient care</li><li>• The existing Poplar House surgery should be upgraded</li><li>• The consultation undertaken by the Council has been misleading and incomplete</li><li>• Incorrect details on the certificates of the application form</li><li>• Incorrect detail have been provided as to the actual number of staff working for the Poplar House Surgery</li><li>• Recently opened nursery adds to the parking/traffic issues on Durham Avenue</li><li>• Wall should not be demolished to provide access for new parking area</li><li>• Trees should not be cut down on platform</li><li>• Why is the additional parking required</li><li>• Parking restrictions should be brought onto the nearby roads</li></ul>

### **Relevant Planning Policy**

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

SP01	Development within settlements
CF01	Provision of community facilities
TR10	Car park design

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

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
HW1	Health and Wellbeing
HW2	Community Facilities

**Other Relevant Policy:**

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

**Site Constraints**

None

**Environmental Impact Assessment**

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

**Comment and Analysis**

The application comprises of two elements: the roof lift to the building, and the provision of an additional car park on the former railway platform. The earlier application that was subject to an appeal approved the use of the second floor and the extension of the car park on the Stephen Street side that formed part of that scheme, albeit the physical extension to the building was refused.

For clarity the relocation of the Poplar House surgery into the existing building (on the ground or first floor) is not a change of use as the use class would remain D1 and there are no restrictions, via planning conditions, on the number of surgeries that can be operated within the building. However as works are required to extend the floor area of the building to allow this surgery to become established then this intensification of the use of the site forms part of the assessment of this application. Therefore the main issues regarding this application are:

- The principle of the development
- Impact to visual amenity
- Impact to neighbouring residential amenity
- Impact to highway safety

**The principle of the development**

The National Planning Policy Framework (NPPF) sets out the core planning principles for any proposed development with the underlying thread being a presumption in favour of sustainable development. The application site lies within the settlement boundary of St Annes as defined in Policy SP1 of the adopted Fylde Borough Local Plan. Therefore subject to other relevant planning policies the general principle of development within settlements is considered acceptable.

Being a Medical Centre the site is a community facility and as such the main policy that is relevant to this application is Policy CF1 (Provision of Community Facilities) of the Fylde Borough Local Plan. Policy CF1 generally seeks to support the provision, extension or improvement of community services provided that they meet the criteria laid down in the policy which are:

- The development is located within a settlement except where necessarily required to provide a service to a rural area;
- The development is appropriately located having regard to adjacent land uses and would not prejudice residential amenity;
- The development is appropriately sited, designed and landscaped and would not prejudice visual amenities or the character of the area;
- Adequate vehicular access, parking, loading and manoeuvring area for vehicles can be provided;

- Satisfactory foul and surface water drainage disposal arrangements can be provided.

Subject to the development proposals satisfying these criteria the application should be considered as acceptable in principle.

Comments have been received raising doubt over the appropriateness of the site for the extension and additional surgery, and that other sites were more suitable. The suitability or otherwise of alternative sites for housing this surgery carries no weight in the assessment of this application. The matter to consider is whether this site is suitable for the location of the additional surgery, whether the extension to accommodate it is acceptable, and whether there are any infrastructure or other reasons why this proposal is not acceptable. The application site is a current fully functioning Medical Centre which has an easily identifiable location. Furthermore the development would be an addition to a purpose built medical unit and its location close to public transport means that its location is sustainable and accessible due to it being located close to the Town Centre.

#### Impacts on visual amenity and neighbouring residential amenity

With regards to the extension of the building, the two above matters were assessed as part of the previous application and as the extension remains as previously proposed it is appropriate to be guided by the views of the appeal Inspector, who opined:

*"The development of this building has altered the outlook for occupiers of these properties to a considerable degree, to the extent that the 21m facing distance referred to by the Council has already clearly been breached. However, my view is that the additional 2m height would not impact on this outlook, nor appear as overbearing, to any significantly greater degree than the present building, particularly as the roof slopes away from these properties. I accept that the proposal would impact on the amount of sunlight reaching the Stephen Street properties to the greatest degree, as they are located to the north east of the extended part of the building. However, I do not consider that this impact would be particularly noticeable given the existing height of the building.*

*As additional second floor windows would be present on elevations facing these properties and their gardens I acknowledge that there would be privacy concerns. In this respect I accept the Council's suggestion that, should the appeal be allowed, then a condition requiring such windows to be obscured and non-opening could be required to mitigate any harm.*

*On this matter I conclude that the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and daylight/sunlight, would not be unduly harmed by the proposal. It would therefore comply with the Local Plan in this respect which at Policy CF1 requires that the development of Community Facilities should not prejudice residential amenity. It would also comply with the principle contained in paragraph 17 the National Planning Policy Framework requiring that development "should always seek to secure ....a good standard of amenity for all existing and future occupants".*

As there has been no change to the proposed extension of the building it is considered that the impact to visual amenity and to neighbouring amenity is acceptable.

The creation of the additional parking area on the former railway platform will impact on the amenity of the adjacent properties on Glen Eldon Road and Durham Avenue. However this minimal increase, by reason of the re-use of the area and its access by vehicles, is considered acceptable as it will only create a low amount of noise and disturbance during the day when the Medical Centre is open. In addition a similar scheme was proposed and recommended for approval under planning application ref: 09/0453 and it is considered that there is no material difference between this

proposal and that one.

The highways officer has raised no objection on highway safety but did raise the issue of the potential of increased on street parking causing an amenity issue for neighbouring residents. Although it is considered that there may be some increase in on street parking this will be only during opening hours when resident demand for parking is likely to be reduced.

#### Impact to highway safety

The application site is located close to public transport routes and is within walking distance of many residential properties in the surrounding area. Many of the residents that live on Durham Avenue and Stephen Street have raised concerns that the proposal will lead to increased traffic problems, in particular through users of the medical centre parking on both roads instead of using the car park.

In order to appropriately assess the highway implications of the proposed development Lancashire County Council Highways department were consulted. The highways officer has assessed the Technical Note (TN) submitted by the applicant and also taken into account the information included within the previous applications and planning appeal. The officer offered the following comments:

*"The proposal is for additional office space, however, in providing this office space it frees up existing space within the medical centre for its primary purpose of a health facility. The true impact therefore should be assessed on the basis that the additional accommodation is not office but health based. LCC are content that the developer has attempted to address this through the TN.....Observations undertaken by LCC indicated that on-street parking is not at a level where an additional 8 vehicles could not be accommodated. The parking survey undertaken by the developer and detailed in the TN also shows that it can be accommodated.....The way in which the TN shows the parking can be misinterpreted as showing that greater levels of parking are available. The use of "spot plots" to represent vehicle on the highway does not reflect how much road space a parked vehicle actually requires. Also the plans do not show areas that should be kept clear to ensure access to driveways and other accesses or where waiting restrictions are in place. The "spot plot" method therefore appears to show more available roadside space than is actually available".*

Although the highways officer has raised issue with the methodology of the applicants submitted report no objections were raised to the scheme and concluded that:

*"Whilst the development proposals will lead to increased parking on streets such as Durham Avenue LCC do not consider that this additional parking will create highway safety or access issues. The additional parking may be considered to be an amenity issue for residents, however, this is not a reason for LCC to raise an objection on highway grounds".*

As part of the representations made an alternative highways report has been submitted, as have alternative staff numbers for the Poplar House Surgery. The information within these submitted correspondence gives staff numbers for Poplar House surgery as 18 full time equivalent posts as well as community staff such as Midwives and District Nurses, contrary to the 11 full time equivalent staff quoted by the applicant. In addition the alternative highway report concludes that the total level of parking available for the proposed development will not meet the subsequent demands at all busy times. With regard to the Poplar House surgery numbers their website lists the employees which work at the surgery. Having looked at the list of employees it would appear that the number of full time equivalents would be around the 18 quoted by neighbours.

Although it would seem that the staff numbers provided by the applicant for the surgery were different to that seen on the website, after verbal discussions with the highways officer they have

confirmed that their views as reported above remain unchanged, and they are confirm that there would be no severe highway implications from the development. The highways report submitted by third parties offers a different assessment of the highways impact. This has been read by the highways officer at LCC who notes the content of it, but again confirms that it does not alter his professional opinion that the scheme as proposed is acceptable on highway grounds.

Therefore taking all matters into consideration it is considered that there will be no detrimental impact to highway safety.

#### Demolition of part of the existing platform wall

The application also requires the demolition of part of the existing boundary wall of the platform which runs parallel with the platform and is adjacent Glen Eldon Road. The wall formed part of the boundary of the old station prior to the demolition of significant parts of the station. Parts of the wall are considered to provide a level of character and are considered to have some heritage value. However the loss of this small section of wall will not have a detrimental impact to the character of the area nor have any detrimental heritage impacts. The section to be demolished is considered to be of a lower quality in terms of appearance and therefore has lower value in terms of heritage.

#### Other matters

Within the letters of objection there were numerous other issues that were raised as matters of concern.

The consultation process undertaken by the Council was carried out in the form of site notices and letters. The site notices were displayed on lamp post in four locations, on the corner of Durham Avenue, the corner of Stephen Street and on St David's Road North between Stephen Street and Durham Avenue and at the bottom end of Glen Eldon Road. These four locations were deemed appropriate as it was considered they would be seen by the most people passing them. Letters were sent to all the residential properties on Durham Avenue and Stephen Street, No.27-43 St David's Road North as well as Ashton Garden Court on the south side of the Railway line. The level of consultation carried out is considered appropriate for the nature of the proposal.

The certificates signed on the application form are considered correct and therefore the application is valid.

#### Conclusions

The St Annes Medical Centre is an existing 2 and 3 storey building providing the home for two GP surgeries and a pharmacy. It is located adjacent to the railway line beyond St Annes station with road access from Durham Avenue and Stephen Street. The site is within the settlement area and is largely surrounded by residential dwellings.

The application seeks approval for a roof lift of 2m to the existing three storey part of the Medical Centre and the retrospective consent for the use of the second floor as offices, the extension of the existing car park through the demolition of a dwelling and the change of use and associated works for a new car parking area on the old station platform to the east of the medical centre.

The principle of the development is considered acceptable as the site comprises of an existing Medical Centre and therefore it is in a sustainable location and compatible with adjacent land uses.

Although increasing the size of the building it is considered that there will be no detrimental impact to the appearance of the building or to the visual amenity of the wider area. It is also considered

that the impact to neighbouring residential properties is acceptable provided an appropriate condition requiring obscure glazing to be inserted in the new second floor windows is attached.

The impact to highway safety is similarly considered acceptable. The resulting additional 16 car park spaces is considered to provide sufficient additional parking to accommodate both staff and members of the public. This conclusion is based on numerous site visits by the highways officer and them having regard to all relevant information.

This is a re-submission of a scheme that was refused by the council and dismissed at appeal last year. In that decision the Inspector accepted that the extension works were acceptable but that the level of parking provided was inadequate to allow the development to take place without unduly harming highway safety and residential amenity. This proposal maintains the same scale of the building as at the appealed scheme, and adequately addresses the parking concerns by the provision of the additional car park on the former railway platform. Taking the above into account it is considered that the proposed development allows the medical facilities to be enhanced at the site without causing undue harm to matters of planning importance. It is considered to comply with the NPPF and Policy CF1 of the Fylde Borough Local Plan and is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

#### Approved plans:

- Location Plan - 1840-01-01
- Proposed Site Plan - 1840-01-02 Rev B
- Proposed Elevations Sheet 1 - 1840-01-09 Rev A
- Proposed Elevations Sheet 2 - 1840-01-10 Rev B
- Proposed Second Floor Plan Sheet 1 - 1840-01-05
- Proposed Second Floor Plan Sheet 2 - 1840-01-06
- Existing and proposed roof plan - 1840-01-11

Reason: To provide clarity to the permission.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building in form, colour, and texture.

Reason: To ensure that the existing materials are used as far as possible, thus protecting the appearance of the building.

4. The proposed windows shown coloured red on the approved plan shall be glazed with obscure glass to a level of Pilkington Grade 3 (or a comparable equivalent) and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

Reason: To safeguard the amenities of the occupants of adjoining residential premises.

5. Prior to the first use of the extended additional office space on the second floor, a Full Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Full Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.

Reason: To promote and provide access to sustainable transport options.

6. Prior to the first use of the extended additional office space on the second floor a Car Park Management Plan (including the removal of bollards and addition of directional signage) shall be submitted and approved in writing by, the local planning authority. The provisions of the Car Park Management Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the car park operate efficiently and safely without the development having an unacceptable impact on the local highway network.

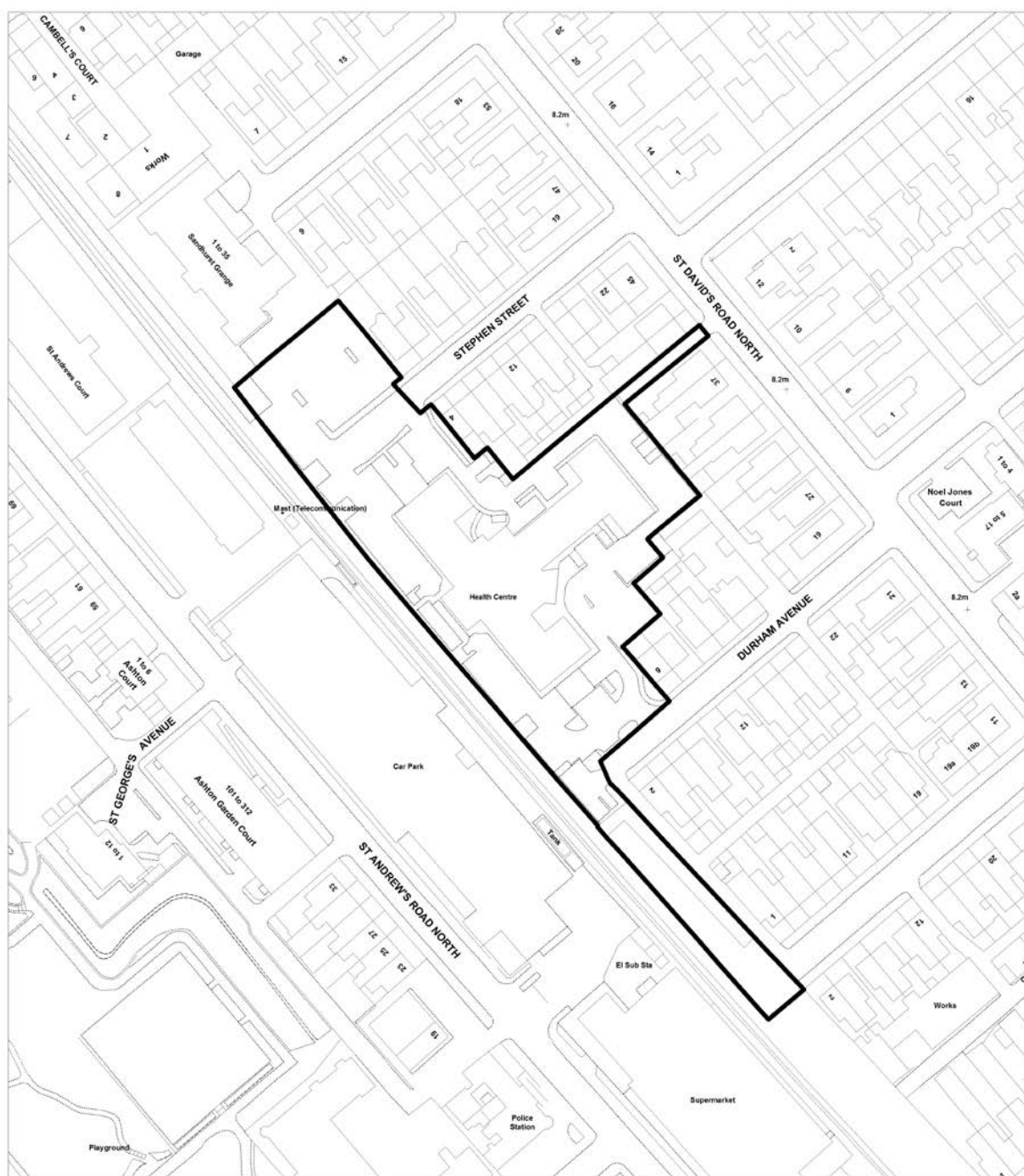
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 2015 [or any subsequent legislation that replaces or supersedes that Order], the 2nd floor of the Medical Centre shall be used solely as ancillary Class B1 office space and shall not be use for any other purpose.

Reason: In order to control the operational floorspace of the building having regard to the restricted car parking available on the site.

8. Prior to the commencement of development a scheme for the construction of the additional parking areas, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following and shall be implemented in full accordance with these approved details:

1. Means of enclosure
2. All surface materials
3. Landscaping
4. Means of surface water drainage
5. Method of construction
6. Proposed land levels
7. Arrangements for the management of the directional access arrangements to the car park
8. A phasing scheme for the implementation of these works
9. Arrangements for the on-going maintenance of this area

Reason: To ensure adequate parking provision for the site is provided, and that details of this provision is appropriate to ensure compliance with the requirements of Policy CF1 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0289	Address St Annes Medical Centre and former Railway Platform, Durham Avenue, Lytham St Annes	Grid Ref. E.3321 : N.4291	Scale 0 6 12 18 24 m 



**Item Number:** 6

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0299	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr A Ellison	<b>Agent :</b>	Donald K Clark Ltd
<b>Location:</b>	ST LEONARDS BRIDGE GARAGE, ST LEONARDS ROAD EAST, LYTHAM ST ANNES, FY8 2JP		
<b>Proposal:</b>	OUTLINE RESIDENTIAL APPLICATION (MATTERS APPLIED FOR - ACCESS, LAYOUT & SCALE) COMPRISING OF A 3 STOREY BUILDING FOR UP TO 38 APARTMENTS.		
<b>Parish:</b>	ST LEONARDS	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7586192,-3.0347549,170m/data=!3m1!1e3?hl=en>

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

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

The application is submitted in outline and relates to the demolition of two properties and an existing garage business which front onto St David's Road North and St Leonards Road East respectively in St Annes and the replacement of these with a three-storey block of up to 38 apartments.

The scheme would make efficient use of a previously developed site within the defined settlement boundary of Lytham St Annes, and would occupy a highly accessible location as the site is immediately adjacent a defined local centre and a modest distance from the town centre. The development, as revised, would be compatible with the pattern and character of development in the area.

The apartment block would have an acceptable relationship with surrounding buildings in order that the development would not unduly affect the privacy and amenity of neighbouring occupiers through overlooking, overshadowing or loss of outlook. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order to ensure that the development does not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

Satisfactory measures can be put in place through conditions to deal with drainage and contamination. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework, the adopted Fylde Borough Local Plan and the submission version of the Fylde Local Plan to 2032.

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

The application involves major development and so the Scheme of Delegation requires that where an application is recommended for approval that decision is made by the Planning Committee.

## **Site Description and Location**

The application site is a group of buildings located on the corner of the junction of St Leonards Road East and St David's Road North, including 191-193 St David's Road North and the garage known as Shaw and Wright Car Sales. The buildings are a mixture of single storey and two-storey and are of varying appearance. There are forecourt areas fronting both roads and to the north is Press Road which bounds the site and provides access to the existing parking area for the garage.

Immediately to the west of the site is Jump Leads Garage and Press Road Garage which are located at the end of Press Road. To the east of these sites is the railway line. To the north is Porritt Place which is a relatively recent residential development consisting of semi-detached and mews style properties. Attached to the northern side of 193 St David's Road North are the remainder of the terrace which includes the local Post Office and Laundrette. On the southern side of St Leonards Road East are residential properties comprising of terraced properties and St Leonards Court. On the eastern side of St David's Road North are further commercial properties and residential houses.

## **Details of Proposal**

As originally submitted the application sought the erection of a four-storey block of flats comprising of up to 38 units. Following an initial assessment concerns were raised over the scale of that part of the building fronting St David's Road North. As such officers sought revisions to the scheme to reduce the scale of the proposed building. Following discussions and negotiations with the applicant a revised scheme was received for a three storey building, albeit that the development remains for up to 38 units. The description below is of the revised scheme and this is the proposal under consideration.

The application seeks outline permission for the demolition of part of a terrace of buildings (No.191-193 St David's Road North) and the garage which front St Leonards Road East and the erection of a two and three storey block of up to 38 apartments. Matters of access, layout and scale are applied for. These are defined in the Development Management Procedure Order as follows:

*Access* – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

*Layout* – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

*Scale* – the height, width and length of each building proposed within the development in relation to its surroundings.

Matters of external appearance and landscaping are reserved for later consideration.

The proposed apartment building would be two storey fronting St David's Road North and three storey front St Leonards Road East and would have a footprint measuring 23m metres in width (at its widest point) and 51 metres in depth. With respect to its layout it would follow the main front wall of the existing buildings but would project further out toward St Leonards Road East than the

existing garage.

The site would continue to be accessed, ingress only, from St Leonards Road East and both ingress and egress from Press Road. Parking is provided via a sub-level totalling 37 spaces and new on street parking is to be provided on St Leonards Road East.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0138	CHANGE OF USE OF FORMER GARAGE PREMISES TO A DOG DAY CARE CENTRE	Refused	12/05/2014

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0138	CHANGE OF USE OF FORMER GARAGE PREMISES TO A DOG DAY CARE CENTRE	Withdrawn	13/08/2014

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

**St Anne's on the Sea Town Council** notified on 19 April 2017 and object to the proposal on the following grounds:

- a) *Too high and massing effect and negative impact on neighbouring properties opposite and adjacent.*
- *The land is unstable, additional buttresses have been put in to hold back the embankment. There are cracks at the shoulders of the bridge as the slope up to the bridge separates from the bridge.*
  - *Loss of employment land. At least 21 staff will be displaced.*
  - *There are doubts over the ownership of Press Road 199 St. David's Road North as Launderette owner has claim to it. Query ownership of boundary between site and Jump Leads.*
  - *Hotch potch of a development where it abuts remaining properties.*
  - *Adverse impact on remaining businesses.*
  - *Highway safety on a busy route which takes considerable traffic and the junction is a well-known accident black spot. Accident figures are inaccurate as many bumps don't get reported if no one is injured / police not called.*

Further comments have been sought from the Town Council on the current proposal, and will be presented to Committee on the Late Observations report.

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

#### **Network Rail**

*Comments - Unless the proposal includes any piling on site Network Rail has no comments to make. If the proposal does include piling then the applicant will need to submit details and agree the piling with Network Rail's Asset Protection team.*

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

They have provided comments on the original scheme which are summarised here, and are to provide further comments on the revised scheme which is intended to address the issues raised in their initial comments.

### Overall Position

*The Highway Development Control Section does not have any objections in principle to the proposed residential application for 38 assisted living apartments or 40 open market apartments, providing the applicant can address the issues regarding car parking (Local amenity issue), access (highway safety issue) and sustainable transport links (highway safety and sustainability issue), as detailed in this report.*

### Access Points

There are two accesses proposed: St Leonards Road which is a 30mph road and is to be accessed via a ramped ingress access only, and Press Road which is 20mph and unadopted so the developer will need to be satisfied that they have legal rights to use it.

### Highway Capacity

Whilst the proposed development will increase the volume of traffic movements in the area, they do not believe that this will be a severe impact on highway capacity in the vicinity of the site.

### Highway Safety

In the past 5 years there have been 7 reported accidents at the St Leonards Road West / St David's Road North junction, typically due to vehicles failing to stop at the giveway lines. The highway officer suggests that the good visibility at this junction is a likely cause for that and suggests amendments to the junction to reduce that visibility and so emphasise the need for driver caution when approaching the junction. He also suggests narrowing the junction with kerb buildouts as this would assist with this and help pedestrian crossing.

Further road narrowings could be undertaken along the St Leonards Road West site frontage to assist in improving driver caution and to provide more order to roadside parking than is currently the case. These could be funded by the development and secured through planning condition and then s278 highway agreement.

He confirms that the sight lines available at the St Leonards Road West access will be acceptable and provides comments on the visibility splays needed for the Press Road access, and explains that an objection would be raised if the scheme is not revised to ensure that these are delivered. Concerns are raised over the need to ensure that Press Road retains a width that is sufficient to allow two-way traffic to pass and so it may be necessary to introduce waiting restrictions to secure that with a s106 needed to secure the funding for this from the developer.

### Internal Layout

Comments are made relating to the construction of the basement parking arrangements.

### Parking Levels

He highlights that the parking standards refer to a 1 bed unit would need 1 space and a 2 bed space would need 2 spaces. The development does not currently provide that level of parking, but with it being in outline there is no certainty over the actual levels needed at this stage.

### Conditions

A series of planning conditions are suggested.

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

Do not raise objection, but request a condition to control hours of construction given the proximity to residential properties.

They also highlight concerns over the potential for the occupiers of the development to suffer noise disturbance from adjacent lawful employment uses, but confirm that these would be satisfied by the incorporation of the recommendations in the submitted noise assessment.

### **LCC Education**

*Comments - Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 14 primary school places. However LCC will not be seeking a contribution for secondary school places.*

*Calculated at the current rates, this would result in a claim of:£199,042.34.*

### **Strategic Housing**

*Comments - The design statement for this developments refers to assisted flats, private flats and town houses. This is a brownfield site, close to amenities in a central and accessible location. It is also in close proximity to an affordable housing scheme managed by Progress Housing Group.*

*The level of demand for affordable housing provision within St Annes is as such that we would require 30% affordable provision on site which would equate to 11 units. We would be looking to secure a mixture of affordable rented and intermediate/low cost home ownership units on the site.*

### **Neighbour Observations**

<b>Neighbours notified:</b>	06 June 2017
<b>Amended plans notified:</b>	No re-notification required
<b>Site Notice Date:</b>	03 May 2017
<b>Press Notice Date:</b>	04 May 2017
<b>Number of Responses</b>	6 responses received
<b>Summary of Comments</b>	<ul style="list-style-type: none"><li>• Proposal is to be for ex-offenders</li><li>• Loss of privacy</li><li>• Better sites to develop</li><li>• Impact on adjacent businesses during construction both financially and structurally</li><li>• Loss of existing businesses on site and loss of jobs</li><li>• Development will place an extra burden on services</li><li>• Impact to highway safety</li><li>• Inadequate parking provision</li><li>• Certificate incorrect due to ownership of Press Road</li><li>• Bridge over railway is in poor condition</li><li>• Surface water drainage issues</li></ul>

### **Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP25	Development and waste water
EP29	Contaminated land
TR10	Car park design
TREC17	Public Open Space within New Housing Developments
EMP3	Business & industrial uses outside defined area

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

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
H4	Affordable Housing
T5	Parking Standards
INF2	Developer Contributions
NP1	Presumption in favour of Sustainable Development

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

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

#### **Site Constraints**

None

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

The main issues regarding this application are:

Principle of the development  
Scale and layout of the development  
Access and impact to highway safety  
Relationship with neighbouring land uses  
The need for contributions

#### **Principle of the development**

The site falls within the settlement boundary of St Annes as defined on the Fylde Borough Local Plan (FBLP) Proposals Map therefore Policy SP1 of the FBLP and Policy GD1 of the submission version of the Fylde Local Plan to 2032 apply. Subject to other policies, policies SP1 and GD1 support development within defined settlement boundaries, and so this supports the principle of the development of the site.

Criterion 7 of FBLP policy HL2 states that housing will be permitted where a site is in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities. As the site is already occupied by buildings/hardstanding

it constitutes previously developed (brownfield) land for the purposes of the definition in Annex 2 of the NPPF. The proposal would make efficient use of previously developed land within the defined settlement boundary of St Annes and is in a highly accessible location close to a defined Local Centre and readily accessible by various modes of transport other than private car. In addition it is a short distance (500m – approximately a 6 minute walk) from the Durham Avenue Medical Centre and an approximately 12 minute walk to St Annes Town Centre which offers a full range of services.

The site is currently operated as a commercial garage and employs 10 people as well as the sandwich shop with 2 employees. Whilst the loss of this level of employment is not trivial, the site is not formally identified as employment land in the adopted Fylde Borough Local Plan and the contribution of the housing towards the borough's housing supply requirement is a strong supporting factor. In addition the garage and sandwich shop would be substituted for a use which is equally acceptable within this location and would contribute to the vitality and viability of the wider area. Accordingly, it is considered that the principle of development is acceptable in this location.

#### Scale and layout of the development

Criteria 1, 2 and 3 of FBLP policy HL2 state that planning applications for housing will be permitted where they are:

- Acceptable in principle and compatible with nearby and adjacent land uses;
- In keeping with the character of the locality in terms of scale, space around buildings, materials and design;
- Developed at a net density of between 30-50 dwellings per hectare, with greater densities (over 50 dwellings per hectare) permitted in locations with good public transport;

In addition, policy HL6 indicates that well designed housing schemes which respect the character of the area will be permitted. Proposals which involve poor designs and/or layouts which would prejudice the character of the area will not be permitted.

The proposal would create a three-storey block of up to 38 apartments on a site measuring approximately 1885 square metres in area. This would result in a housing density of 202 dwellings per hectare. Whilst this is significantly above the range identified in policy HL2 the policy does allow for higher densities in locations with good access to public transport. Furthermore, the level of units applied for has not been reduced from the initial submitted number despite the reduced scale of the dwelling. The application seeks 'up to 38 apartments' and so it is possible, and extremely likely, that the subsequent development of the site will be for a number that is well below that figure – perhaps 30 units is more achievable looking at the illustrative layouts. The applicant has declined to reduce the scope of the application to that figure. Notwithstanding this, the site is considered to be within a highly sustainable area. In addition given the site's location, comparable housing densities are also common elsewhere in the locality (e.g. at St Leonards Court on the opposite side of St Leonards Road). Therefore, the proposed development would not appear incongruous to its urban setting with respect to its size and density.

The new building would, for the most part, form a rectangular block with its main front wall running parallel with St Leonards Road East with sufficient spacing between the road edge and the proposed new building. The apartment block would not be dissimilar to the foot print of the existing buildings on site.

Parking areas would be located on a sub-level which can be accessed from both St Leonards Road East and Press Road to the north. The proposed development, by virtue of its size and layout, would respect the existing pattern of development along St Leonards Road East and St David's Road North and would sit comfortably both within the site and in relation to adjacent buildings.

The existing buildings are set across two floors, with No.195 to adjoining the proposed apartment block. However the land levels rise when moving west along St Leonards Road East. When considered amongst the mix of adjacent buildings surrounding the site, and particularly the St Leonards Court development on the opposite side of St Leonards Road East, it is considered that the height of the proposed apartment building represents an acceptable scale of development. Although proposed to be three-storey in parts, the overall height would not be overly dominant or incongruous.

The proposed apartment building, by virtue of size, scale, layout, massing, height and proportions, would be sympathetically assimilated into the street scene and would sit comfortably amongst adjacent buildings. Therefore, it is considered that the development, insofar as it relates to the matters of layout and scale, is acceptable for the purposes of the FBLP and the NPPF.

#### Access and impact to highway safety

The third bullet point to paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criterion 9 of FBLP Policy HL2 indicates that planning applications for housing will be permitted where they would have satisfactory access and parking and would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments.

The development is to be accessed via the creation of new access points from St Leonards Road East and Press Road. The St Leonards Road East access is proposed to be ingress only and is positioned 41m away from the junction with St David's Road North. The new access onto Press Road is both ingress and egress and is 52m from the junction with St David's Road North. The proposed accesses and associated manoeuvring areas within the site would allow sufficient space to enable vehicles to enter/exit in forward gear, including satisfactory visibility at the junction with their respective roads.

The existing use of the site as a garage generates a number of vehicle movements in connection with staff and visitor comings and goings throughout the day. It is not considered that the proposed residential development would lead to a significant increase in traffic generation at the site when considered in comparison to the existing use which could be considered to have a greater impact on highway safety.

The development would include provision for off-road car parking on the sub-level and via new on street parking, as a result of the highway improvements proposed in response to the comments of the County Highways surveyor. The layout and design of the car parking areas would not create a detrimental impact to the street scene and would be considered an improvement. Similarly, the revised highway plans incorporate the suggestions of the highway officer relating to the St Leonards Road West / St David's Road North junction. These are designed to improve its safety for drivers and pedestrians in a location with a poor safety records and so will be a benefit from the development.

Policy T5 of the submission version FLP requires proposed developments to provide on-site parking but does not set out specific criteria. The proposed level of off street parking is considered appropriate and the site's highly accessible location close to the local centre and town centre further away ensures that there is access to a range of other modes of transport, including access to local amenities within comfortable walking distance, which would minimise the need for car-borne journeys.



The proposed development would facilitate safe and convenient access and circulation for vehicle traffic to and from the site and would ensure satisfactory parking and manoeuvring arrangements are provided as part of the scheme. Therefore, the development is capable of being accommodated on the site without having an adverse impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. No objections have been received from LCC Highways on transport grounds and appropriate conditions can be imposed to ensure that the development provides satisfactory facilities for vehicle access, parking and manoeuvring in accordance with the FBLP/FLP and the NPPF.

#### The need for contributions

Policy INF2 (Developer Contributions), Policy ENV4 (Provision of New Open Space) and Policy H4 (Affordable Housing) within the submission version of the Fylde Local Plan to 2032 (FLP) outline the circumstances where contributions will be sought towards affordable housing, public open space and public realm improvements. A threshold of 10 dwellings is identified in the policy for when the above requirements are triggered. As the scheme is for 38 units, contributions could be sought from the development if needed.

In this case, the Strategic Housing Officer has requested that the scheme provide 30% affordable units, and LCC have requested a contribution of up to £199,042.34 to help meet an identified shortage of primary school places to serve the development. The education request is to be reassessed for Committee as it is based on 38 x 4 bedroom properties and this will clearly not occur at the site. These requests are considered reasonable in principle and compliant with the council's contributions policies. It is therefore considered that to secure the education contributions and the affordable housing any decision should be subject to an appropriately worded section 106 agreement.

#### Drainage

The site falls entirely within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map and, as it is under 1 hectare in area, the application does not need to be accompanied by a Flood Risk Assessment.

FBLP 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.

As the existing building is already served by infrastructure providing connections to the foul and surface water sewer network it is not considered that the disposal of foul and surface water from the site should be considered as a constraining factor to development on the site for the purposes of FBLP policy EP25. An appropriate condition requiring the submission of a detailed drainage strategy for foul and surface water (including a requirement that the rate of surface water discharge does not exceed the pre-development rate) has been imposed in this regard.

#### Contamination / Disturbance

As the site is located within the urban area and is previously developed, it is considered appropriate to impose a condition requiring intrusive site investigations in order to determine whether the site is contaminated and, if so, what remediation measures are necessary to address this. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

Network Rail refer to the need for further details should piling be required in the construction of the

development given its proximity to the railway. As an outline application there is no knowledge over the construction methods at this stage, but this is a reasonable request that can be incorporated as a planning condition.

The area around the site is not allocated for employment purposes, but there are a number of businesses that trade there and so could generate noise, as will the railway. The application is supported with a Noise Assessment that identifies these as an issue, but suggests mitigation that can be incorporated to ensure the future residents are not affected by this to a degree that would constitute an amenity issue. These measures can be secured by condition and will ensure that the relationship between the proposed residential use, and the existing lawful employment uses, is acceptable.

#### Other Matters

The representations received raised several issues, other than the main considerations above, which include:

- The proposal is to be for ex-offenders
- Better sites to develop
- Impact on adjacent businesses during construction both financially and structurally
- Certificate incorrect due to ownership of Press Road

The application is an outline application for 38 residential units. Although the supporting documentation gives varying potential options for the housing, the application has been assessed as if it were for full market housing.

With regard to other sites being preferable, as a planning application has been submitted for a determination by the council for this site the availability and/or appropriateness of other sites is not a matter which can influence this assessment.

The impact to the existing businesses during construction is not a material planning consideration and is a private matter between the relevant parties.

With regard to ownership information the applicant has confirmed that the Certificate A is the correct certification and so this matter is addressed.

#### Conclusions

The application is submitted in outline and relates to the demolition of two properties and an existing garage business which front onto St David's Road North and St Leonards Road East respectively and the replacement of these with a three-storey block of 38 apartments.

The scheme would make efficient use of a previously developed site within the defined settlement boundary of Lytham St Annes, and would occupy a highly accessible location as the site is immediately adjacent a defined local centre and a modest distance from the town centre. The development, as revised, would be compatible with the pattern and character of development in the area.

The apartment block would have an acceptable relationship with surrounding buildings in order that the development would not unduly affect the privacy and amenity of neighbouring occupiers through overlooking, overshadowing or loss of outlook. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order to ensure that the development does not have

a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

Satisfactory measures can be put in place through conditions to deal with drainage and contamination. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework, the adopted Fylde Borough Local Plan and the submission version of the Fylde Local Plan to 2032.

### **Recommendation**

That, Subject to the completion of a Section 106 agreement in order to secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties
- a financial contribution of up to £199,042.34 towards increasing the provision of primary school places at a school to be designated in the Late Observations report.
- An agreed level of funding require to introduce the highway works necessary to ensure Press Road remains available as a safe access for two –way traffic

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.

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 beginning with the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

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

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- the external appearance of the building and the landscaping of the site.

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 shall be for the construction of no more than 34 residential units and relates to the following plans:
  - Location Plan - 22/21/P1a
  - Highway Improvement Plan - 170401/01/A
  - Diagrammatic Foot Print - 22/21/P6
  - Diagrammatic Elevations - 22/21/P7

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to matters of access, layout

and scale.

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. Matters of access, layout and scale have been applied for and any application for reserved matters must be in accordance with and/or not exceed the maximum parameters established as part of this permission.

4. 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:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
    - adjoining land;
    - groundwaters and surface waters;
    - ecological systems;
    - 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 Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

5. Details of finished floor levels for the building and external ground levels for the site shall be submitted as part of any Reserved Matters application. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure an acceptable relationship between the proposed development and surrounding buildings in accordance with the requirements of Fylde Borough Local Plan policy HL2.

6. No development shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
  1. separate systems for the disposal of foul and surface water;
  2. details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer (including any necessary flow attenuation measures and the use of SUDS where appropriate), which shall not exceed the pre-development rate.
  3. details of how the scheme will be maintained and managed after completion.

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. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 15 l/s.

The scheme shall be implemented in accordance with the duly approved details before any of the apartments are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

7. No development shall take place, nor any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. the identification of the site access for construction traffic,
  2. the timing of the provision, and standard of construction, of the site access for construction traffic,
  3. times and routes of deliveries to the site,
  4. the parking of vehicles of site operatives and visitors,
  5. confirmation that the hours of construction and demolition works shall be limited to 08.00 – 18.00 Mondays to Friday; 08.00 – 13.00 Saturdays with no work activity on Sundays or Bank Holidays.
  6. storage of plant and materials used in constructing the development,
  7. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
  8. wheel washing facilities, including details of how, when and where the facilities are to be used
  9. measures to control the emission of dust and dirt during construction,
  10. measures to control the generation of noise and vibration during construction to comply with BS5228:2009
  11. a scheme for recycling/disposing of waste resulting from demolition and construction works,

Reason: To ensure the development is implemented without compromising residential amenity or highway / pedestrian safety.

8. That the details submitted to satisfy the Reserved Matters required by condition 2 of this planning permission shall include confirmation that the mitigation works specified in the recommendations in the noise report by John Holdsworth of Sound advice are to be implemented into the scheme. The development shall be implemented to incorporate these mitigation works.

Reason: To ensure appropriate standards of amenity are retained for the future residents of the development given the proximity of the site to a series of lawful employment uses and the railway as noise generating activities.

9. That in the event that the construction works are to involve piling, a schedule of the intended location and depth of piles along with the timing for these operations shall be submitted to the Local Planning Authority for its written approval following consultation with Network Rail in advance of the piling operations commencing. These piling operations shall only be undertaken in accordance with the agreed schedule.

Reason: To ensure that appropriate safeguards can be investigated and introduced to ensure that the development does not have any harmful impacts on the nearby railway.

10. Notwithstanding the requirements of condition 3 of this permission, no development shall take place until a detailed scheme for the on-site and off-site highway improvement works indicated on plan ref: 170401/01/A is submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following works and the phasing of their respective implementation:
- a) Detailed design and materials of construction of the site access to St Leonards Road East
  - a) Detailed design and materials of construction of the site access to Press Road
  - b) On-site vehicle parking and manoeuvring areas so that all vehicles can enter and leave the site in forward gear
  - c) Detailed design and materials of construction for a scheme of carriageway narrowing and provision of a parking lay-by to St Leonards Road East, with the construction of these to be in accordance with the Lancashire County Council Specification for Construction of Estate Roads
  - d) Detailed design and materials of construction for a scheme of junction improvement works including pedestrian build-outs and carriageway narrowing at the junction of St Leonards Road East / St David's Road North, with the construction of these to be in accordance with the Lancashire County Council Specification for Construction of Estate Roads
  - e) The provision of visibility splays of at least 2m x 12m in both directions at the exit of the site to Press Road, and the provision of a mechanism to ensure that Press Road retains a passing width of 4.5m between this access and St David's Road North
  - f) The provision of visibility splays of 2.4m x 43m in both directions at the junction of St Leonards Road East with St David's Road North along with measures to ensure that the level of visibility available at this junction does not exceed that

The accesses, parking and manoeuvring areas and highway works shall be constructed and made available for use in accordance with the duly approved scheme before any of the residential units are first occupied, or in accordance with any other phasing as contained within the agreed scheme.

Reason: To ensure that there is adequate provision for vehicles to be parked on site, to achieve suitable visibility at the site accesses, and achieve an acceptable degree of highway safety on the existing road network in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0299	Address St Leonards Bridge Garage, St Leonards Road East, Lytham St Annes	Grid Ref. E.3318 : N.4296	Scale 0 6 12 18 24 m 

**Item Number:** 7

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0359	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	FKE Limited	<b>Agent :</b>	MDAssociates
<b>Location:</b>	SITE 3 LAND AT DUGDALES CLOSE/ BROOKLANDS WAY/ HALLAM WAY, WHITEHILLS BUSINESS PARK, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	CONSTRUCTION OF A RETAIL PARK (CLASS A1 NON-FOOD) WITH ASSOCIATED ACCESS, CAR PARKING AND SERVICING AREAS		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not Applicable_		

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

<https://www.google.co.uk/maps/@53.7902947,-2.9870825,340m/data=!3m1!1e3?hl=en>

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

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

The proposal relates to a site that lies towards the centre of the existing Whitehills Employment Area, and is for the erection of a five retail stores set in two buildings providing 9184 sq m of retail floorspace.

The loss of the employment land has previously been accepted at the site and it is a material consideration that extant permission exists for retail development. The applicants have satisfactorily demonstrated that there will be no unacceptable impact on existing protected retail centres and that there are no sequentially preferable edge of centre or out of centre sites for the development proposed. There are therefore no issues with the retail impact of the proposal.

LCC Highways have no objections to the proposal subject to highway improvements schemes and sustainable transport contributions to provide a bus service through Whitehills estate for two years. There are no flooding or drainage issues. The development is therefore recommended for approval on completion of a s106 agreement that is required to deliver a package of mitigations for the highway and retail impacts of the development.

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

The application is a Major application and as the officer recommendation is favourable the Scheme of Delegation requires that it is determined by the Planning Committee.

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

The application site comprises 1.69 hectares of vacant land, bounded by Hallam Way to the north



and Brooklands Way to the east. It is characterised by rough grass and scrub, and is largely flat. To the east of the site is a large-format B&Q retail store and associated car park. Land to the south and west is largely vacant, with the exception of a builders' merchants to the southwest and newly constructed employment units to the east. Development to the north and north-west includes a bathroom showroom and offices. The application site is located on Whitehills which is Fylde's largest employment site. To the south east of the site is a public house and hotel. The site is well connected being located directly adjacent to the M55 motorway.

### **Details of Proposal**

The application site benefits from full planning permission for a retail development of 10,195 sqm of Class A1 floorspace. This approval allows a single building with a footprint of 4663sqm located on the northern side of the plot and an outdoors sales area of 800sqm is proposed to the west of the store, with parking for 262 cars located on the southern side of the site. The retail space was to be split into two units, one a 6,675 sqm to be occupied by a large-format, mixed goods non-food retailer; and 3,520 sqm to be occupied by camping retailer, 'Go Outdoors'. That permission has not been implemented but remains extant.

This application is again for a retail development but in a different form to that approved. It is proposed to construct five separate units set in two blocks providing a total floor area of 9184 sqm, representing a reduction of 1,011 sqm in total floor space. It is intended that the units will be occupied by bulky goods retailers who specialise in the furniture/home furnishings sector of the market. All of these retailers can operate under the uses specified in Condition 7 of the 2016 planning permission (ref 14/0822). It is anticipated that Wren Living will occupy Unit 1 adjacent to Hallam Way, and then the other four units could be DFS, Dreams, Better Bathrooms, Oak Furnitureland, CSC and Sofology or other similar retailers in this sector.

Public access to the site will be from Dugdales Close on the eastern side of the site, via the existing roundabout from Hallam Way. The site is accessed from the existing roundabout leading to the customer car park which is set out with 191 standard parking bays for customers, 36 staff parking spaces and 17 disabled bays (244 in total). Also proposed are 22 cycle spaces and 11 motorcycle. The site is constrained by a live gas main which runs along the western side of the site which influences the site layout.

The site layout is for two terraces forming an L shape enclosing the car park between them. The servicing for the units will occur to the rear with vehicles entering the site via Dugdales Close to the north. The proposed appearance of the two terraces is contemporary, with glazed capless curtain walls, opaque glass parapets, sundry metal work capping and ceramic granite tiling on the front elevations. Dark grey and silver composite cladding form the rear elevations. The terraces will have a pitched roof with parapet wall frontage and be 11m high. It is proposed the site has different surface treatments for designated pedestrian routes to distinguish them from vehicle movements, with landscaping provided to the perimeter.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0822	PROPOSED ERECTION OF BUILDING PROVIDING 10,195 SQM OF RETAIL FLOORSPEACE (CLASS A1) OVER TWO FLOORS WITH ASSOCIATED CAR PARKING AND ACCESS WORKS	Approved with 106 Agreement	03/03/2016
07/1274	ERECTION OF TWO STOREY BUILDING	Finally Disposed	08/08/2013

COMPRISING OF CAR SHOWROOM, OFFICES      Of  
AND WORKSHOP, NEW VEHICULAR ACCESS  
AND PARKING, PLANTING AND LANDSCAPING  
SCHEME.

### **Relevant Planning Appeals History**

None

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

**Westby with Plumpton Parish Council** notified on 10 May 2017 and comment:

No objections to the application and recommends APPROVAL.

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

#### **National Grid**

Area contains a high pressure gas main, essential it is not restricted and there should be no obstructions within the easement strip of 8m.

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

LCC Highways have considered the application and provided a 13 page response which is available in full on Fylde's website

- <http://www3.fylde.gov.uk/online-applications/applicationDetails.do?activeTab=document&keyVal= FYLDE DCAPR 48079> The following is a summary of the points raised.

They state that the TS provided does not provide a full assessment instead relying on the TA and Addendum of the previous approved application. LCC did not agree with the forecasts in that TA. The TS presents the case that as there is an approved site that therefore this site must also be acceptable. LCC did not recommend refusal of that application based on contributions and off site works to improve the access to the site from sustainable modes. LCC again consider to make the development acceptable that various mitigation works are necessary, these being;

#### Scheme 1 – Improvement scheme

A583 / Whitehill Road signals – MOVA upgrade and review of A583 (N) early start.  
Trigger should be prior to first occupation.

#### Contributions Scheme 2 – Highways

Contribution towards a scheme to deliver wider improvements to the highway network in and around the Cropper Road/School Road Roundabout. These works to include a spiral marking scheme and improvements to entry width and flare length to deliver additional capacity on approaches of Lytham St Annes Way and School Road, including a review and changes to traffic management and signing on the approach routes of School Road, Cropper Road and Whitehill Road. The trigger point for the funding contribution should be prior to first occupation. Planning Contribution Request => £10,000

#### Scheme 3 – Pedestrian and cycle improvements

Contribution towards pedestrian and cycle Improvements to support schemes to achieve a step change in modal use towards sustainable transport. The trigger point for the funding contribution should be prior to first occupation. Planning Contribution Request => £60,000

#### Scheme 4 – Public Transport

A s106 funding contribution will be used to support the following potential service or an appropriate alternative as set out above under the heading 'Public Transport' on pages 5 of these comments. The trigger point for the funding contribution should be prior to first occupation unless otherwise agreed by the LPA in consultation with the LHA.  
Planning Contribution Request => £240,000

This gives a total funding request of £310,000. LCC understands that this level of funding was not secured by the LPA for the previous application due to viability issues LCC Highways are clear that the sum requested is necessary to deliver the changes to travel patterns and mitigate the impacts of the site. The impending ending of the current funding stream for the Service 61 diversion into Whitehills Business Park can only make the need to secure a meaningful contribution to deliver improvement all the more important.

#### Site Layout

LCC have various concerns with the proposed layout including with the proposed access layout, the location of some of the disabled spaces, the access for goods deliveries, pedestrian access via the main access, pedestrian access to/from Brooklands and parking layout issues. The applicants have been asked to address all these issues with the main area of concern that requires thought is the parking provision. The total number proposed previously was 282 spaces with 16 mobility impaired and 40 cycle parking spaces, whereas this application proposes 211 spaces. LCC consider this inadequate when realistic trip rates are applied and this potentially could exacerbate local on street parking issues. There are no cycle parking spaces proposed or motorcycle spaces. Not all of the 16 mobility impaired spaces are practicable. They also state that a parking accumulation has not been provided that demonstrates adequate provision with the latest proposal and that this is required. They state they agree with the view from Regeneration that parking standards should be 2.8m x 5m to accommodate the larger vehicles we see today.

LCC conclude by stating that further consideration is necessary by the applicant to address the following areas of concern;

- Parking provision - Parking accumulation assessment; parking layout issues
- access and egress arrangements for goods deliveries (including demonstrating necessary visibility splays);
- site access layout;
- pedestrian and cycle access via the proposed main site access; and
- direct pedestrian access to/from Brooklands (also supporting route to PT turnaround stop).

They state that if these matters are resolved to LCC Highways' satisfaction they would not object subject to the s106 contributions and s278 works being provided. They also request various conditions to secure a safe access arrangement.

#### **Blackpool Borough Council**

No comments received.

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

No objections to the proposals.

#### **Highways England**

No objections.

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

The D&A provides only a general indication of the hard landscape materials and is not specific. A detailed hard landscape plan should be provided to indicate exact positions.

The traditional parking standard of 2.4m x 4.8m is no longer relevant given that it is now accepted that it leaves insufficient room for most family cars. There is a growing movement across local authorities and amongst car parking national providers towards increasing bay sizes to more realistic proportions, thereby minimising car park collisions and allowing ease of use. As a Council, we must ensure that all new development provides parking bays which meet these improved standards.

The trees located in the car park are 25m apart along the length of the bays. This spacing is too great and the benefits of having trees in the car park to break up the expanse of cars would be reduced as such. An additional row of trees at 15m centres would give much greater visual benefits and provide shade and landscape structure to the development. There would be no loss of parking spaces as a result of these changes. This application has to be judged on its own merits and not that of previous applications.

A row of trees should be provided alongside the footway across the car park to tie in with the grid of trees discussed above.

It is the requirement of Fylde Council that a maintenance agreement be put in place by developers for 10 years to ensure that soft landscape works are given a successful and healthy start and to bring them up to maturity. Works should be carried out in accordance with the standards set out in previous correspondence in order to ensure the continued provision of high quality and attractive external environments across the borough.

#### **United Utilities**

No objections to the application subject to conditions in relation to the development being carried out in accordance with the FRA submitted and one with regard to the management of the sustainable drainage system, evidence of site assessment conditions

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

No objections to the application subject to conditions in relation to submission of details of the surface water drainage scheme and SuDS management and maintenance plan.

#### **Wyre Borough Council**

Paragraph 24 of NPPG should be applied. In their opinion it is agreed for Wyre that the relevant centres to be considered are Poulton and Cleveleys. It appears that there are no alternative sequential sites that have arisen since the approval of the earlier scheme that are available and suitable for the proposed development.

#### **Neighbour Observations**

**Neighbours notified:** 10 May 2017

**Press Notice Date:** 18 May 2017  
**Number of Responses** None received.

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

EMP2	Existing business & industrial uses
EMP4	Buffer zones and landscaping
SH13	Provision of large retail stores
SH14	Design of large retail stores

**Fylde Local Plan to 2032:**

GD7	Achieving Good Design in Development
EC1	Overall Provision of Empty Land and Existing Sites
EC2	Employment Opportunities
EC5	Vibrant Town, District and Local Centres
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T1	Strategic Highway Improvements
CL2	Surface Water Run-Off and Sustainable Drainage

**Other Relevant Policy:**

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

**Site Constraints**

Pipelines  
Article 4 direction

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues to consider when determining this application are:

- Loss of employment land
- Are there any sequentially preferable sites
- Impact of the proposed retail development on existing retail centres
- Design and visual impact of development
- Highways issues
- Flooding and drainage

**Loss of employment land**

When considering the previous application for retail development on the same site the loss of employment land was a key issue. It was considered by officers that the loss of this land from employment use was harmful and as such officers recommended refusal of the application on the basis that the loss of 1.69 hectares of employment land to retail use was contrary to Policy EMP2 of

the Adopted Local Plan which allocates it for retention in class B uses. Officers considered that there was not adequate justification to accept that the loss of this site would not unacceptably diminish the supply of land available for such uses in the Borough, or that the application site is no longer viable for employment uses within the Plan period up to 2032. Officers also felt that the retail use of this scale at this site would undermine the allocation of the employment land and would reduce the qualitative value of Whitehills as an employment site.

However members when considering the application in the planning balance felt that the site had been vacant for some time and considered the development acceptable given the jobs that it would create as well as the contributions to the public realm around Whitehills in order to enhance its attractiveness as an employment site. Members considered the economic benefit of allowing the loss of the employment land to outweigh its loss.

It is a material planning consideration that the site has full extant planning permission for a retail use and that the loss of employment land has already been accepted by members. Therefore what needs to be considered is if the different mix of retail uses in the form proposed can be considered to pass the sequential test and whether the proposal will have an unacceptable impact on existing retail centres.

#### **Are there any sequentially preferable sites?**

In order to protect the vitality of town centres the NPPF requires local authorities to apply the sequential test to planning applications for main town centre uses when not in an existing centre or not in accordance with an up to date plan. Therefore as retail is a main town centre use the Sequential test needs to be carried out. The preference remains for town centres although if such sites are not available then the NPPF states that preferences should be given to edge of centre and out of centre sites that are accessible and well connected to the town centre (paragraph 24). To be considered sequentially preferable alternative sites have to be capable of accommodating “the application”. Whilst policy requires applicants (and LPAs) to be flexible about scale and format, it does not run to consideration of whether a site might accommodate a different scale of development or a different format. Consequently a site which might accommodate an alternative format with undercroft or rooftop parking would not be deemed suitable to accommodate the “the application”. Sites also need to be available and viable.

The previous application passed the sequential test, but as that was for two larger units and this is for five units over a larger area the sequential test needs to be considered again. This application has been submitted with a retail statement which includes the sequential test and an impact assessment. The submitted sequential test considers sites that may be capable of accommodating “the application” which are within or closer to existing centres. The submitted sequential test found that there were no sites within any more centrally located sites capable of accommodating the proposed development. The submitted sequential test didn’t include all the District Centres in Blackpool as there were no units or sites capable of accommodating the scheme in these centres. With regard to two out of centre sites put forward by Blackpool in the previous application (Central Car Park and Devonshire road Hospital Site) and considered to be better connected to the town centre, the previous application considered these two sites and found that them to not be sequentially preferable to this site.

This being because the Zurich Assurance (t/a Threadneedle Property Investments) V North Lincolnshire Council and Simons Development planning appeal considers the application of the sequential test, with the Justice agreeing with approaches adopted in the Dundee case stating that ‘it is important to mark that developers, and planning authorities work in the real world. Working in

the real world the (planning) committee were entitled and indeed bound to take into account the evidence. Mark and Spencer would not be located to Scunthorpe town centre in the event that this application for the site was refused'. Another appeal decision (Rushden Lakes, Northamptonshire) confirmed that if a site is not suitable for the commercial requirements of the developer then it is not a suitable site for the purposes of the sequential test.

Working in the real world officers consider that whilst the Devonshire Road site is better connected to the town centre than the application site it is unlikely that the developer would locate this scheme in that position due to the nature of the retailing offer proposed and its location surrounded by residential properties would result in amenity and access issues, therefore not being a suitable or viable site for development. Furthermore the site has not been shown to be available for development with recent planning permissions granting permissions for car parking at the site and Blackpool have not confirmed that 'the application' would be viewed favourably at the site.

Although the site is not within Fylde in your officers opinion the site may be suitable for retail but on a smaller scale than that proposed by this application, or a residential development would also be appropriate. The site is therefore not considered to be sequentially preferable to the application site and there are no sequentially preferable sites available. The Council's retail consultant has considered the submitted sequential test and states that they agree with the general area of search for the sites and that they agree none of the sites can accommodate the scheme.

### **Impact of the proposal on existing retail centres**

Because the development is located outside of an existing retail centre its impact on these has to be assessed. Policy SH13 – provision of large retail stores states that proposals for large scale retail developments within existing town centres will be permitted. Proposals for edge of centre and out of centre sites will not be permitted unless the need for the development has been demonstrated by the application and:

- No preferential site is available in terms of the sequential approach to large retail developments; or
- The proposed development, by nature of its size, land requirement or likely vehicle generations would be inappropriately located within a town centre; and
- The nature and scale of the proposed development is appropriate to the sites location and the catchment area it seeks to serve; and
- The development would not in itself, or in conjunction with other existing or planned retail stores with planning permission significantly prejudice the vitality and viability of any nearby town centre.

Policy SH14 states that in addition to meeting the above requirements large new retail developments will also be required to meet criteria in relation to design, amenity, and highways impacts which are considered in turn in the report below. The NPPF is the most recent policy consideration and part 2 'Ensuring the vitality of town centres' states that planning policies should promote competitive town centre environments and recognises town centres as the 'heart of their communities'. Paragraph 26 states that retail developments outside of town centres, which are not in accordance with an up-to-date Local Plan should require assessment of their impact on town centre vitality and viability, up to 5 years from the time of the application (or 10 years in the case of major schemes) if the proposed floorspace is over 2,500 sq.m.

The proposal is 9184 square metres and outside the town centre so an impact assessment is necessary. The NPPF has removed whether or not there is a 'need' for a development as a material consideration and therefore this does not need to be assessed. The NPPF concludes that where a

proposal fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused. The NPPF contains the main criteria against which to assess the retail component of the scheme and is of greater weight than Local Plan policies. The submitted RIA by Montagu Evans considers the proposed developments impact on the vitality and viability of centres within the Fylde Coast, including local consumer choice, trade in the town centre upto 5 years after the application. The assessment has been undertaken for comparison goods only and not any food floorspace as this is what is being applied for. The NPPG states that impact tests should be undertaken in a proportionate, locally appropriate way, drawing on existing information where possible. The assessment finds that the total turnover for the development is predicted to be 18.96 million, increasing to £19.83 by 2022. This is an increase from the 17.97 million turnover of the previous scheme. As with the approved development it is anticipated that 95% of the turnover will be from the catchment area.

The majority of the proposals turnover will be from existing out of centre locations. This is due to the range of goods sold, existing shopping patterns and the proximity of the location to the application site. The draw from town centres would be 0.95% on Blackpool town centre, 0.44% on Cleveleys Town centre, 0.88% on Kirkham Town Centre and 1.1% on St Annes town Centre. The submitted RIA states that the impact of the proposal on the centres within Fylde Borough will not be detrimental to their vitality and viability. Furthermore, the proposal will not have prejudice existing and planned public and private sector investment coming forward. The overall conclusion is that the overall impact of the proposal either on its own or cumulatively does not amount to a significant adverse impact.

The retail impact assessment has been considered by the Council's retail consultant who states that the 2016 permission would have sold a wider range of goods than that proposed by this application. They state that the impact assessment is based upon a conventional step-by-step methodology. It assumes the development would be occupied by a furniture retailers. The Retail Statement is based upon evidence of shopping patterns in the Fylde Coast Retail Study. It also utilises population and expenditure data from the Fylde Coast Retail Study 2013 Update. He states that the conclusions about the levels of trade diversion from main centres are reasonable. He states that the amount of trade diverted is unlikely to cause harm to the vitality and viability of existing centres and there is no evidence to suggest there would be an adverse impact on future investment. As this impact assessment is based on the character and format of the scheme proposed if the character was changed then this could have a greater impact, and consequently it is appropriate to place a condition that controls the goods sold from the development and to control the sub-division of the units as per the previous permission. Overall with regard to the policy tests raised in national policy the proposal satisfies the requirements of policy regarding impact on existing centres.

### **Design and visual impact of the development**

The site as existing is an undeveloped site within an industrial estate. The proposal is for a two new buildings for A1 retail use. The previous approval set the one large building back at the northern end of the site whereas this application proposes an L shape layout with customer parking set between. The site layout is influenced by the presence of live gas main that traverses the western part of the site and the easement that is required.

The layout is typical of out of centre bulky goods retail parks with the stores fronting the car park the main site access. The units set back at the rear of the site relate to the existing B and Q store, with the two units 1 and 2 adjacent to Brooklands Way designed to have a high quality rear elevation so as not appear unacceptable in the street scene. A brick wall is proposed to form this boundary with intermittent steel mesh panels incorporating climbing plants to soften its appearance. This was an



issue raised by officers at pre-application stage due to the use of Brooklands Way as an access to residential development. It is proposed that the two buildings will have a contemporary appearance, a pitched roof with parapet wall, with glazed capless curtain walls, opaque glass parapets, sundry metal work capping and ceramic granite tiling on the front elevations. Dark grey and silver composite cladding form the rear elevations. The front elevations and the side elevation of unit 1 are predominately glazed, taken to the maximum possible height. The building is of modern appearance and similar in scale to the adjacent B and Q.

There is a mix in design and materials on the wider business park as a whole and it is considered that the design of the buildings is acceptable and the visual impact in the wider area would also be acceptable. It would be visually prominent but would be adjacent to a building of similar scale. The proposed layout has been amended during the course of considering the application to address the Landscape and Highways officer's comments. With regard to landscaping some enhancements have been made but the layout still does not reflect the aspirations of the Planning and Landscape officers, as such it is recommended that the application if approved be delegated to officers in order to negotiate further improvements to the scheme with regard to its landscaping and layout. The siting of the buildings will remain the same but there will be improvements to hard and soft landscaping.

### **Highways issues**

The application site benefits from an extant retail permission (14/0822) for 10,195sqm and two units where the highways issues were fully considered and number of off-site works were identified as being necessary to make this development acceptable. This application is for retail but in a different form with five separate units and a total smaller floor area (9184 sqm) proposed and has been submitted with a Transport Statement. As this approval is a material consideration the TS considers the difference between what is proposed and what is approved. The development proposes 244 car parking spaces, 22 cycle parking spaces and 11 motorcycle spaces. The main access to the development will be from the fourth arm of a roundabout currently serving the neighbouring B&Q and associated car park facility. Access for service vehicles will be facilitated separately to the north of the site with a service vehicle egress located to the west of the site. The TS states that the comparison exercise finds that the development will generate a comparative net decrease in vehicular trips during the periods, 08:00 to 09:00 and 17:00 to 18:00.

Given that the extant permission approved the highways impact of a greater number of trips no further assessment has been undertaken. LCC have commented on the submitted application and their response is summarised above. In short they raise no objections but required various improvements to the scheme and contributions. They commented on the parking, access and layout and pedestrian access and the application site plan has been revised in response to these comments, this plan has been sent to LCC Highways but at the time of writing had not responded. The amended plan revised the access, layout, location of disabled parking bays and increased the number of spaces from 211 to 244. It also improves pedestrian access. They also require various contributions and S278 works as detailed above and below, and with these contributions would have no objections.

### **Flooding and drainage**

The application has been submitted with a Flood Risk Assessment which the LLFA and UU have considered. Both drainage authorities raise no objections to the development simply requiring conditions in relations to details of the SuDS on site. The FRA outlines that the surface water run-off from the development is limited to 9.8l/s so that it does not exceed the run off from the existing

site. There are therefore no flooding or drainage issues with the application.

### **Section 106 contributions**

The previous planning application was approved subject to a legal agreement which required the following contributions;

- Enhancements of Cropper Road and School Road junction (£10,000);
- Local pedestrian/cycle improvements (£30,000);
- Public transport improvements (£60,000)
- Public realm improvements (£45,000);
- Site marketing (£5,000);
- Total = £150,000

LCC have made the following contributions requests;

- Enhancements of Cropper Road and School Road junction (£10,000)
- Local pedestrian/cycle improvements (£60,000)
- Public transport improvements (£240,000)
- Total = £310,000

Your officers consider the contribution towards public realm improvements to still be relevant and CIL compliant. The loss of the employment land to retail needs to be balanced against the benefits it may bring in terms of attracting employment uses to the remainder of the site and public realm enhancements are an important part of this. The site marketing request is no longer considered necessary to make the development acceptable as the other sites in the previous applicant's ownership have been sold on. The LCC total request of £310,000 is the same as they requested in the previous scheme but was not found to be necessary by members when determining the application who found the amounts listed above to be appropriate to make that development acceptable. It is considered appropriate given the response from LCC which states that they are clear that the sum requested is necessary to deliver the changes to travel patterns and mitigate the impacts of the site that officers should seek the maximum contribution, and only if viability is an issue should a lesser contribution be accepted. Given the change in format to the retail stores proposed it is considered that the site will become a much more attractive destination as there will be a choice of 5 shops in addition to the adjacent B and Q and increased likelihood of linked trips and passing trade.

### **Conclusions**

The proposed development will involve the loss of 1.69 hectares of allocated employment land from being available for traditional employment and the provision of five retail stores totalling 9184 sqm. The loss of the employment land has previously been accepted at the site and it is a material consideration that extant permission exists for retail development on the site. The applicants have satisfactorily demonstrated that there will be no unacceptable impact on existing protected retail centres and that there are no sequentially preferable edge of centre or out of centre sites for the development proposed. There are therefore no issues with the retail impact of the proposal. LCC Highways have no objections to the proposal subject to highway improvements schemes and sustainable transport contributions to provide a bus service through Whitehills estate for two years. There are no flooding or drainage issues. The development is therefore recommended for approval.

## **Recommendation**

That, Subject to improvements to the site layout and landscaping, the resolution of highways issues to the satisfaction of the Head of Planning & Regeneration and, Subject to the completion of a Section 106 agreement in order to secure:

- a financial contribution of £240,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- a financial contribution of £10,000 towards enhancements of Cropper Road and School Road junction
- a financial contribution of £60,000 toward local pedestrian/cycle improvements
- a financial contribution of £45,000 towards public realm improvements.

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

Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

Reason: This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall brick and cladding [both inclusive of colour] shall have been submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: In order to ensure a satisfactory standard of development

3. Prior to the commencement of development, a scheme for the external lighting of the building / premises / site curtilage [including degree of illumination] shall have been submitted to and approved in writing by the Local Planning Authority. Only lighting contained in the approved scheme shall be implemented at the site, with any addition or alteration to the scheme agreed in writing with the Authority.

Reason: In the interests of visual amenity.

4. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall have been submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, refuse receptacles, lighting and services as applicable soft landscape works

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

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

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

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

6. No goods of any description shall be stored other than within the defined buildings

*Reason:* In the interests of visual amenity.

7. The non-food retail units hereby permitted shall not be used for the sale of any goods other than those within the following categories:

Outdoor activity equipment and associated clothing and footwear, DIY and decorating goods, garden goods, furniture, motor and cycle goods, soft and hard furnishings and furnishings, household textiles, pictures, homewares, glassware, tableware, household goods, electrical goods, bathroom and kitchen goods and accessories, household cleaning products, lighting, seasonal goods, giftware, toys, arts and crafts , pet products and ancillary confectionary products.

Goods falling outside of this range may be sold only where they form a minor and ancillary part of the stores' operation.

*Reason:* To prevent unacceptable harm upon the existing centres

8. The non-food retail units hereby approved shall not be subdivided or amalgamated without the prior consent of the Local Planning Authority

*Reason:* To prevent unacceptable harm upon the existing centres.

9. The retail activity with each retail units approved shall be undertaken by a single retail business and no floorspace shall be sub-let or otherwise used to create concessionary areas

*Reason:* To prevent unacceptable harm to the existing centres.

10. No part of the development hereby approved shall commence until a scheme for the construction of off-site works of highway improvement has been submitted to, and approved by the Local Planning Authority in consultation with the appropriate Highway Authority.

*Reason:* In order to satisfy the Local Planning Authority and the Highway Authority(s) that the final details of the highway scheme/works are acceptable before work commences on site.

11. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
7. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
8. a Management Plan to identify potential ground and water contaminants
9. a scheme to control noise during the construction phase.

*Reason:* To maintain the operation and safety of local streets and the through routes in the area during site preparation and construction.

12. Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.

*Reason:* To define the permission and in the interests of the proper site development.

13. Prior to first occupation hereby approved, the s106 contribution relating to off site pedestrian and cycle route provision must be paid in full.

*Reason:* In order to satisfy the Local Planning Authority and the Highway Authority that these sustainable transport links can be substantially completed at an early stage in the development of the site and hence effect the modal choice of the occupants; in order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions.

14. Prior to first occupation hereby approved, the s106 funding for the highway improvement scheme at Cropper Road/Lytham St Annes Way Roundabout must be paid in full. The scheme to be delivered will be subject to detailed design.

*Reason:* In order to maintain network reliability and safety and ensure that residents of the development have satisfactory access to services and facilities.

15. Prior to the first trading of the building hereby approved the payment of s106 funding for the public transport improvement to help deliver a high frequency Public transport service must be paid in full to support delivery of a good frequency bus service.

*Reason:* To ensure the provision of a high quality public transport service that will limit the impact of this development on the local transport network.

16. Prior to the first occupation of the development hereby permitted, a Full Travel Plan shall have been submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan to include objectives, targets, measures to achieve targets, monitoring, and implementation timescales and continue with the provision of a travel plan co-ordinator. The approved plan(s) will be audited and updated at intervals as approved and the approved plan(s) be carried out.

*Reason:* To ensure that the development provides sustainable transport options.

17. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 1m above the road level within any visibility splay required to maintain safe operation for all users.

*Reason:* To ensure adequate visibility splays are maintained at all time.

18. The developer shall fund the investigation, consultation and advertisement of Traffic Regulation Orders (TRO's) for parking restrictions on the local network surrounding the proposed site (roads to include Hallam Way, Brooklands Way and Dugdale Close). If the process concludes in changes to TRO's, the developer shall fund the subsequent implementation of necessary measures.

*Reason:* To maintain and enhance the operation and safety of the local highway network.

19. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied, unless otherwise agreed in writing with the Local Planning Authority. The car park shall then be available at all times whilst the site is occupied.

*Reason:* To ensure that there is adequate parking for the development proposed when the buildings are occupied.

20. The development hereby approved shall not be commenced until a scheme for the provision of foul water drainage works, with full consideration for sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The means of drainage shall be implemented in accordance with the approved scheme, prior to first occupation of the development hereby approved.

*Reason:* To reduce the increased risk of flooding by ensuring provision of a satisfactory means of surface and foul water disposal.

21. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a. Confirmation that the surface water drainage scheme that is proposed has been informed by a full ground investigation to explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means
2. Information about the lifetime of the development, design storm period and intensity (1

in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), 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;

3. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
4. 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);
5. Flood water exceedance routes, both on and off site;
  - a. A timetable for implementation, including phasing as applicable;
  - b. 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 proposed development can be adequately drained, and to ensure that there is no flood risk on or off the site resulting from the proposed development.

22. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained, and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance

23. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company
- Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - a) on-going inspections relating to performance and asset condition assessments
  - b) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- Means of access for maintenance and easements where applicable.

The plan 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 sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system

24. No development shall commence until details of the finished floor levels have been submitted to, and approved in writing by, the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory standard of development.

25. All surface water attenuation structures, for example 'Geocellular Storage Systems' and flow control devices/structures required to secure an acceptable surface water drainage scheme are to be constructed and operational prior to the commencement of any other development.

Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate, and to prevent a flood risk during the construction of the development

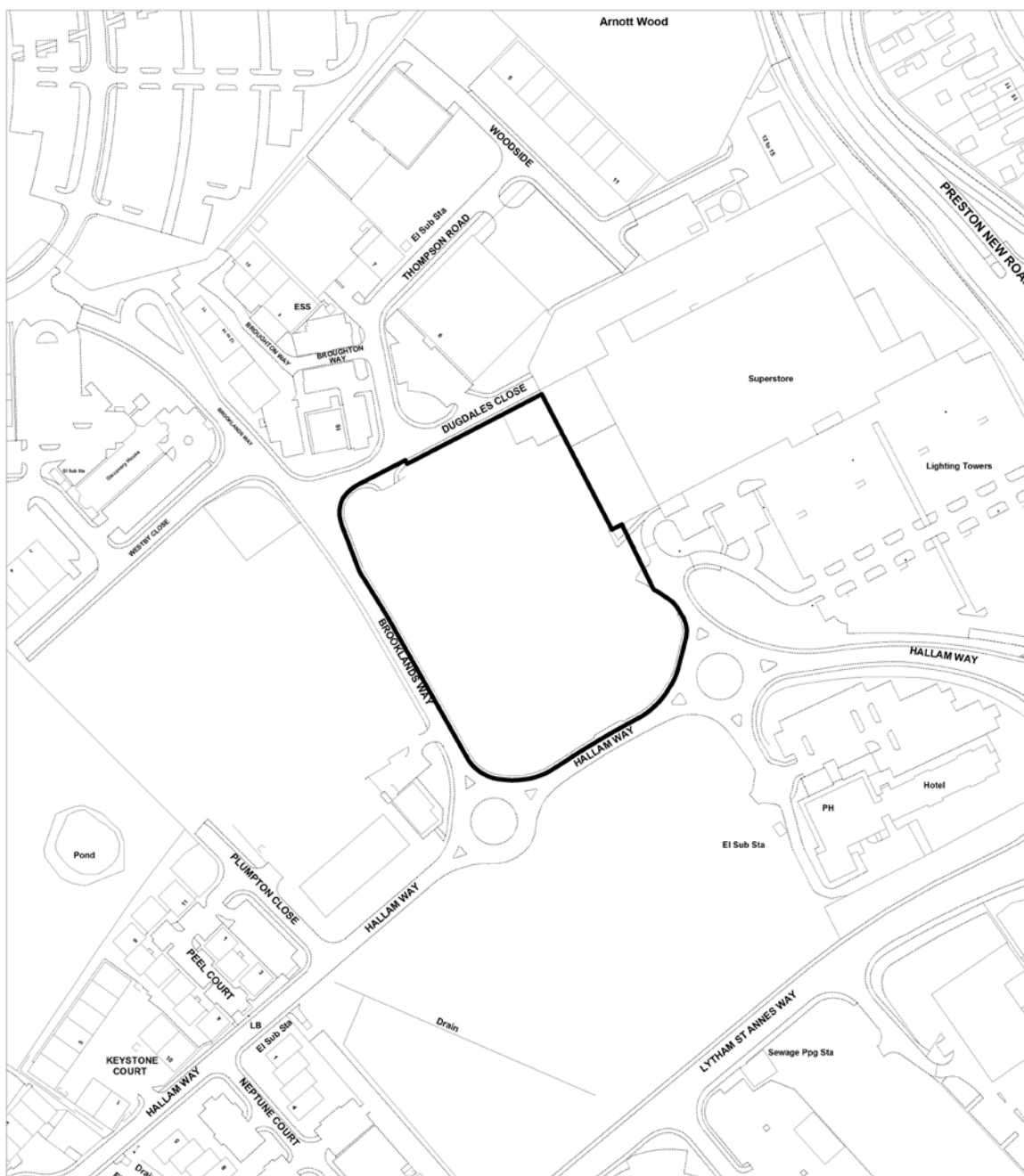
26. This consent relates to the following details:

Approved plans:

TO BE INSERTED ONCE FINAL LAYOUT AGREED WITH OFFICERS

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





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Application No. 5/17/0359	Address Site 3, Land at Dugdales Close/Brooklands Way/Hallam Way, Whitehills, Westby	Grid Ref. E.3350 : N.4331	Scale 0 10 20 30 40 m 

**Item Number:** 8

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0380	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr Shepherd	<b>Agent :</b>	Cassidy + Ashton Group Ltd.
<b>Location:</b>	3 QUEEN STREET, LYTHAM ST ANNES, FY8 5LQ		
<b>Proposal:</b>	REMOVAL OF PART OF EXISTING BOUNDARY WALL TO PROVIDE VEHICULAR ACCESS AND CREATION OF 1 NO. PARKING SPACE		
<b>Parish:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7362036,-2.9653313,170m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

This application seeks permission for the removal of part of a cobbled boundary wall and hedge to facilitate the creation of an off road parking space to a terraced property at the junction of Henry Street and Queen Street in Lytham. The property is Grade II listed and within the Town Centre Conservation Area.

The property forms part of a group of garden fronted town houses in a central location within the town which remain largely intact which contribute to the character and charm of this location.

The loss of cobble wall and provision of a parking space would be detrimental to the character and setting of this historic property and the character and appearance of the conservation area.

Whilst there are personal circumstances put forward by the applicant for the development it is considered that these do not outweigh the harm the proposal will result in, and for the reasons set out below the application fails to comply with policies of the local plan and aims of the NPPF. Accordingly the application is recommended for refusal by Members.

**Reason for Reporting to Committee**

The application is on this agenda at the request of Councillor Thomas as his views on the application are as expressed in brief below:

- a) plinth referred to in application is not mentioned in listing and is out of keeping with the rest of

- boundary wall
- applicant keeps the property in character with the area and space is required due to mobility problems
- Plinth has no historical value and will not cause substantial harm to the historical asset and therefore I must support the application.

### **Site Description and Location**

The application site is 3 Queen Street, Lytham. In particular the development refers to a two storey, terraced dwelling located on the north side of Queen Street at the junction with Henry Street with the frontage to both streets enclosed by a low boundary wall with sections constructed in a mix of brick and cobble with a privet hedge above.

The property is Grade II Listed and described as small town house, mid C19 of a modest Tudor domestic style and forms a group with no. 4 the adjoining property, and no.s 5 and 6 to the right, and with no.s 13 and 15 Henry Street adjoining to the rear.

The property is within Lytham Town Centre Conservation Area as designated on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Fylde Local Plan to 2032.

### **Details of Proposal**

This application seeks permission for the removal of part of the boundary wall and hedge to facilitate the creation of a parking space to be accessed from the Henry Street side of the dwelling.

The new opening will require the removal of a 5.1 metre length section of the existing cobble wall and its rebuilding, in brick, with a 1.2 metres section of wall either side of the new 2.7 metres opening, to allow access onto the existing stone paving for the parking of a vehicle. The height of wall is proposed at 780mm to match the height of the remaining brick wall around the perimeter of the property and the remaining section of hedge is shown as being retained.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0773	LISTED BUILDING CONSENT FOR REMOVAL OF PART OF EXISTING BOUNDARY WALL TO PROVIDE VEHICULAR ACCESS FROM HENRY STREET AND FORMATION OF HARDSTANDING PARKING SPACE	Withdrawn by Applicant	15/11/2016
06/0811	ERECTION OF SINGLE STOREY REAR EXTENSION	Granted	25/10/2006
06/0812	LISTED BUILDING CONSENT: ERECTION OF SINGLE STOREY REAR EXTENSION	Granted	23/10/2006
00/0034	LISTED BUILDING APPLICATION TO FORM DOORWAY IN SOUTH ELEVATION - RETROSPECTIVE	Granted	19/04/2000
90/0764	CHANGE OF USE DWELLING TO OFFICES.	Refused	07/11/1990
81/0756	DEMOLITION OF SECTION OF GARDEN WALL (LISTED BUILDING CONSENT).	Refused	14/10/1981

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
81/0756	DEMOLITION OF SECTION OF GARDEN WALL (LISTED BUILDING CONSENT).	Dismiss	05/11/1982
90/0764	CHANGE OF USE DWELLING TO OFFICES.	Allowed	27/01/1992

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

None applicable to the application site.

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

#### **Regeneration Team (Heritage)**

*"I have had a look at the site and the applicant (agents) Heritage Statement. It is appreciated that there may be issues relative to the applicant's personal circumstances/needs which might weigh in the balance but primarily, the impact of the development should be set against the status of the building as being listed and the site as located within this part of the designated Lytham Conservation Area. I have not rehearsed NPPF policy, PPG advice, Historic England guidance or local policy in respect of the Local Plan or Heritage Strategy. This is therefore a concluding summary.*

*The building is listed at Grade II. The wording in the entry is one of a description rather than an assessment of its significance. The building was constructed as a dwelling which, in combination with other buildings and terraces, is a principal constituent part of the conservation area – primarily garden fronted town houses set back modestly from the road frontage with intervening garden space. The garden space acts as a transition between the dwelling and the public highway and thereby forms part of the setting of the building and the corresponding garden frontages to the other dwellings, which do likewise. The semi-public space is an important features of the street scene and a characteristic of the immediate locality is the boundary definitions demarcated by low palisade walls and often with complimentary soft landscape features. The generally open fronted character of the frontage gardens with complimentary landscaping provides a significant aspect of the buildings historic character and setting.*

*The low palisade wall forms part of the curtilage and as such forms part of the listed building and so its removal would, require consent.*

*The low palisade walls and the complimentary hedging forms and attractive and containing sense of enclosure to the buildings and conversely to the street scene. When viewed from along the street the group forms a composite whole set within the frontage gardens and softened by landscaping. Though relatively low, the palisade walls demarcate the boundary along the street frontage and it is noted that there are other low walls elsewhere. This relationship forms part of the historical development and significance of the property within the group as a garden fronted town house. At the present time the frontages are free from intrusions and as such the pattern of historical development remains intact to the benefit of the listed building and as a feature within the conservation area.*

*The proposed gate piers though sensitively designed as such would interrupt the closed frontage thereby introducing a feature that was never intended to be part of the character of the property. The provision of the parking space would breach the walled frontage and of necessity result in the loss of some of the hedgerow to provide the opening and aid visibility. Whilst the hedgerow could in theory be removed, its established and manicured character suggests that it would remain in situ as it is an established feature.*

*The actual parking of a vehicle to the frontage would be detrimental to the character and setting of this historic property being an unfortunate intrusion of itself but also potentially obscuring open views of the property and its neighbours, thereby being detrimental to its setting. Likewise it would be detrimental to the broader character of the street scene which is an essential part of the defining character of this part of the conservation area. If this development were approved it would potentially justify similar proposals which would compound the problem. When a vehicle was absent from the site the 'opening up' of the frontage hardstanding would be visually detrimental to the character and appearance of the property and its setting.*

*The Listed Building Act requires special attention be paid to the impact of development on listed buildings and their setting. Similar considerations relate to development in conservation areas.*

*I do not agree that the public benefits i.e. the provision of a car parking space off street outweighs the impact of the development on the character of the listed building or the conservation area. The quoted paragraphs within the NPPF and the Local Plan rely on interpretation and judgement and do not purport to give weight in favour of this form of development. I do not agree that there would be a 'neutral impact'.*

*As outlined, there may be some personal reasons of the applicant as to why this development should be approved. However, the impact is considered unacceptable and the development if carried out would remain well after the personal circumstances of a particular applicant would be relevant.*

*In conclusion, the view is taken that the proposed development of itself and with its objective of the parking of a vehicle would be detrimental to the character of the listed building and the character and appearance of this part of the designated Lytham Conservation Area."*

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

*The Highway Development Control Section does not have any objections in principle to the proposed off road parking space, providing the applicant can address the issues regarding sight lines onto the footpath, as detailed in this report.*

*The sightlines from the new drive onto the rear of the footway to be 3m x 3m, measured from the centre of the drive. The sight line splays will require walls, fences, trees, hedges, shrubs, ground growth, structures etc. to have a maximum height of 1.0m above the height at the centre line of the adjacent carriageway.*

*They then refer to the need for the new vehicular access to be constructed by LCC as it is part of the adopted highway, and recommend conditions to secure that.*

### **Neighbour Observations**

<b>Neighbours notified:</b>	16 May 2017
<b>Site Notice Date:</b>	16 May 2017
<b>Press Notice Date:</b>	01 June 2017
<b>Number of Responses:</b>	1 letter received
<b>Summary of Comments:</b>	<ul style="list-style-type: none"><li>• we are grade II listed and area needs to remain</li><li>• we are losing history and character</li></ul>

### **Relevant Planning Policy**

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

SP01	Development within settlements
HL05	House extensions
EP03	Development within conservation areas
EP04	Alteration and adaptation of listed buildings

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

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV5	Historic Environment

#### **Other Relevant Guidance:**

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

#### **Site Constraints**

Listed Building
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**

#### **Principle**

The application site is located within the settlement area under Policy SP1 of the adopted Fylde Borough Local Plan, As Altered, October 2005, and Policy GD1 of the emerging Fylde Local Plan to 2032 (Submission Version). In these areas the principle of residential extensions and alterations is acceptable subject to the normal planning criteria as examined below with reference to other policies of the aforementioned plans and having regard to the aims of the National Planning Policy Framework (NPPF).

#### **Design and Appearance in Streetscene/Conservation Area**

The application property is an end terrace dwelling at the junction with Henry Street and Queen

Street in the centre of Lytham and as such is in a prominent location in the historic part of Lytham and within the Lytham Conservation Area and is statutory listed as Grade II. The property is important not just for its individual architectural merit and character but also for its group value associated with that of the neighbouring cottages adjoined that are also listed.

The English Heritage listing of the property provides a basic description which does not assess its significance other than to comment on its group value. The 'Heritage, Design and Access Statement' and the local Councillor have commented on the absence of a mention in the listing of the boundary features of this property, however, it is the whole of the property which is listed. The low palisade wall forms part of the curtilage and as such forms part of the listed building. As such it is important that any development is undertaken in a manner that is sensitive to the character of this part of the town and conservation area.

Looking at the elements of this proposal whilst there is a dropped kerb in the vicinity this is not opposite the proposed entrance. Notwithstanding this, the lowering of an additional kerb will not impact on the character of the area and setting of the listed building due to the minimalist nature of the works.

The creation of the access point by removal of a section of cobble wall and hedge to create an opening to the side of the property will have an impact on the appearance of the boundary of the property and the immediate character of the conservation area and the character and setting of the Listed Building. One of the key features of the conservation area and the Henry Street frontage in particular, is the use of continuous low walls, in many cases constructed in cobble. The cobble interest feature is also in evidence in the pavement along Queen Street and in the wider area the use of cobble is evident in boundary walls along perimeter of the former Lytham Hall estate.

There is discussion in the applicant's heritage statement that the wall is not original to the property. Notwithstanding this, the use of cobble is a fundamental element in the historic fabric of Lytham as there is no local stone and sea cobbles were gathered from the beach to be used as building materials. These were still being used in the mid-19th century and their use in buildings and boundary walls is characteristic throughout the town and is both distinctive and charming.

With the exception of no. 15a Henry Street no other property on Queen Street or Henry Street have off road parking spaces of the nature proposed in this application. Whilst permission was granted to provide a driveway and parking space no. 15a under application no. 13/0734 the property is a more modern property constructed in the 1970's which is not listed and which had originally an opening in the boundary wall. The granting of this application does not create a precedent for the current application as each application is required to be considered on its own merit.

This proposal to create the access and off road parking space will result in the loss of the section of boundary wall around the property which contains the sea cobble and will result in a harmful impact to the conservation area and listed building by way of the uncharacteristic break in the continuous boundary wall together with the loss of the historic and characterful feature cobble wall.

In addition the formation of the off road parking space within the curtilage area and its use for parking of vehicles is also a harmful element of the proposal.

As reported above there are few incidences of properties in this area with boundary walls and off road parking, notably no. 15a (see above). A few other properties have off road parking spaces but these are where these properties have a more open frontage without boundary walls. The proposed parking area will result in a vehicle being parked close to the side elevation of the listed

building and as a consequence will result in obscuring views of the property and its historic features and is not characteristic of the age and nature of this historic cottage or the garden frontages of those of its neighbours and as a consequence is not in keeping with the wider streetscene, character and appearance of the Lytham Conservation Area and the setting of the Grade II Listed Building.

Taken together the proposals fails to comply with the requirements of criteria 1 of Policy HL5, and Policy GD7 and those of Policies EP3, EP4 and ENV5 of the local plans referred to.

#### Relationship to Neighbours

Due to the nature of the proposal there will be no direct impact to the amenities of the neighbouring properties. As the proposal is for minor works to the existing boundary of the property and the kerb and no other works are proposed. As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria 2 of Policy HL5, and Policy GD7.

#### Parking and Access Arrangements

The proposal provides an off road parking space for the property. It is accepted that parking would be of benefit to the property and the applicant given the town centre location and local parking pressures and the applicant's mobility issues.

The applicant suffers from some mobility problems since a road traffic accident in 1996, which are outlined in a supporting letter from the applicant's Doctors and frequently has to park elsewhere in the town and walk to the property. The highway has restricted parking with a single yellow line outside the property, limiting parking outside the hours 9 am to 6 pm, blue badge holders can park in certain circumstances for limited periods however, the applicant is not registered disabled.

Whilst LCC Highway Engineers have not objected to the scheme on highway grounds, this view and the needs of the applicant/current occupier of the property do not override the harm caused to the setting of the Listed Building and the character of the conservation area as a result of this proposal.

#### Other Matters

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

#### Conclusion

The application relates to the creation of an access and provision of an off road parking space at a dwelling in the centre of Lytham along with the removal of a section of cobble boundary wall.

Having viewed the proposal and assessed the issues raised, it is considered that the proposal is unacceptable due to the harmful impact of the development on the character and appearance of the conservation area and setting of the listed building as a consequence of the opening up of the continuous boundary wall, loss of cobble feature and the close parking of a vehicle to the side elevation of a Grade II listed building.

It is concluded that the proposal is in conflict with HL5, EP3 and EP4 of the Fylde Borough Local Plan, and Policy GD7 and ENV5 of the Fylde Local Plan to 2032 and the aims of the NPPF in particular paragraphs 126-141 as the development neither conserves nor enhances the historic environment. Accordingly, the application is recommended for refusal.

#### Recommendation




That Planning Permission be REFUSED for the following reason:

1. The development proposed involves the demolition of a length of low, cobble, boundary wall to the property to enable the provision of a vehicle access and parking area in the side garden to this Grade II listed dwelling. This wall is an historic boundary feature to the Lytham Conservation Area and as such the loss of cobble section and formation of a break in the wall will detract from the strong positive contribution that this wall, and the many others that form boundaries to other dwellings in the area, form. This will be a harmful impact to the character of the streetscene and to the contribution and sense of enclosure that the unbroken wall makes to the conservation area and the setting of the listed building. Furthermore, the provision of an off road parking space in the side garden area and its use for parking of vehicles will obscure the interest features of the listed building and compound the harm caused.

The provision of an off-street parking space will not be of such a benefit to outweigh these harmful impacts, and so the harm to the significance of the heritage asset and to the character of the streetscene is such that the application is contrary to Policies HL5, EP3 and EP4 of the Fylde Local Plan, as altered (October 2005) and Policies GD7 and ENV5 of the submission version of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



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Application No. 5/17/0380	Address 3 Queen Street, Lytham St Annes	Grid Ref. E.3364 : N.4270	Scale 0 5 10 15 20 m 

**Item Number:** 9

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0381	<b>Type of Application:</b>	Listed Building Consent
<b>Applicant:</b>	Mr Shepherd	<b>Agent :</b>	Cassidy + Ashton Group Ltd.
<b>Location:</b>	3 QUEEN STREET, LYTHAM ST ANNES, FY8 5LQ		
<b>Proposal:</b>	LISTED BUILDING CONSENT FOR REMOVAL OF PART OF EXISTING BOUNDARY WALL TO PROVIDE VEHICULAR ACCESS FROM HENRY STREET AND FORMATION OF HARDSTANDING PARKING SPACE		
<b>Parish:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7362036,-2.9653313,170m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

This application seeks Listed Building consent for the removal of part of a cobbled boundary wall and hedge to facilitate the creation of an off road parking space at no. 3 Queen Street, Lytham. The property is a terraced dwelling situated at the Junction of Henry Street and Queen Street, Lytham and is Grade II listed and within the Town Centre Conservation Area.

The property forms part of a group of garden fronted town houses in a central location within the town which remain largely intact which make a positive contribute to the character and charm of this location.

The loss of cobble wall and provision of a parking space would be detrimental to the character and setting of this historic property and the character and appearance of the conservation area.

Whilst there are personal circumstances put forward by the applicant for the development it is considered that these do not outweigh the harm the proposal will result in and for the reasons set out below the application fails to comply with policies of the local plan and aims of the NPPF. Accordingly the application is recommended for refusal by Members.

**Reason for Reporting to Committee**

The application is on this agenda at the request of Councillor Thomas as his views on the application are as expressed in brief below:

- plinth referred to in application is not mentioned in listing and is out of keeping with the rest of boundary wall

- applicant keeps the property in character with the area and space is required due to mobility problems
- Plinth has no historical value and will not cause substantial harm to the historical asset and therefore I must support the application.

### **Site Description and Location**

The application site is 3 Queen Street, Lytham. In particular the development refers to a two storey, terraced dwelling located on the north side of Queen Street at the junction with Henry Street with the frontage to both streets enclosed by a low boundary wall with sections constructed in a mix of brick and cobble with a privet hedge above.

The property is Grade II Listed and described as small town house, mid C19 of a modest Tudor domestic style and forms a group with no. 4 the adjoining property, and no.s 5 and 6 to the right, and with no.s 13 and 15 Henry Street adjoining to the rear.

The property is within Lytham Town Centre Conservation Area as designated on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Fylde Local Plan to 2032.

### **Details of Proposal**

This application seeks Listed Building Consent for the removal of part of the boundary wall and hedge to facilitate the creation of a parking space to be accessed from the Henry Street side of the dwelling.

The new opening will require the removal of a 5.1 metre length section of the existing cobble wall and its rebuilding, in brick, with a 1.2 metres section of wall either side of the new 2.7 metres opening, to allow access onto the existing stone paving for the parking of a vehicle. The height of wall is proposed at 780mm to match the height of the remaining brick wall around the perimeter of the property and the remaining section of hedge is shown as being retained.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0773	LISTED BUILDING CONSENT FOR REMOVAL OF PART OF EXISTING BOUNDARY WALL TO PROVIDE VEHICULAR ACCESS FROM HENRY STREET AND FORMATION OF HARDSTANDING PARKING SPACE	Withdrawn by Applicant	15/11/2016
06/0811	ERECTION OF SINGLE STOREY REAR EXTENSION	Granted	25/10/2006
06/0812	LISTED BUILDING CONSENT: ERECTION OF SINGLE STOREY REAR EXTENSION	Granted	23/10/2006
00/0034	LISTED BUILDING APPLICATION TO FORM DOORWAY IN SOUTH ELEVATION - RETROSPECTIVE	Granted	19/04/2000
90/0764	CHANGE OF USE DWELLING TO OFFICES.	Refused	07/11/1990
81/0756	DEMOLITION OF SECTION OF GARDEN WALL (LISTED BUILDING CONSENT).	Refused	14/10/1981

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
81/0756	DEMOLITION OF SECTION OF GARDEN WALL (LISTED BUILDING CONSENT).	Dismiss	05/11/1982
90/0764	CHANGE OF USE DWELLING TO OFFICES.	Allowed	27/01/1992

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

None applicable to the application site.

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

#### **Regeneration Team (Heritage)**

*"I have had a look at the site and the applicant (agents) Heritage Statement. It is appreciated that there may be issues relative to the applicant's personal circumstances/needs which might weigh in the balance but primarily, the impact of the development should be set against the status of the building as being listed and the site as located within this part of the designated Lytham Conservation Area. I have not rehearsed NPPF policy, PPG advice, Historic England guidance or local policy in respect of the Local Plan or Heritage Strategy. This is therefore a concluding summary.*

*The building is listed at Grade II. The wording in the entry is one of a description rather than an assessment of its significance. The building was constructed as a dwelling which, in combination with other buildings and terraces, is a principal constituent part of the conservation area – primarily garden fronted town houses set back modestly from the road frontage with intervening garden space. The garden space acts as a transition between the dwelling and the public highway and thereby forms part of the setting of the building and the corresponding garden frontages to the other dwellings, which do likewise. The semi-public space is an important features of the street scene and a characteristic of the immediate locality is the boundary definitions demarcated by low palisade walls and often with complimentary soft landscape features. The generally open fronted character of the frontage gardens with complimentary landscaping provides a significant aspect of the buildings historic character and setting.*

*The low palisade wall forms part of the curtilage and as such forms part of the listed building and so its removal would, require consent.*

*The low palisade walls and the complimentary hedging forms and attractive and containing sense of enclosure to the buildings and conversely to the street scene. When viewed from along the street the group forms a composite whole set within the frontage gardens and softened by landscaping. Though relatively low, the palisade walls demarcate the boundary along the street frontage and it is noted that there are other low walls elsewhere. This relationship forms part of the historical development and significance of the property within the group as a garden fronted town house. At the present time the frontages are free from intrusions and as such the pattern of historical development remains intact to the benefit of the listed building and as a feature within the conservation area.*

*The proposed gate piers though sensitively designed as such would interrupt the closed*

*frontage thereby introducing a feature that was never intended to be part of the character of the property. The provision of the parking space would breach the walled frontage and of necessity result in the loss of some of the hedgerow to provide the opening and aid visibility. Whilst the hedgerow could in theory be removed, its established and manicured character suggests that it would remain in situ as it is an established feature.*

*The actual parking of a vehicle to the frontage would be detrimental to the character and setting of this historic property being an unfortunate intrusion of itself but also potentially obscuring open views of the property and its neighbours, thereby being detrimental to its setting. Likewise it would be detrimental to the broader character of the street scene which is an essential part of the defining character of this part of the conservation area. If this development were approved it would potentially justify similar proposals which would compound the problem. When a vehicle was absent from the site the 'opening up' of the frontage hardstanding would be visually detrimental to the character and appearance of the property and its setting.*

*The Listed Building Act requires special attention be paid to the impact of development on listed buildings and their setting. Similar considerations relate to development in conservation areas.*

*I do not agree that the public benefits i.e. the provision of a car parking space off street outweighs the impact of the development on the character of the listed building or the conservation area. The quoted paragraphs within the NPPF and the Local Plan rely on interpretation and judgement and do not purport to give weight in favour of this form of development. I do not agree that there would be a 'neutral impact'.*

*As outlined, there may be some personal reasons of the applicant as to why this development should be approved. However, the impact is considered unacceptable and the development if carried out would remain well after the personal circumstances of a particular applicant would be relevant.*

*In conclusion, the view is taken that the proposed development of itself and with its objective of the parking of a vehicle would be detrimental to the character of the listed building and the character and appearance of this part of the designated Lytham Conservation Area."*

### **Neighbour Observations**

<b>Neighbours notified:</b>	15 May 2017
<b>Site Notice Date:</b>	16 May 2017
<b>Press Notice Date:</b>	01 June 2017
<b>Number of Responses</b>	1 letter received
<b>Summary of Comments</b>	<ul style="list-style-type: none"><li>• we are grade II listed and area needs to remain</li><li>• we are losing history and character</li></ul>

### **Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP01	Development within settlements
HL05	House extensions
EP03	Development within conservation areas
EP04	Alteration and adaptation of listed buildings

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

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV5	Historic Environment

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

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

#### **Site Constraints**

Listed Building  
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**

This application seeks permission for the removal of part of the boundary wall and hedge to facilitate the creation of a parking space to be accessed from the Henry Street side of the dwelling.

#### **Background**

The listing for the property describes it as:

*"Small town house. Mid C19, altered. Red brick in Flemish bond, with sandstone dressings and slate roof. Double-depth double-fronted plan with back extension; on corner site with south side to Henry Street. Modest Tudor domestic style. Two storeys and 3 windows, symmetrical except for added canted bay window to the right; central doorway with stone surround and label; a 3 - light mullion-and-transom window to the left and 3 above, all with stone surrounds and labels, high transoms and all horizontal glazing bars in each light; a later C19 canted bay window to right with 4-pane sashes. The left gable wall has an original canted bay window at ground floor with mullion-and-transom glazing like those at the front, and the back extension has one window on each floor like those at the front (the upper with the left light blocked, and an inserted C20 window to the left). Forms group with No. 4 (adjoining, g.v.) and Nos 5 and 6 to the right (g.v), and with Nos 13 and 15 Henry Street adjoining to the rear (g.v)."*

#### **Policies**

The application site refers to a Grade II listed property within one of the main settlements and designated as Lytham Conservation area.

Policies SP1, HL5, EP3 and EP4 of the Fylde Borough Local Plan, as altered (October 2005) are

relevant to this application together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are the principles discussed below.

The NPPF, in particular paragraph 132 refers to designated heritage assets and states ...*"significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably schedule monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade 1 and II\* registered parks and gardens and World Heritage Sites should be wholly exceptional"*.

The principles are embodied in Policy EP4 of the local plan which states *"Changes of use, external or internal alterations or additions to a listed building, where there would be an adverse effect on its architectural or historic character or where the development would prejudice its setting will not be permitted"* and in Policy HL5 which requires that *"the proposal in terms of its scale, design and external appearance is in keeping with the existing building and does not adversely affect the street scene"* - criterion 1.

#### Impact on visual amenity & character

The English Heritage listing of the property provides a basic description which does not assess its significance other than to comment on its group value. The 'Heritage, Design and Access Statement and the local Councillor have commented on the absence of a mention in the listing of the boundary features of this property however, it is the whole of the property which is listed. The low palisade wall forms part of the curtilage and as such forms part of the listed building. As such it is important that any development is undertaken in a manner that is sensitive to the character of this part of the town and conservation area.

One of the key features of the conservation area and the Henry Street frontage in particular, is the use of continuous low walls, in many cases these are constructed using cobble. The cobble interest feature is also in evidence in the pavement along Queen Street and its use is much in evidence in boundary walls and pavements in other parts of the town.

There is discussion in the applicant's heritage statement that the wall is not original to the application property. Notwithstanding this, the use of cobble is a fundamental element in the historic fabric of Lytham as there is no local stone and sea cobbles were gathered from the beach to be used as building materials. These were still being used in the mid-19th century and their use in buildings and boundary walls is characteristic throughout the town and is both distinctive and charming.

Whilst permission was granted to provide a driveway and parking space at no. 15a Henry Street under application no. 13/0734 this property is a more modern property constructed in the 1970's which is not listed and originally had an opening in the boundary wall and is not of the same character and historical importance as the application property. The granting of this application does not create a precedent for the current application as each application is required to be considered on its own merit.

This proposal to create the access and off road parking space will result in the loss of the section of boundary wall around the property which contains the sea cobble and will result in a harmful impact



to the conservation area and listed building by way of the uncharacteristic break in the continuous boundary wall together with the loss of its historic and characterful feature cobble wall.

In addition the formation of the off road parking space within the curtilage area and its use for parking of vehicles is also a harmful element of the proposal as the proposed parking area will result in a vehicle being parked close to the side elevation of the listed building and as a consequence will result in obscuring views of the historic features of the property. A parking space is not characteristic of the age and nature of this historic cottage or its garden frontage and those of its neighbours. As a consequence it is not in keeping with the wider streetscene and is detrimental to character and appearance of the Lytham Conservation Area and the setting of the Grade II Listed Building.

Taken together the proposals fails to comply with the requirements of Policies EP4 and ENV5 of the local plans referred to and the aims of the National Planning Policy Framework.

### **Conclusions**

The Listed Building Act requires special attention be paid to the impact of development on listed buildings and their setting. Similar consideration relate to development in conservation areas.

The National Planning Policy Framework (NPPF) refers to heritage matters and the consideration of planning applications in respect to Listed Buildings and Conservation Areas. In particular paragraph 131 requires that:

*In determining planning applications, local planning authorities should take account of:*

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *The desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 134 states:

- *Where a development proposal will lead to harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

Having viewed the proposal and assessed the issues raised, it is considered that the proposal is unacceptable due to the harmful impact of the development on the character and appearance of the conservation area and setting of the listed building as a consequence of the opening up of the continuous boundary wall, loss of cobble feature and the close parking of a vehicle to the side elevation of a Grade II listed building.

The development neither conserves or enhances the appearance and character of the listed building and conservation area and provides no public benefits consequently it is concluded that the proposal is in conflict with Policies EP4/ENV5 of the local plans and the aims of the NPPF and is therefore recommended for refusal.

## **Recommendation**

That Listed Building Consent be REFUSED for the following reason:

1. The development proposed involves the demolition of a length of low, cobble, boundary wall to the property to enable the provision of a vehicle access and parking area in the side garden to this Grade II listed dwelling. This wall is an historic boundary feature to the Lytham Conservation Area and as such the loss of cobble section and formation of a break in the wall will detract from the strong positive contribution that this wall, and the many others that form boundaries to other dwellings in the area, form. This will be a harmful impact to the character of the streetscene and to the contribution and sense of enclosure that the unbroken wall makes to the conservation area and the setting of the listed building. Furthermore, the provision of an off road parking space in the side garden area and its use for parking of vehicles will obscure the interest features of the listed building and compound the harm caused.

The provision of an off-street parking space will not be of such a benefit to outweigh these harmful impacts, and so the harm to the significance of the heritage asset and to the character of the streetscene is such that the application is contrary to Policy EP4 of the Fylde Local Plan, as altered (October 2005) and Policy ENV5 of the submission version of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



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Application No. 5/17/0381	Address 3 Queen Street, Lytham St Annes	Grid Ref. E.3364 : N.4270	Scale 0 5 10 15 20 m 

**Item Number:** 10

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0404	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Mr Mark Bamforth	<b>Agent :</b>	
<b>Location:</b>	65 WARTON STREET, LYTHAM ST ANNES, FY8 5DG		
<b>Proposal:</b>	CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO MIXED USE OF RETAIL / BEAUTY SALON (SUI GENERIS)		
<b>Parish:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	6	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.737973,-2.9506683,85m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This application seeks permission for the change of use of the former Warton Street Post Office in Lytham to a mixed use for retail sales (A1 use) and use as a beauty salon (Sui Generis use). No physical external alterations are proposed to the building which is located in an area of predominantly terraced dwellings in the settlement area but outside of any town centre or conservation area designations.

It is considered that the proposed uses are acceptable and appropriate for the area without impact on the character of the area and neighbour amenity. Accordingly the scheme is consistent with Policies SP1, EMP3 of the adopted local plan and Policies GD1 and EC2 of the submission version of the emerging local plan, and the aims of the National Planning Policy Framework. The application is therefore recommended for approval by Members.

**Reason for Reporting to Committee**

The application is on the agenda as the applicant is a Councillor and under the council's scheme of delegation such applications are to be determined by Committee.

**Site Description and Location**

The application site is 65 Warton Street Lytham. In particular the site is on the north side of Warton Street at the junction with West Cliffe and is a former Post Office.

The premises have recently been sub-divided into two units with the unit fronting Warton Street operating as a clothes store with the rear unit, along the West Cliffe frontage, currently vacant. This subdivision is not development that requires planning permission.

The property has a flat at first floor level and is located in an area which is primarily residential with some commercial use.

The site is within the settlement of Lytham St. Annes as designated on the Fylde Borough Local Plan, as altered (October 2005) and this is carried forward in the submission version of the Fylde Local Plan to 2032.

### **Details of Proposal**

This application seeks permission for a change of use of the whole of the premises from its previous Post Office use which is a retail use in Class A1 of the Use Classes Order, to a mixed use as a beauty salon (which is a '*Sui Generis*' use) combined with continued Class A1 retail sales.

No external changes to the building are proposed to facilitate the change of use.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
91/0017	ERECT PART SINGLE STOREY PART TWO STOREY REAR EXTENSION	Granted	27/02/1991
90/0560	2 STOREY REAR EXTENSION AND NEW SINGLE STOREY LEAN-TO	Granted	15/08/1990

### **Relevant Planning Appeals History**

None

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

None applicable for this area.

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

None

### **Neighbour Observations**

<b>Neighbours notified:</b>	14 June 2017
<b>Site Notice Date:</b>	16 June 2017
<b>Number of Responses</b>	None received

### **Relevant Planning Policy**

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

SP01	Development within settlements
EMP3	Business & industrial uses outside defined area

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

GD1	Settlement Boundaries
EC2	Employment Opportunities

**Other Relevant Policy:**

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

**Site Constraints****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 application seeks permission for the change of use of the former post office to a mixed use for retail sale and beauty.

**Policies**

The policies relevant to this application are Policies SP1 of the Fylde Borough Local Plan and Policy GD1 of the Fylde Local Plan to 2032, both of which seek to direct development to settlement areas. As this application is for a property within one of the main settlements in the borough this policy is therefore satisfied.

Policy EMP3 of the FBLP and Policy EC2 of the FLP32 are also relevant. The main issues are:

- The site is suitably related to the highway network;
- In the case of uses likely to employ large numbers of people, the site is well served or is capable of being well served by public transport;
- The proposal would not prejudice the amenities of adjacent residential areas;
- The proposal would not conflict with the other policies of the plan;
- The proposal is of a scale appropriate to the character, location and setting of the area and is otherwise acceptable in environmental terms.

**Highway network**

The site is on an arterial route into the centre of Lytham, with good links to public transport. The proposed change of use will not have any impact on the surrounding highway network.

**Employment**

It is anticipated that the business will only employ small numbers of staff, with the application advises an increase of one over the existing employee. This is not of such significance that it could conceivable harm surrounding residential amenity or cause congestion through staff /customer parking.

**Impact on neighbours**

As previously reported the property has previously been in use as a post office which generated significant numbers of customers during the day. The proposed use will substantially reduce the noise and disturbance generated as a result of the nature of the proposed use.

**The impact to the character of the area**

The proposal does not include any changes to the external appearance of the building. Whilst the

general area is mainly residential there are other commercial properties evident on West Cliff. The nature of both aspects of the business are considered acceptable and appropriate for the location and character of the area.

The proposal is not in conflict with any other policies of the plans.

### **Conclusions**

The proposed change of use is considered acceptable to the character and appearance of this part of Lytham and it is considered that there will be no detrimental impact. There will be no impact to neighbouring amenity. Taking the above matters into account it is considered that the proposal complies with Policies SP1 and EMP3 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD1 and EC2 of the submission version of the Fylde Local Plan to 2032 and the aims of the NPPF. Consequently the application is recommended for approval by Members.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

- Location Plan - FBC Ordnance Survey 100006084

Reason: To provide clarity to the permission.



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Application No. 5/17/0404	Address 65 Warton Street, Lytham St Annes	Grid Ref. E.3372 : N.4272	Scale 0 5 10 15 20 m



**Item Number:** 11

**Committee Date:** 26 July 2017

<b>Application Reference:</b>	17/0435	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mythop Gardens Limited	<b>Agent :</b>	Thomas Associates Architects
<b>Location:</b>	ASHTONS NURSERY GARDENS, MYTHOP ROAD, LYTHAM ST ANNES, FY8 4JP		
<b>Proposal:</b>	RESUBMISSION OF APPLICATION 16/0413 FOR ERECTION OF 12 DWELLINGS WITH ASSOCIATED ACCESS FROM MYTHOP ROAD		
<b>Parish:</b>	ST JOHNS	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.7428918,-2.9501712,341m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

This application is a re-submission of 16/0413, which went before the Planning Committee on 07 December 2017 where it was resolved to grant permission subject to the completion of a s106 agreement to deliver off site affordable housing and financial contributions towards off site public open space. Following that meeting the council became aware that incorrect landownership details had been provided on the application form for 16/0413. As such a final decision could not lawfully be brought forward and the application was withdrawn. The proposal has now been re-submitted as this application, with correct land ownership details now included but all other details remaining the same.

The proposal involves the redevelopment of a now vacant site in Lytham that was formerly in use as a garden centre. The site is located within the settlement where development is supported and is previously developed land that has residential properties on one side, Lytham YMCA directly opposite, and allotments to the remaining two sides. The principle of housing on the site has previously been established by an outline planning permission (ref. 07/1264) that was granted on 26 November 2013 and which at the time of writing remained extant. The design, scale, access and layout arrangements proposed by this application are considered acceptable. Accordingly the proposal is considered to be in compliance with the relevant policies of the Fylde Borough Local Plan and the guidance in the NPPF, and is recommended for approval.

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

The proposal involves major development, and as officers are in support of the proposal it must be determined at Committee.

### **Site Description and Location**

The application site is a Garden Centre with associated buildings and car parking on the south side of Mythop Road, within the settlement of Lytham. The site is generally rectangular, with a 70 metre frontage onto Mythop Road and a depth of 38 metres, and a small 'dog leg' area of land in the south east corner that runs along the rear of No's 2 to 6 Whitecoats Drive. The site is approximately 0.39 hectares in area. Adjoining the site to the south and the west are allotments, to the east are the rear gardens of houses on Whitecoats Drive, and directly on the opposite side of Mythop Road is Lytham YMCA sports ground.

### **Details of Proposal**

This application is a re-submission of 16/0413, which went before the Planning Committee on 07 December 2017 where it was resolved to grant permission subject to the completion of a s106 agreement to deliver off site affordable housing and financial contributions towards off site public open space. Following that meeting the council became aware that incorrect landownership details had been provided on the application form for 16/0413. As such a final decision could not lawfully be brought forward and the application was withdrawn. The proposal has now been re-submitted as this application, with correct land ownership details now included but all other details remaining the same. The description of the proposal is as follows:

This application seeks full planning permission for the demolition of the existing garden centre buildings and the construction of 12 dwellings. These would comprise of 3x four bedroomed detached dwellings (with integral garages), 4x four bedroomed town houses (with integral garages), and a terrace of 5x four bedroomed town houses (with integral garages). All dwellings would be three storeys high. The three detached dwellings would be arranged to form a small courtyard area, accessed from a new access formed from Mythop Road, and the remaining houses would be accessed individually from Mythop Road via driveways and dropped kerbs.

### **Relevant Planning History**

Application No.	Development	Decision	Date
16/0413	RESIDENTIAL DEVELOPMENT CONSISTING OF 12 DWELLINGS WITH ASSOCIATED GARAGES FOLLOWING THE DEMOLITION OF THE EXISTING GARDEN CENTRE AND ASSOCIATED BUILDINGS	Withdrawn by Applicant	17/05/2017
07/1264	OUTLINE APPLICATION - DEMOLITION OF EXISTING GARDEN CENTRE & REDEVELOPMENT FOR RESIDENTIAL PURPOSES	Granted	26/11/2013

Previous planning history relates to garden centre use that has now ceased and is not relevant to this scheme.

### **Relevant Planning Appeals History**

None

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

N/A

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

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

There are no highway objections to the principle of the development.

The developer has submitted a Transport Statement (TS) in support of this application.

Mythop Road has a good road safety record with only 1 injury accident in the vicinity of the development site within the last 5 years. The level of traffic generated by the development is unlikely to have a material impact of the good road safety record.

The development site is reasonable well service by public transport with services to Preston and Blackpool, with bus stops within 150m of the site. These bus stops do not provide raised boarding areas, which we expect to be provided to improve accessibility at these stops for a wider range of users.

I am satisfied that the proposed access arrangements are satisfactory as is the layout of the development and the parking arrangements.

### **United Utilities - Water**

United Utilities have submitted a generic response that refers to the attachment of their standard conditions relating to separation of foul and surface water, and submission of a surface water drainage scheme based on the hierarchy of drainage options. This differs to the response to the original application which required the development to be carried out in accordance with the details contained in the submitted Hamilton Technical Services Drainage Strategy Report. Given that these drainage details remain unchanged for this proposal it is considered that a condition requiring the report's implementation is appropriate.

### **Environment Agency**

No objection to the principle of the development subject to a condition to enforce the details of the implementation of the development and flood risk mitigation contained in the submitted Flood Risk Assessment.

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

No comments have been received at the time of writing however no objections were raised to the same proposal under 16/0413 subject to a condition that requires the development to be undertaken in accordance with the submitted FRA and the mitigation measures contained within it. They also suggest a series of standard conditions to ensure that the development is appropriately drained and that the drainage arrangements are maintained.

### **Strategic Housing**

*This is a brown field site in a central location and we would request affordable housing is provided on the site under the normal arrangements of 30%. Lytham is an area with limited new supply of affordable housing. Tenure and property size can be agreed at a later stage.*

### **Electricity North West**

Have considered the above planning application and find it could have an impact on their infrastructure as it is adjacent to a distribution cable. They provide advice on the

operational and safety measures that will need to be complied with to implement the development safely and successfully, but do not raise objection.

#### **Lancashire County Council School Planning Team**

An education request for 5 primary school place totalling £71,086.55 and 2 secondary school places totalling £42,846.54 has been made due to identified shortfalls of local education provision in future years around the development site.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	31 May 2017
<b>Site Notice Date:</b>	16 June 2017
<b>Press Notice Date:</b>	15 June 2017
<b>Number of Responses</b>	Two
<b>Summary of Comments</b>	Concerns raised over the following: <ul style="list-style-type: none"><li>• The adequacy of surface water drainage for the site and the surrounding locale as a whole</li><li>• Request that the fence adjoining Mythop Road Allotments be 8 feet in height, that no water be drained onto the allotments, and replacement of any trees removed on the allotments side of the boundary fence that may be removed during construction</li></ul>

#### **Relevant Planning Policy**

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

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates

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

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
H4	Affordable Housing

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

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

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

##### **Principle of residential development**

The site is located within an urban area of the settlement of Lytham and as such the development of the site for a residential use is acceptable in principle.

### Design and Layout

The density and layout is in keeping with existing neighbouring residential development along Mythop Road. The design and scale of the dwellings is not considered to be inappropriate, with plots 11 and 12 providing an acceptable visual transition to the 2 storey dwellings immediately adjacent to the east of the site. The predominant material to be used in the development is red brick which accords with the wider area. Overall the design of the dwellings is considered to be good quality and acceptable in scale relative to the area within which the site is located.

### Impact on residential amenity

The nature of the surrounding land uses is such that the only dwellings potentially affected by the proposal are located on Whitecoats Drive and whose rear gardens back onto the application site. The occupiers of No's 2 and 4 Whitecoats Drive have raised concerns regarding overlooking and overshadowing from plot 12 of the proposed scheme. However since these concerns were initially raised the proposed site layout has been revised with plot 12's dwelling moved further forward towards Mythop Road. As a consequence the relative positions between the proposed and existing dwellings is such that overlooking and overshadowing are, in this officer's opinion, no longer considered to be a concern.

### Highways, access and parking

LCC Highways have raised no objections to the scheme and indicate there are no major concerns but request 2 bus stops to be upgraded as part of the development. These upgrades could be obtained via a s278 agreement and secured by planning condition.

### Flood risk and drainage

The application site is located within a flood zone 3 area. Neighbour comments to the development have raised the concern that residential development of this land would exacerbate existing flood issues. A Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency and the Lancashire County Council Flood Risk Management Team have been consulted on the proposed scheme and the FRA, and both are satisfied that the proposed development would be safe and the site and wider locale would not be at an unacceptable risk of flooding or exacerbate the flood risk elsewhere, provided that any subsequent development proceeds in accordance with the recommendations of the FRA.

United Utilities have been consulted on the submitted Drainage Strategy and are satisfied with the proposals to restrict surface water flows to 10 litres per second and to connect to the existing combined sewer in Mythop Road.

### Public open space and section 106 contributions

The proposal is such that policy TREC17 of the Fylde Borough Local Plan and policy ENV4 of the emerging local plan require the provision of public open space (POS). The nature of the site is such that the provision of on-site POS is not considered to be appropriate hence a financial contribution towards the maintenance and improvement of nearby POS is considered to be appropriate. There are two POS areas within easy walking distance of the site; these being Green Drive and Park View Avenue. The level of contributions has yet to be determined and would be the subject of a s106 agreement.

This application has also resulted in a request for a contribution towards education contributions from LCC. No such contributions were requested by LCC for the previous submission (16/0413) which the planning committee resolved to approve. Given that previous situation and resolution it is not believed that contributions could now be reasonably requested for this application.

### Affordable housing

The proposed 12 dwellings exceeds the threshold of 10 dwellings set in policy H4 of the emerging local plan (to 2032) over which a proposal should include provision for 30% on site affordable housing. This has been raised with the applicant who has proposed that any affordable housing requirement is met by an off-site contribution. This is considered to be an appropriate way forward given the scale of properties and their location would make them less suited for providing on-site affordable housing.

Discussions over the nature and location of this off-site affordable housing are on-going with the applicant, but would be expected to meet the 30% policy requirement from this development. As these discussions are on-going and would need to be secured by a s106 agreement it is appropriate for the decision on the application to be delegated to officers to approve on completion of this agreement. The previous agenda report in December 2016 proposed that this affordable housing contribution be delivered within the borough, but Committee revised that to require its provision within Lytham. The recommendation to this Committee will reflect the position agreed previously.

### Conclusions

The proposal involves the redevelopment of a now vacant site in Lytham that was formerly in use as a garden centre. The site is located within the settlement where development is supported and is previously developed land that has residential properties on one side, Lytham YMCA directly opposite, and allotments to the remaining two sides. The principle of housing is acceptable and the design, scale, access and layout arrangements proposed are considered acceptable. Accordingly the proposal is considered to be in compliance with the relevant policies of the Fylde Borough Local Plan and the guidance in the NPPF, and is recommended for approval.

### Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning and Regeneration subject to the following conditions (or any variation to them that are considered necessary by the Head of Planning and Regeneration in the light of considerations that arise between the Committee date and the issuing of a planning permission), and the satisfactory completion of a s106 agreement to secure:

- Provision of a scheme to deliver a fair and proportionate contribution towards affordable housing provision in Lytham through the delivery of an appropriate off site scheme of affordable housing by the applicant
- A proportionate and viable financial contribution towards securing off site public open space, or the improvement of existing space.

Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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

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

2. This consent relates to the following details:

Approved plans:

- Location Plan - Dwg no. 2593/01
- Site Plan - Dwg no. 2593/03P
- Roof Plan - Dwg no. 2593/11P
- Site Survey - Dwg no. 2593/02E
- Site Levels - Dwg no. 2593/04P
- Floor Plans & Elevations (1) - Dwg no. 2593/05P
- Floor Plans & Elevations (2) - Dwg no. 2593/06P
- Floor Plans & Elevations (3) - Dwg no. 2593/07P
- Floor Plans & Elevations (4) - Dwg no. 2593/08P
- Floor Plans & Elevations (5) - Dwg no. 2593/09P
- Floor Plans & Elevations (1) - Dwg no. 2593/12P
- Site Sections - Dwg no. 2593/10P
- Proposed Site Access - Dwg no. 2013-206-005 Rev A

Supporting Reports:

- Design and Access Statement produced by Thomas Associates Architects
- Flood Risk Assessment produced by Waterco Consultants, dated November 2016 and referenced w1554-161107-FRA
- Transport Statement produced by SCP Transport Planning, dated March 2016 and referenced GW/14083/TS/1
- Drainage Strategy Report produced by Hamilton Technical Services - Issue 2, dated 05 December 2016

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

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework

4. Within 3 months of development first taking place, details of the height, design, materials and finish of all boundary treatments at the site (the siting of which is shown on drawing no. 2593/11P) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before any of the dwellings are first occupied, and retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene in accordance with the requirements of FBLP policy HL2.

5. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting

of trees, hedges and shrubs. The duly 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, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP14 and EP18, and the National Planning Policy Framework.

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

[CLASS VARIABLES

A	House Extensions.
B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding
G	Flues and Chimneys
H	Satellite antenna]

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

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

[CLASS VARIABLES

A	Gates, walls, fences
B	New access
C	Exterior treatment]

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

8. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan is to include method and details of construction; including vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction, access and deliveries. Such a Construction Plan is to be implemented and adhered to during the construction of the development.

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



9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: w1554-160822-FRA), Waterco Ltd, November 2016 and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  2. Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
  3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
  4. Confirmation of the opening up of any culverts across the site.
  5. Finished floor levels are set no lower than 3.85 m above Ordnance Datum (AOD).
  6. The proposed mitigation measures as stated in Section 9.3 of the FRA are implemented.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and reduce the risk of flooding to the proposed development and future occupants.

10. The development permitted by this planning permission shall be carried out in full accordance with the approved Drainage Strategy Report (Issue 2, dated 05 December 2016) and produced by Hamilton Technical Services

Reason: To ensure that the proposed development can be adequately drained, and to ensure that there is no flood risk on or off the site resulting from the proposed development

11. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan 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 sustainable drainage system shall be managed and maintained in accordance with the approved details.

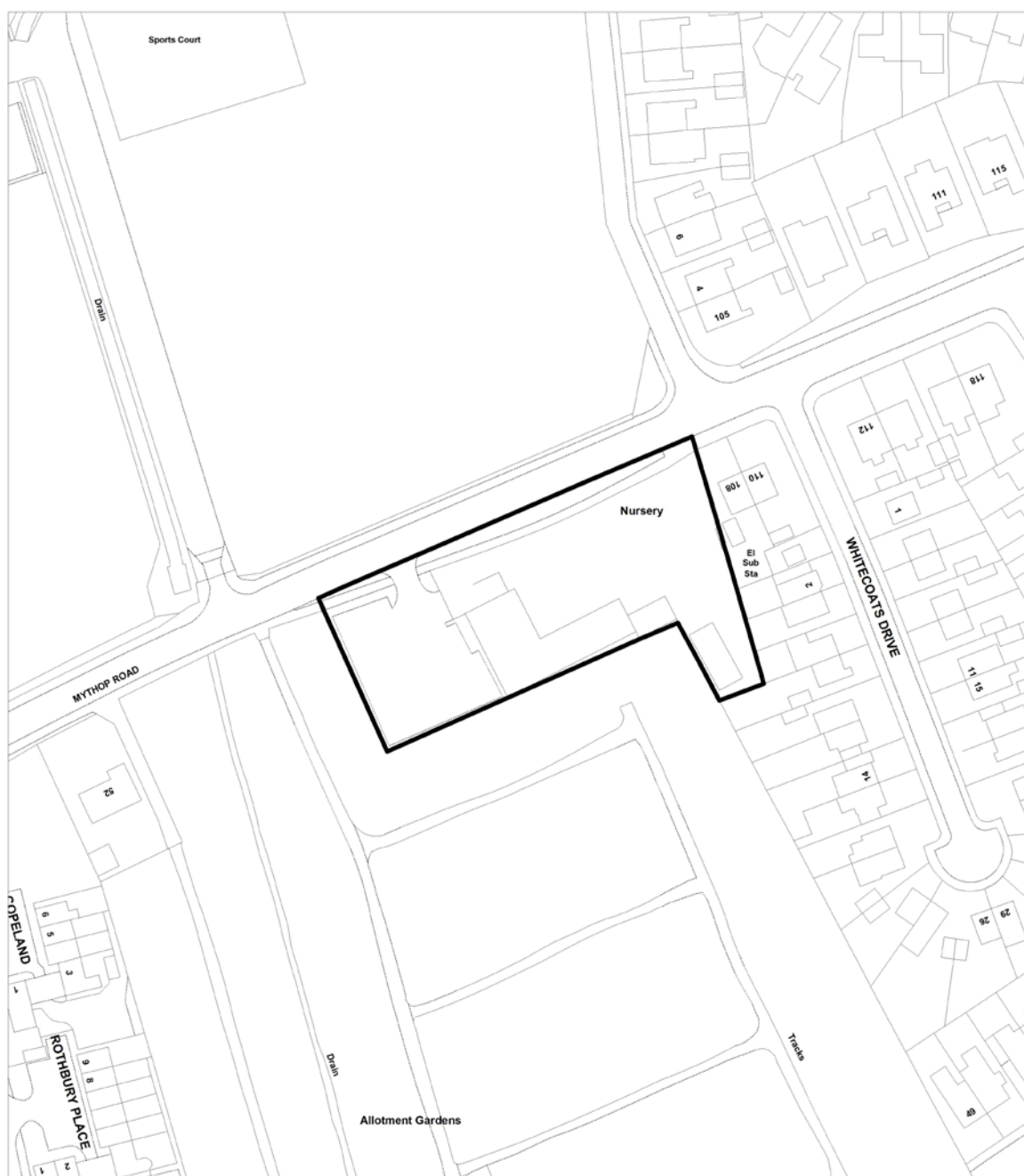
Reason: To ensure that the proposed development can be adequately drained, and to ensure that there is no flood risk on or off the site resulting from the proposed development for the lifetime of the development

12. No part of the development hereby approved shall be occupied until the approved access has been constructed and completed in accordance with the approved drawing (dwg no. 2013-206-005).

Reason: To ensure a suitable and safe means of access to the site for vehicular traffic in accordance with the requirements of policy HL2 of the Fylde Borough Local Plan and the NPPF.

13. Where any dwelling on the development incorporates an integral garage for the purpose of housing a motor vehicle then that accommodation shall not be modified or converted for any other purpose without the prior approval of the Local Planning Authority.

Reason: To ensure that there is adequate parking provision retained within the dwelling curtilage.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0435	Address Ashtons Nursery Gardens, Mythop Road, Lytham St Annes	Grid Ref. E.3374 : N.4278	Scale 0 6 12 18 24 m 

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	26 JULY 2017	5
<b>ENFORCEMENT: LAND OFF FAIRFIELD ROAD, HARDHORN, POULTON-LE-FYLDE</b>			

### PUBLIC ITEM

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

### SUMMARY

The report invites the committee to assess whether enforcement action is expedient with regard to a breach of condition at land off Fairfield Road, Hardhorn. The report includes details of the work required by the condition placed on the appeal decision, an update on the work done so far in order to comply with the condition, and officers' assessment of the merits of enforcement. The report takes account of the personal circumstances of the site residents.

The report concludes, after consideration of all of the factors relating to the site, and its residents, along with legal advice that formal enforcement action would not be expedient at this time and that it would be more appropriate for officers to continue to work with the residents of the site to ensure compliance with the condition in the next planting season. This will be frustrating for neighbouring residents, but as progress is being made it would be appropriate to ensure that this is maintained.

### RECOMMENDATION

1. Endorse officers' recommendation to not take formal enforcement action at this point in time and instruct officers to continue to engage robustly with site residents to secure compliance with the aims of the planning conditions.

### SUMMARY OF PREVIOUS DECISIONS

None

### CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

### PRELIMINARY

1. This report uses the following terminology:

*"appeal decision"* means the decision letter of the Planning Inspectorate dated 03 August 2016.

*"LPA"* means the council as local planning authority

*"planning permission"* means planning permission for the change of use of the site to that of a caravan site for occupation by gypsy-travellers with associated operational development, including hardstanding, utility blocks and septic tanks granted by the appeal decision

*"scheme"* means the site development and restoration scheme required by condition 9A of the planning permission

*"site"* means the westernmost parcel of the land off Fairfield Road, Hardhorn, shown edged red in the plan below, and *"abandoned land"* means the easternmost parcel of the land shown edged blue in the plan below.



### THE PLANNING PERMISSION

2. The planning permission was subject to a number of conditions, including those set out below:

*"9) 9A: Within the timescales specified below (at 9A (viii) and 9B), a Site Development and Restoration Scheme shall be submitted for the approval of the Local Planning Authority, and shall be fully implemented. The Scheme shall include details of the following:*

*i) the proposed septic tanks, as shown indicatively on Plan 2, and any other necessary foul drainage infrastructure;*

*ii) any necessary surface water drainage infrastructure;*

*iii) any necessary external lighting;*

*iv) any necessary fencing;*

*v) the restoration of the [abandoned land] to include the removal from that area of all existing caravans, structures, vehicles, hardcore or other hard surfacing, fences, lighting, mounding, stored materials, equipment, and any waste or refuse; and the restoration of this area to grazing land;*

*vi) a scheme of tree and hedge planting, within both the [site and the abandoned land], which shall include but not be limited to the proposals contained on 'Plan 4: Landscaping', as submitted with the application;*

*vii) a maintenance plan for the new and existing landscaping, including provision for replacement planting if necessary;*

*viii) and a full timetable for the implementation of these works.*

*9B: The use of the [site] as a caravan site shall cease, and all caravans, structures, surfacing, and other items brought onto the land for the purposes of such use shall be removed, and the site returned to a condition suitable for grazing, within 28 days of the date of any failure to meet any of the following time limits:*

*i) within 3 months of the date of this decision, the Site Development and Restoration Scheme shall have been submitted to the local planning authority for approval;*

*ii) in the event that the local planning authority refuse to approve the Site Development and Restoration Scheme, or fail to give a decision on it within the prescribed period, then within 11 months of the date of this appeal decision an appeal shall have been made to the Secretary of State, and shall have been accepted as validly made;*

*iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development and Restoration Scheme shall have been approved by the Secretary of State;*

*iv) following the approval of the Site Development and Restoration Scheme, either by the local planning authority or by the Secretary of state, the approved scheme shall have been carried out and completed in accordance with the agreed timetable."*

### **THE APPROVED SCHEME**

3. A scheme was submitted to the LPA on 30 September 2016, as required by the condition. Following discussions with the applicant's agent (intended to secure additional tree planting to the east of the plots where views into the site are most prominent), a modified scheme was approved under delegated powers on 23 January 2017. This discharged condition 9A.
4. The approved scheme, as required, set out a full timetable for the implementation of works comprised in it. This stated that the works to reinstate the abandoned land would be completed within 3-6 months of the scheme being approved depending on the weather conditions, and that the tree planting would be done within the first planting season following approval of the scheme. As this was approved on the 23 January the applicants needed to complete the reinstatement of the land by the 23 July 2017 and the tree and hedge planting by the 31 March 2017. Failure to comply with the agreed timetable would see condition 9B of the planning permission come into force which states that the use of the land as a caravan site shall cease, and all caravans, structures, surfacing, and other items brought onto the land for the purposes of such use shall be removed, and the site returned to a condition suitable for grazing, within 28 days of the date of any failure to meet the agreed timetable.

### **THE WORK DONE SO FAR**

5. The timetable in the Scheme and its details were put forward by the site residents' planning agent rather than by the residents themselves, and it seems that the implications of this may not have been fully explained to (or understood by) the residents. For that reason officers have been required to visit the site in order to explain the work that needs to be done to comply with the scheme to the residents on several occasions, to offer advice on appropriate species for the landscaping, to offer advice on the appropriate locations for planting, and to monitor the works being carried out. Due to local contractors previously being advised not to import materials (for works such as the formation of hardstanding) onto the site there was a delay before topsoil was brought onto the site. Work completed so far includes the infilling of gaps to the hedgerow to the southern boundary, the planting of trees to the eastern boundary and the provision of some topsoil to the land to the east of the permitted pitches. Photographs of this work will be provided to members in the presentation of this item. At this point in time the site residents have not planted all the trees and hedgerow required by the landscaping scheme and the abandoned land has not been restored to grass paddock. As such it is very likely that the site residents will not have complied with the scheme within its timetable, which expires on 23 July 2017.

## ENFORCEMENT POLICY

6. Because of the circumstances set out above, there is, or will shortly be, a breach of condition 9B, requiring the use of the site as a caravan site to cease, and the land be restored to grazing, within 28 days of a failure to meet the timetable contained in the approved scheme. This means that enforcement of the condition could be considered.
7. Statutory advice on enforcement is given in National Planning Policy Guidance, which states that local planning authorities should act in a proportionate way. They have the discretion to take enforcement action when they regard it as expedient to do so having regard to the development plan any other material considerations. In considering any enforcement action the LPA should have regard to NPPF paragraph 207;  
*“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”*
8. The NPPG also states that addressing breaches of planning control without formal action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. Formal enforcement action may also not be appropriate, with any action being proportionate and taken when expedient to do so. The NPPG states that where the balance of public interest lies will vary from case to case. Local planning authorities should usually avoid taking formal enforcement action where:
  - there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
  - development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
  - in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.”

## CONSIDERATION

9. Committee needs to consider the most appropriate course of action to deal with the breach of planning control. The broad choice lies between formal enforcement and continued robust engagement. Formal enforcement action is always discretionary, and the local planning authority cannot issue an enforcement notice unless it considers that it is expedient to do so.
10. The appeal decision establishes that the site is suitable for a caravan site for occupation by gypsy-travellers, despite the opposite view taken by the council in refusing planning permission. The council's should therefore be concerned with how best to secure that site complies with the aims of the planning conditions that apply to it, rather than seeking the removal of the site, which is not a realistic prospect.
11. It is officer's opinion and recommendation to members that continuing robust engagement with site residents continue at this stage should be pursued, rather than commencing formal enforcement action. This would be in line with the approach advocated in the statutory guidance, and consistent with the council's normal approach to planning breaches.
12. If this approach is taken, officers would continue to work with the occupants of the site in order to meet the requirements of the conditions. Due to the nature of the Traveller lifestyle the majority of the men who occupy the site are away at present and have been for some time, and whilst they were able to complete some of the work when they were living on the site, some remains outstanding. In these circumstances it is considered that the timescales put forward for the completion of the works by the site residents' planning agent were not feasible. Further, much of the restoration works are required to allow the landscaping works to be completed. Whilst the residents could appoint external contractors to do the work this is unlikely given their ability to be able to do the work themselves and its cost effectiveness. They have completed a large proportion of the work, and due to the planting season being between October and March the planting work cannot be carried out effectively until that time in any case. The work to continue to reinstate the land can carry on and officers will keep visiting the site to ensure that progress on this continues to be made.
13. Given the starting point is that the site was granted planning permission following a public inquiry at which the relevant issues were fully explored, the material harm created by a slight delay in the implementation of

the planting and the re-instatement of the land is limited. It is not considered that this delay will have an undue adverse impact on the amenity of neighbouring residents and it is not considered that it would presently be expedient to commence formal enforcement. That said, making the decision to not take formal action at this moment in time does not prevent the LPA from doing so in the future and indeed as the works are considered necessary this would be an option if inadequate progress is made in the forthcoming months and during the next planting season.

## CONCLUSION

14. It is officers' view that formal enforcement action is not appropriate at this time and instead officers should work with the site residents to ensure compliance with the conditions. Members are recommended to authorise officers to continue with this approach.

IMPLICATIONS	
Finance	If formal enforcement action were to be taken this may ultimately result in Fylde Council having to clear the site and meet the cost of doing so. Such costs could exceed the 2017/18 revenue budget provision for this purpose of £15,000.
Legal	Considered in the body of the report.
Community Safety	The removal of the site residents could result in an increase in anti-social behaviour and potential roadside existence of the site residents.
Human Rights and Equalities	<p>The council is not allowed to act in a way that is incompatible with a right set out in the European Convention on Human Rights.</p> <p>Article 8 of the convention states that <i>"Everyone has the right to respect for his private and family life, his home and his correspondence"</i>, and continues: <i>"There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others"</i>.</p> <p>Article 1 of the first protocol to the convention states that every person is <i>"entitled to the peaceful enjoyment of his possessions"</i> and that <i>"No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law"</i>. But the rights of the state to <i>"enforce such laws as it deems necessary to control the use of property in accordance with the general interest"</i> are expressly preserved.</p> <p>Article 14 states that the enjoyment of rights under the convention is to be secured <i>"without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status"</i>.</p> <p>Article 3.1 of the United Nations Convention on the Rights of the Child provides: <i>"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"</i>. As a matter of law, this means that in all decisions concerning children, their best interests must be of primary importance. That principle applies to planning decisions.</p> <p>Taking enforcement action with a view to removing the site would interfere with the right to respect for the homes of site residents in the most direct and serious way. Article 8 is therefore engaged in the council's decision. Such would also interfere with site residents' peaceful enjoyment of their pitches and caravans. Article 1 of the first protocol is therefore also engaged.</p> <p>Where site residents are children, consideration of their convention rights must be in the context of article 3 of the United Nations Convention, which requires a child's best interests to be a primary consideration. However, the inherent</p>



	<p>primacy of those interests does not mean that they can never be outweighed by the cumulative effect of other considerations.</p> <p>Direct discrimination occurs if a person is treated less favourably than another person would be because of a protected characteristic. Indirect discrimination occurs where a provision, criterion or practice that is applied to all puts persons who share a protected characteristic at a particular disadvantage when compared with persons who do not share it and the provision, criterion or practice cannot be shown to be a proportionate means of achieving a legitimate aim.</p> <p>“Protected characteristics” include race.</p> <p>The site residents describe themselves as Irish Travellers. They should be regarded as being a racial group and sharing the protected characteristic of belonging to that group.</p> <p>In considering the report, the committee will need to consider whether options considered would place persons who are Irish Travellers at a particular disadvantage compared with persons who are not Irish Travellers. If such a particular disadvantage would arise, the committee will need to consider whether choosing the option would be a proportionate means of achieving a legitimate aim. If the option would not be a proportionate means of achieving a legitimate aim, it would not be lawful to choose that option.</p> <p>In exercising its functions, including its functions as a local planning authority, the council must have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;</li> <li>• Advance equality of opportunity between people who share a protected characteristic and those who do not; and</li> <li>• Foster good relations between people who share a protected characteristic and those who do not.</li> </ul> <p>Having due regard for enhancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics and taking steps to meet the needs of people from protected groups where these are different from the needs of other people. Fostering good relations means tackling prejudice and promoting understanding between people from different groups. Complying with the duty may involve treating some people more favourably than others.</p> <p>If the Council fails to have “due regard” to the matters identified above, it would fail to comply with its statutory duty.</p>
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Kieran Birch	<a href="mailto:Kieran.birch@fylde.gov.uk">Kieran.birch@fylde.gov.uk</a> 01253 658430	10 July 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Site history and decisions	Various	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT DIRECTORATE SERVICES	PLANNING COMMITTEE	26 JULY 2017	6
<b>ST ANDREWS ROAD SOUTH, ST ANNES</b>			

### PUBLIC ITEM

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

### SUMMARY

The Regeneration Programme for St Annes has been the subject to a number of Phases over the last 17 years, attracting significant external funding and developer contributions. However, a number of phases remain to be completed. The phases as they are described are set out in the Lytham St Annes 2020 Vision Document and the Council's approved Regeneration Framework. As reported to Committee on the 27th April 2016, the next phase for regeneration was considered to be that centred on The Crescent and St. Andrews Road North/South. This approach was endorsed by Committee.

Approval was also granted within this area for a new street lighting scheme set at a cost of £53,000 and funded by way of Section 106 developer contributions, in addition to additional financial support being made by Lancashire County Council with a smaller amount from St Annes on the Sea Town Council. This scheme is now complete.

This proposed phase of regeneration, the subject of this report, relates to the refurbishment of St Andrews Road South located between The Crescent and Wood Street.

The Capital Programme of the Council includes a sum of £237,000 in 2017/18 relating to St Annes Regeneration Schemes (the balance remaining of the total funding available for the scheme) fully-funded by way of s106 developer contributions. It is recommended that this next phase of regeneration utilises a large proportion of this funding.

The scheme has been the subject of considerable dialogue with the local business community and has its widespread support.

The cost of the scheme is £165,000.

It is proposed to continue with the longstanding arrangement with Lancashire County Council (LCC) which acts as the main contractor. This has proved to be a very cost effective method of procurement. This is partly in view of the established working relationships during construction but also as a way of managing cost controls effectively. In addition, the Borough is able to utilise the in house skills of LCC (e.g. quantity surveyors, necessary traffic management procedures and on-site management) as well as in the procurement of materials, goods and services.

Subject to the approval of Committee it is anticipated that construction of the scheme will commence in mid - September.

## RECOMMENDATIONS

1. The Committee is recommended to approve delivery of the detailed scheme as shown in the attached drawing at Appendix 1 at a cost of £165,000 as part of the £237,000 total St Annes Regeneration Scheme that is part of the approved Capital Programme for 2017/18. Funding for the scheme is derived in full from s106 payments made by specific developers specifically for use in the implementation of the St Annes Regeneration Programme as agreed under Section 106 of the Town and Country Planning Act 1990.
2. The Committee agree and authorise the use of the existing partnership between the Council and Lancashire County Council in the procurement and implementation of the scheme and to that end, agree that the council's contract procedure rules will not apply to the scheme.
3. The Committee authorise the commencement of the design for the next phase of the Regeneration Programme namely Wood Street (Park Road to St Andrews Road South and Back St Annes Road West) including the appropriate level of public engagement and present, in due course, a scheme(s) in detail with its full costs of implementation.
4. Officers be authorised to make minor amendments to the St Andrews Road South scheme as a result of consultation on the basis that this does not materially affect the scheme as presented. In so far as other phases in St Annes are concerned as shown in appendix 1, the details of those phases will be presented to Cabinet in due course, following their design and the appropriate level of consultation.

## SUMMARY OF PREVIOUS DECISIONS

Development Management Committee, Meeting 27<sup>th</sup> April 2016.

### CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

### Background

1. The regeneration of St Annes has largely been based around a programme of physical interventions in respect of public realm enhancements and building refurbishment. A significant proportion of funding has been secured through capital grants and more recently developer contributions by way of Section 106 Agreements. This was justified by way of the approved Regeneration Framework which sought to relate residential and other relevant approvals to the enhancement of the town centre to promote its economic sustainability. This model has also been used in Lytham, Kirkham and other smaller centres.
2. In respect of St. Annes, the town has effectively been divided into a series of zones, each one being the subject of an individual scheme for improvement. As matters stand, large areas of the centre have been regenerated but some remain to be refurbished in line with the standard of public realm schemes so far completed. Committee agreed, in April of 2016, that the next logical area for regeneration should be centred on The Crescent and St Andrews Road South.
3. This particular area is quite peripheral to the town centre when taken as a whole but nonetheless, is prominent, adjoining The Crescent, which acts as a principal gateway and approach to The Square and its adjoining streets. A new street lighting scheme, that was approved by Committee has now been completed and has resulted in a significant visual improvement to the locality as well as providing higher lighting standards. The opportunity to display banners and decorations on the columns has been included within the

design. Being somewhat peripheral, the particular area has seen a number of business start-ups and failures and there are presently a few vacant premises. In addition, some buildings are in need of refurbishment. However, there are some successful specialist retailers and businesses within the immediate area. It is hoped that a significant improvement to the street-scene will act as a catalyst for improving business confidence and investment thereby helping to sustain and enhance the future economy of the locality.

### **Funding**

4. A Section 106 Agreement was signed with the developer of the 'Heyhouses' mixed use scheme totalling £350,000. The contribution is required to be used *'towards the cost of implementing and thereafter maintaining the St Annes Town Centre Project 1 Regeneration scheme of the Fylde Council Regeneration Framework September 2010 or replacement thereof'*. Of that figure and taking account of projects now completed, the remaining funding amounts to £237,000. This sum is contained within the Council's Capital Programme for 2017/18. It is proposed to utilise this funding to implement the scheme as described later in the report. The residual amount, beyond that required for the implementation of this particular scheme, will be used to partly fund the next phase of the regeneration programme which is referred to towards the end of this report.

### **Scheme Details**

5. Following the decision of Committee to authorise the implementation of the lighting scheme referred to – and now completed – preliminary work commenced on the preparation of the plans to enhance St. Andrews Road South. To this end, both survey work and preliminary discussions took place with tenants and owners of the properties fronting the area of the proposed scheme. This part of the work proved difficult as there are a number of landlords who are not local to this area often with complicated management arrangements in place. However, given time all of the property owners and tenants have now indicated that they are fully supportive of the scheme. The St Annes Enterprise Partnership (the Coastal Community Team for St. Annes) fully endorses the initiative.
6. There are some unusual complications with St Andrews Road South due to land levels and basement projections under forecourts. However, these matters can be overcome with the appropriate constructional techniques. In common with other regeneration schemes, it is proposed to repave both forecourt areas and footways although it is proposed to retain existing kerb lines and the one way traffic flow. The scheme proposals are based around repaving in a 'trotter' block and omit the use of York Stone. This is because St Andrews Road has particular issues with forecourt servicing and access arrangements, which would mean that the use of stone would leave it susceptible to damage from the overrunning or crossing by vehicles. However, it is proposed to restrict forecourt parking as far as possible as this practice is in many cases unauthorised and can lead to the dangerous manoeuvring of vehicles that should not be endorsed as a result of the regeneration scheme.
7. Also proposed is new street lighting, trees, bollards and a small number of seats. In common with these types of project, the scheme has been designed 'in house' by the Regeneration Team.

### **Outcome**

8. Being somewhat of a peripheral area, St Andrews Road South has seen the emergence of a number of new business ventures but unfortunately a number of failures. However, there are a number of established, specialist companies offering niche products and the locality has the potential to become a specialist destination within the overall town centre offer. It is hoped that prior to the works, during or after, property owners will be persuaded to undertake property maintenance that will complement the street works proposed.

### **Value for Money and Procurement**

9. In so far as procurement is concerned, it is proposed to procure the work through the commissioning framework at Lancashire County Council ensuring good value for money within the budget available. Issues relating to the cost effectiveness of this procurement path have previously been considered by The Council in the context of other public realm schemes including St. Annes, Ansdell and Kirkham. It is proposed to maintain this method of working for this scheme. This arrangement provides The Council with assurances in respect of achieving best value in the of procuring materials, equipment for construction and an offers a

specialist experienced workforce, both professional and within the crafts, to ensure a high quality, cost effective outcome.

10. This partnership approach with Lancashire County Council (LCC) has thus far proven to be excellent value for money and enabled the delivery of projects that may not have been possible without this method of implementing such schemes. However, because the estimated cost of the scheme is over £100,000, it should normally be tendered on the open market. Using the partnership with Lancashire County Council will require the committee to agree to not apply the council's contract procedure rules to the contract. The partnership arrangement with LCC has been utilised for the implementation of a number of schemes in St Annes, Kirkham and Ansdell. The principal reasons and benefits of this arrangement include the following:
- Significant cost savings in respect of the preparation of detailed constructional drawings, bill of quantities and tender procedures
  - This Council benefits from the use of the LCC procurement procedures to source materials, plant and services ensuring best value
  - Very early engagement with LCC as contractor to ascertain risks and potential issues which informs the development of the street design scheme
  - The scheme is handled on an 'open book' basis with the scheme being developed at cost.
  - The scheme includes a large element of highway and working alongside the highway authority ensures that all the necessary procedures are complied with e.g. traffic management and the issue of service locations
  - Flexibility in terms of implementing the scheme as regards any issues of unavoidable delays thereby eliminating the risk of financial liabilities
  - Previous experience of implementation and a good record of achieving high quality construction and finished appearance. The 'quality' issue.
  - A good record of working alongside the Borough Council in respect of customer relations and flexibility

#### **Method and costs of financing the scheme**

11. It is proposed that the scheme form part of the approved Capital Programme scheme for St Annes Regeneration in 2017/18 in the total sum of £237,000, funded in full by s106 developer contributions.

#### **Future revenue budget impact**

12. This will be limited since much of the scheme will be, by and large, paving works which has an extremely long, largely maintenance free lifespan. In the case of works to forecourts (which are few in number) agreement is reached with property owners regarding their responsibility for future maintenance, such as may be required. Lighting will become the responsibility of the County Council. In respect of tree planting the species to be planted are specially chosen to take account of the location, including climatic issues and future maintenance. It may be the case that limited tree replacement may be required over time but this is funded by way of existing revenue budgets.

#### **Risk Assessment**

13. There are a number of private forecourts that form part of the scheme and it is important, in respect of the overall potential positive impact, that they are included. To date, all of the property owners have agreed to participate in the scheme and legal agreements will be signed by the parties to ensure high quality future maintenance. The only other relevant risk is in respect of budget overrun in respect of the final scheme cost. Prior to the commencement of development the fully costed scheme, based on the precise specifications are reassessed with any variations agreed. The scheme is cost limited as agreed with Lancashire County Council and contingencies are included to take account of any unforeseen issues that may arise during the construction phase of the works.

#### **Viable Alternatives**

14. The Section 106 Agreement specifies that the funding is directly allocated to the St Annes Regeneration Programme. It could be used within other parts of the town centre. However, previous resolutions of Planning Committee have indicated that the next logical phase of public realm enhancement should be St. Andrews Road South. As a consequence, this report deals with the potential implementation of the former resolutions.

## Future Phases of Regeneration

15. It is proposed that the residual funding sum that will remain within the overall Capital Programme and relating specifically to St. Annes be retained and utilised to part fund the next phase to follow. This is suggested to be the easterly end of Wood Street that would link the enhanced Park Road with the completed St Andrews Road South. It is anticipated that additional commuted payments (Section 106 Agreements) will be forthcoming in the very near future. Such funding, as is expected, will need to be included within the Councils Capital Programme and will then be available for allocation by Committee.

In view of the present funding situation as is anticipated, it would make sense to commence preliminary work on a street design for this part of Wood Street. This would include engagement with property owners at this time to discuss principles and possibilities. This aspect of preparing schemes can take time, which suggests that this work commences without delay. Of course, a full scheme with costs included would be presented to Committee in the same way as this particular proposal has, in the future..

In the course of general discussions with respect to regeneration in the context of STEP, the Council has been requested to assess the scope for the enhancement of the back street environment of St Annes Road West. This service street also contains a number of businesses and also acts as a pedestrian link. It is therefore, integral to the overall environment of the town centre and perhaps offers the potential for significant improvement. As part of the on-going regeneration initiative it would seem appropriate to give consideration to the potential scope for enhancement and in due course report the findings back to Committee with a series of recommendations.

## Conclusion

16. The proposals before Committee seek to extend the regeneration programme by undertaking the next phase as previously identified. The costs of the scheme will be fully met from the Councils approved Capital Programme for 2017/18, relating to St Annes Town Centre, which is in turn is funded by way of commuted payments under Section 106. The scheme has been designed to enhance the appearance of the street through practical interventions, taking account of the nature and trading environment of the particular street.

It is recommended that this Council works in partnership with Lancashire County Council, as on previous schemes of this nature. It is envisaged that the works will commence in September with completion well ahead of the festive season.

IMPLICATIONS	
Finance	The proposed scheme, as described within the report and in the sum of £165,000, would form part of the £237,000 St Annes Regeneration scheme that is within the approved Capital Programme of the Council for 2017/18.
Legal	The scheme construction costs for implementation are based on the established relationship between the Council and Lancashire County Council to ensure best value.
Community Safety	The scheme would assist with safety in view of improved lighting quality, access and pedestrian safety overall.
Human Rights and Equalities	The scheme relates directly to enhancements to the public realm would, therefore, benefit and support equality within the community and has been designed having regard to the access needs of the community
Health & Safety and Risk Management	Matters dealt with by Lancashire County Council during the construction phase

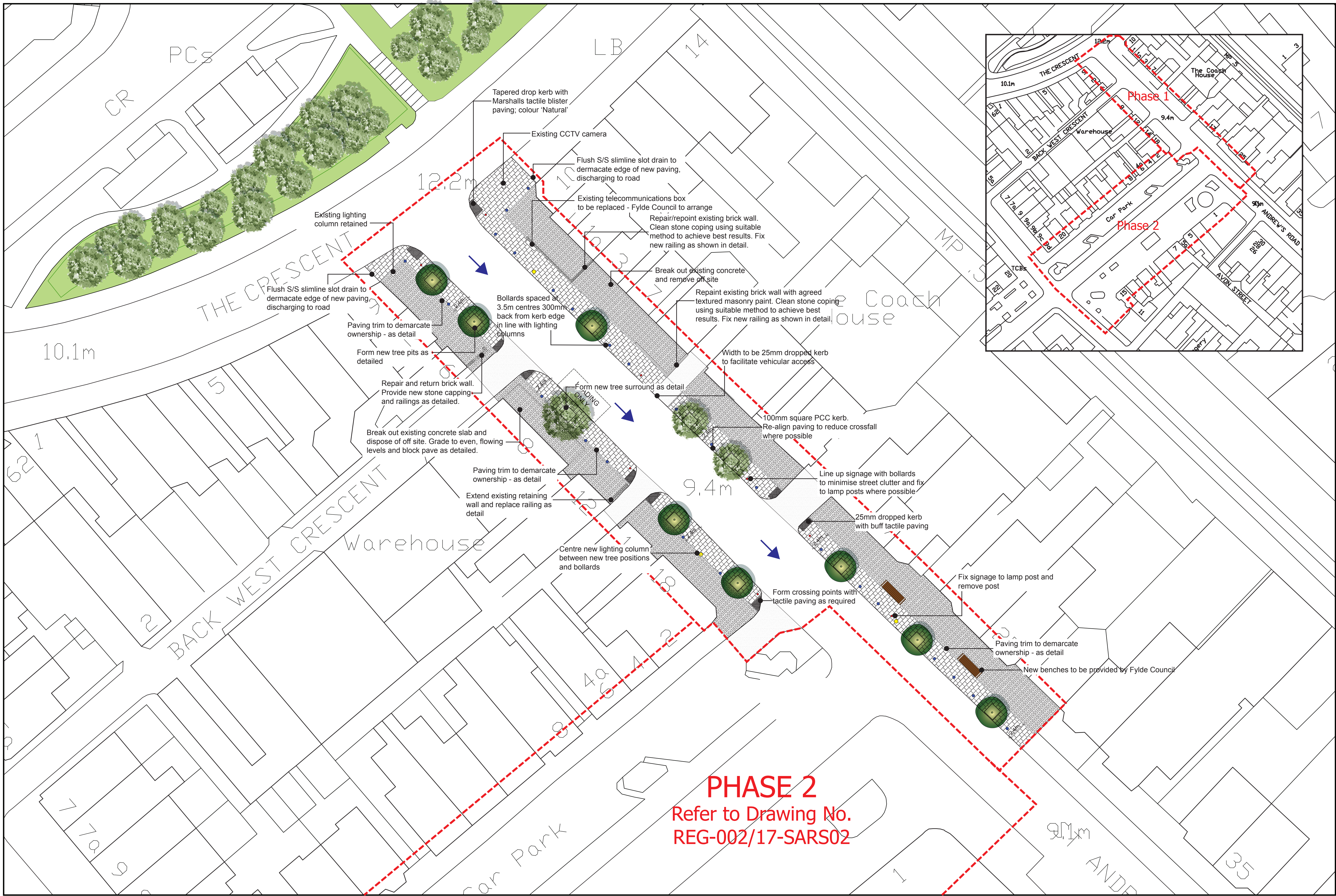
LEAD AUTHOR	CONTACT DETAILS	DATE
Paul Drinnan	Paul.Drinnan@fylde.gov.uk Tel 01253 658434	12.7.18

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Lytham St Annes 2020 Vision Document	2010	Town Hall, St Annes <a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Report to Planning Committee	27 April 2016	<a href="#">Town Hall, St Annes</a>

Attached documents

Plan of the St Andrews Road South scheme.





- Key:
- New Urbis bespoke 'St Annes' lamp post and luminaire to match existing on Wood Street (see inset)
  - Existing trees retained. (Trees to be felled to be undertaken by Fylde Council)
  - Proposed trees: see tree pit detail
  - New bespoke St Annes ferrocast bollards to match existing in Town Centre. Locate as indicated or min. 300mm back from kerb edge and set in concrete foundation.
  - Tapered drop kerb with Marshalls tactile blister paving; colour 'Natural'
  - Tegula block paving; buff colour to match existing on Park Road and Wood Street. Mixed block sizes 60mm deep.
  - Hot rolled asphalt with high percentage of buff aggregate.
  - Sandstone paving slabs 900 x600 x63mm with 100mm wide flush stone trim as detail PCC kerb to roadside to match existing.
  - Existing signage retained
  - New bench to be supplied by Fylde Council.

--- Work phase boundary

For Hard Landscape Details refer to Drawing Number REG-002/17-SARS003

For Planting Details refer to Drawing Number REG-002/17-SARS004

A	July 17	Amendments after site visit - KTL
Date	Revision	



Technical Services  
Development Services  
The Town Hall  
Lytham St Annes  
Lancashire  
FY8 1LW

Tel: 01253 658658 E-mail: webmaster@fylde.gov.uk

Drawn By:	KTL	Date:	May 2017
Checked By:	PD	Scale @ A1:	1:250

Project: **ST ANDREW'S ROAD SOUTH AND WOOD STREET CONSERVATION AREA ENHANCEMENT PROJECT**

Title: Phase 1 Plan - St Andrew's Road South (1 of 2)

Drawing Number: REG-002/17-SARS01



Stone upstand detail to planting beds to match existing on Wood Street and Park Road



Tegula block paving and sandstone paving detail

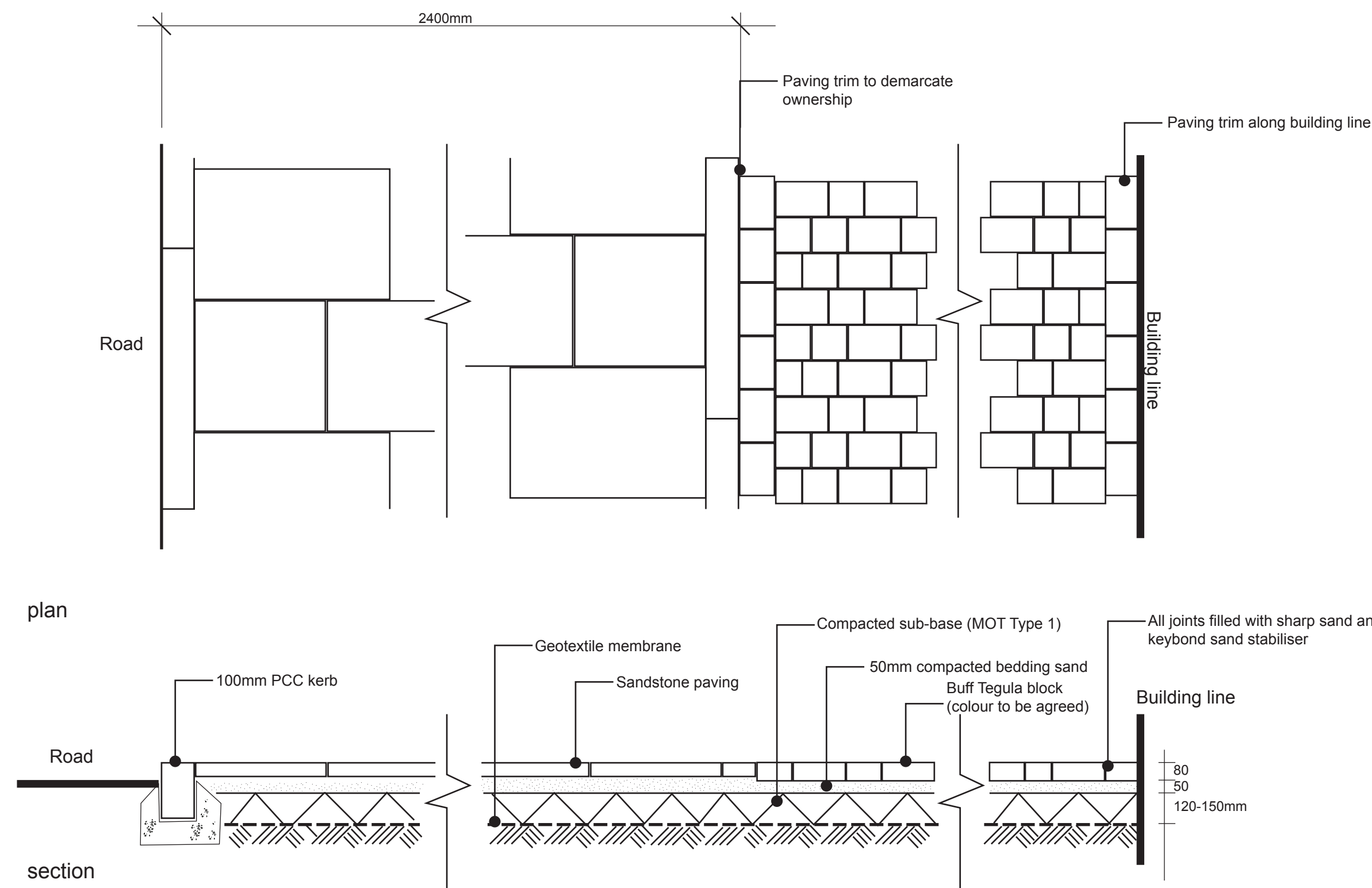


New lighting columns and lamps to be supplied by Urbis to match existing

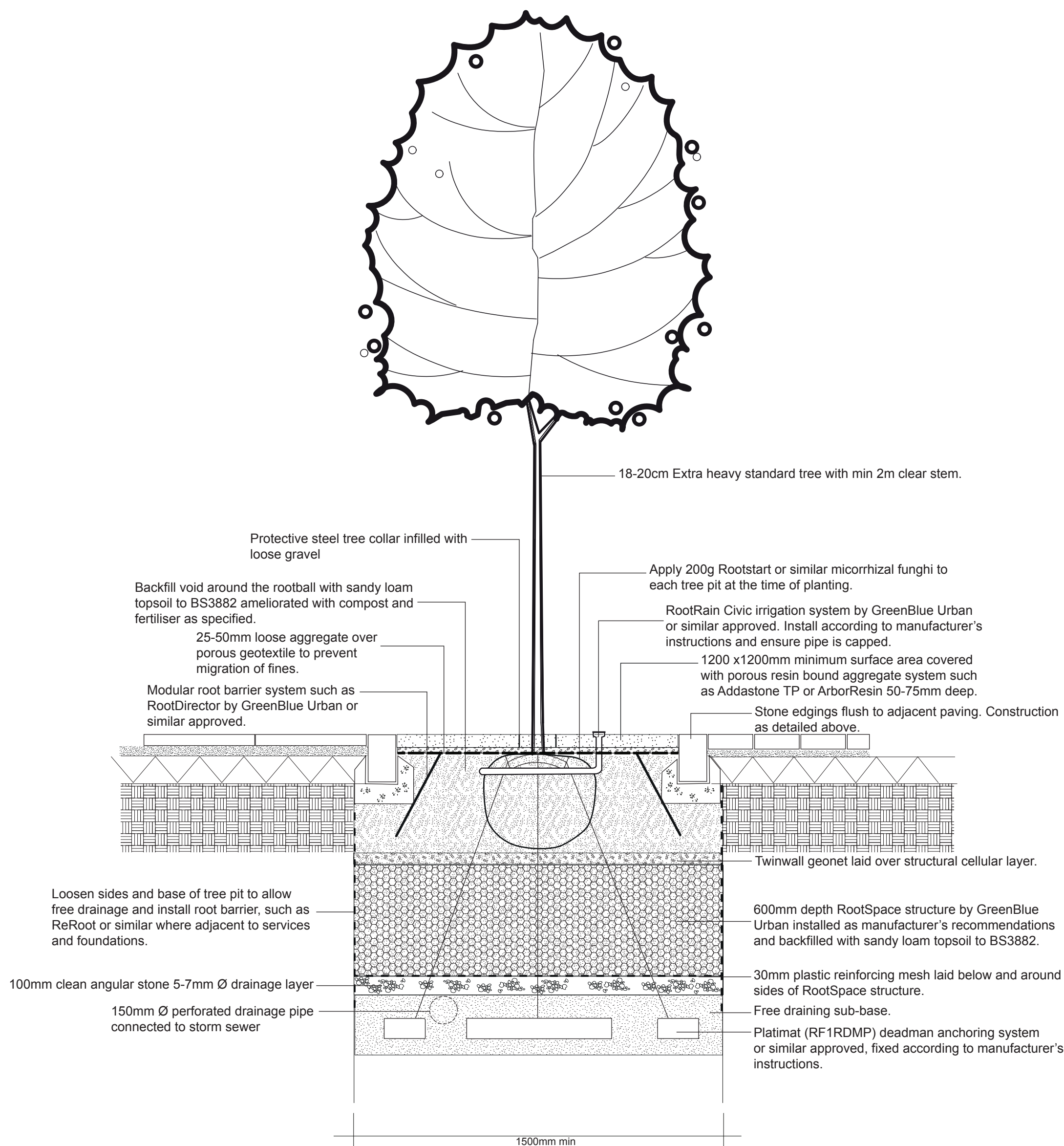


Tree pit detail

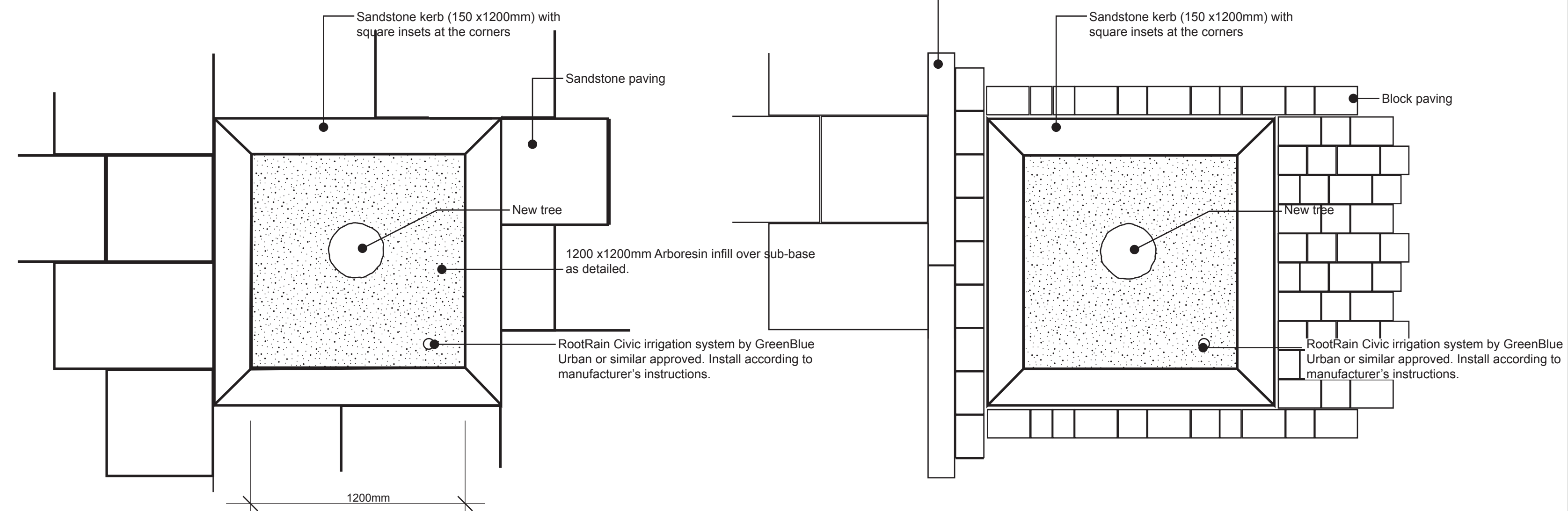




Paving detail along St Andrew's Road South

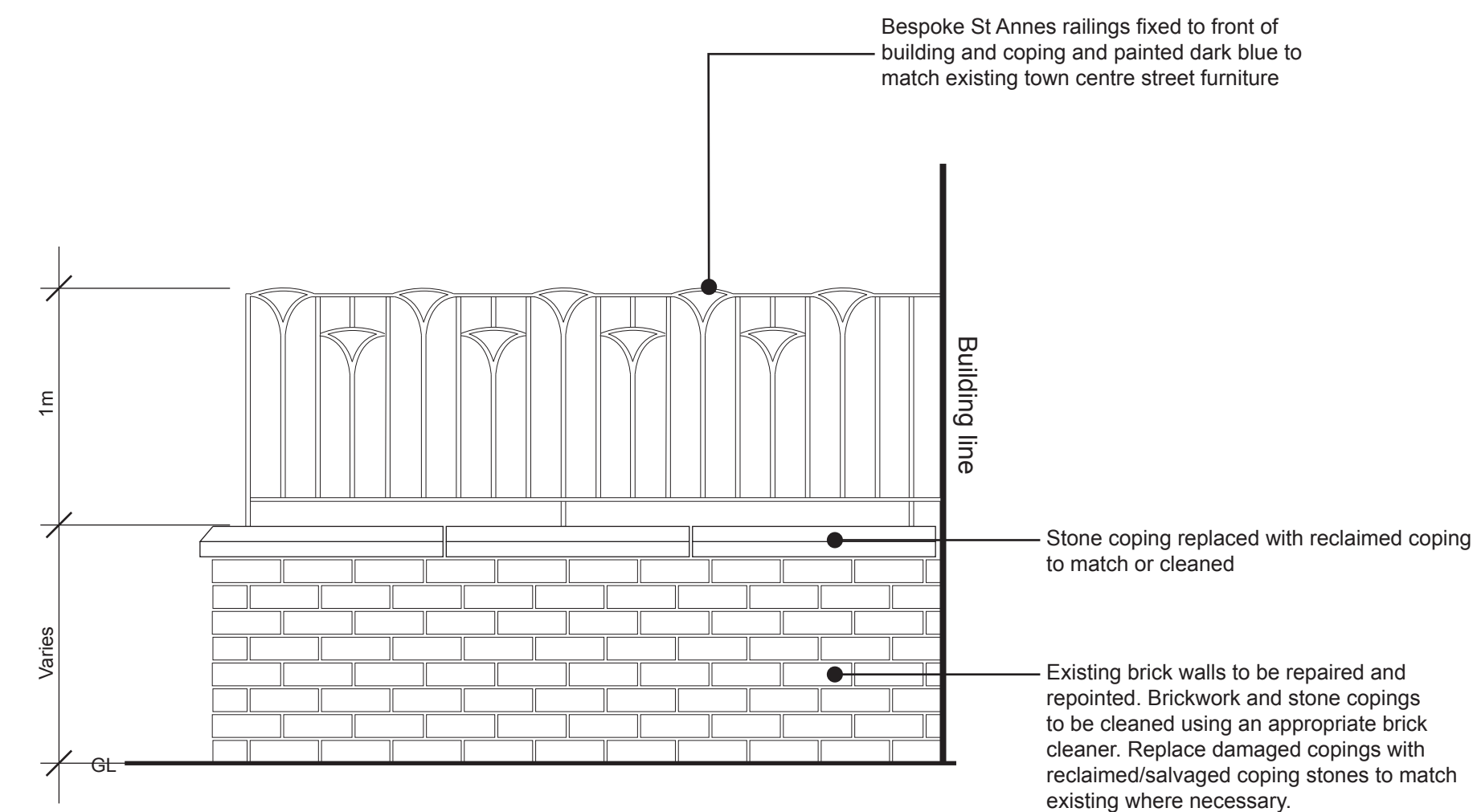


Tree pits in paving

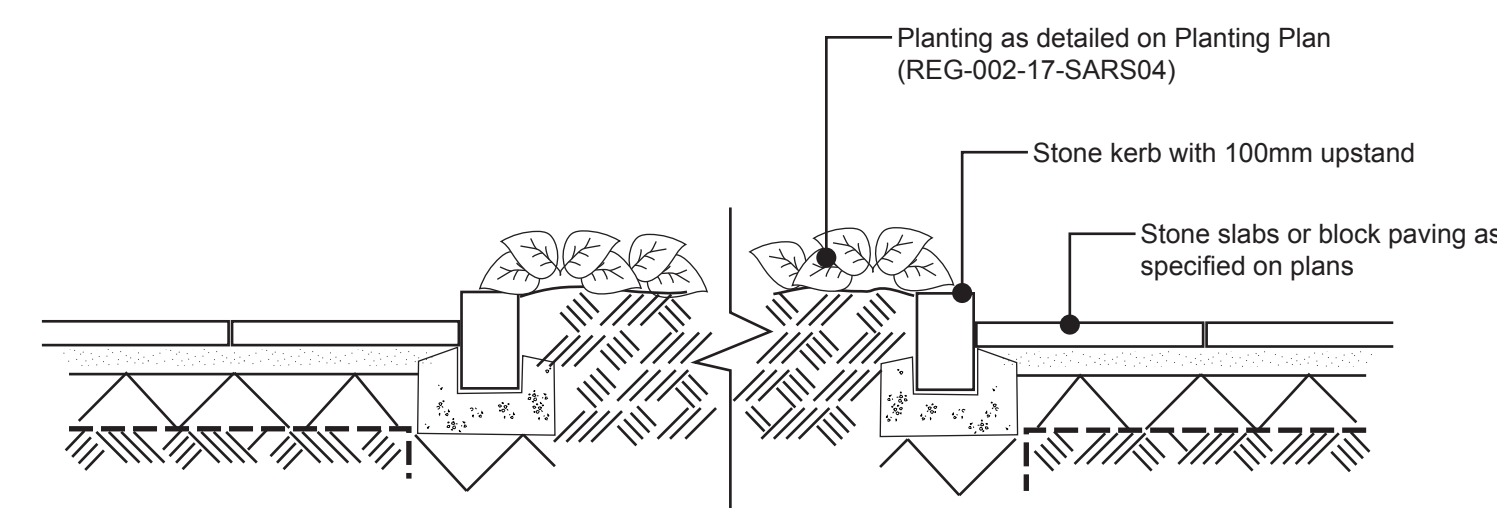


Tree pit within stone paving

Tree pit within block paving




Wall detail with railings



Edgings to planting beds

Notes:

New lighting columns and lamps to be supplied by Urbis to match existing shown in photograph on Drawing REG-002/17-SARS01

A	July 17	Amendments after site visit - KTL
Date	Revision	
 <p>Technical Services Development Services The Town Hall Lytham St Annes Lancashire FY8 1LW</p> <p>Tel: 01253 658658 E-mail: webmaster@fylde.gov.uk</p>		
Drawn By:	KTL	Date: May 2017
Checked By:	PD	Scale @ A1: As shown
Project:	ST ANDREW'S ROAD SOUTH AND WOOD STREET CONSERVATION AREA ENHANCEMENT PROJECT	
Title:	Hard Landscape Details	
Drawing Number:	REG-002/17-SARS03	

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	26 JULY 2017	7
<b>LIST OF APPEALS DECIDED</b>			

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 16/6/17 and 14/7/2017.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

List of Appeals Decided attached.

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

To inform members on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## **Appeals Decided**

The following appeals were decided in the period 16 June 2017 to 14 July 2017.

Rec No: 1			
13 April 2017	16/0298	8 BATH STREET, LYTHAM ST ANNES, FY8 5ES	Written Representations RT
		PART TWO STOREY / PART SINGLE STOREY REAR EXTENSION	
Appeal Decision:	Dismiss: 20 June 2017		
<hr/>			
Rec No: 2			
07 February 2017	16/0538	29 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LJ	Informal Hearing CB
		OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS ( 6 X SINGLE STOREY, 1 X 1.5 STOREY) AROUND EXISTING DWELLING WITH ACCESS, LAYOUT AND SCALE APPLIED FOR WITH APPEARANCE AND LANDSCAPING RESERVED	
Appeal Decision:	Allowed: 29 June 2017		
<hr/>			
Rec No: 3			
12 April 2017	16/0940	THE CROFT, 117 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LD	Written Representations RB
		OUTLINE APPLICATION FOR A SINGLE DWELLING HOUSE (ACCESS APPLIED FOR) ALL OTHER MATTERS RESERVED	
Appeal Decision:	Allowed: 29 June 2017		
<hr/>			

## Appeal Decisions

Site visit made on 5 June 2017

**by Susan Ashworth BA (Hons) BPL MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20<sup>th</sup> June 2017**

### **Appeal A: APP/M2325/W/16/3162296** **8 Bath Street, Lytham, Lancashire FY8 5ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Katherine Wykes against the decision of Fylde Borough Council.
- The application Ref 16/0298, dated 15 April 2016, was refused by notice dated 10 August 2016.
- The development proposed is extension to existing property at ground & first floors.

### **Appeal B: APP/M2325/Y/16/3162983** **8 Bath Street, Lytham, Lancashire FY8 5ES**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mrs Katherine Wykes against the decision of Fylde Borough Council.
- The application Ref 16/0299, dated 15 April 2016, was refused by notice dated 10 August 2016.
- The works proposed are extension to existing property at ground & first floors.

### **Decisions**

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

### **Main Issue**

3. 8 Bath Street forms part of a terrace of properties dating from 1830 (nos 2-10 Bath Street), which is a Grade II listed building. Accordingly, the main issue in this case is whether the proposal would preserve the special architectural or historic interest of the listed building and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Lytham Town Centre Conservation Area.

### **Reasons**

4. The starting point for the consideration of the proposal is Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. Section 72 (1) requires that with respect to any buildings or other land within a conservation area special attention shall be paid to the

desirability of preserving or enhancing the character or appearance of that area.

5. The appeal property, like the others in the terrace, is a modest two-storey, double-fronted house, with a formal but simply detailed symmetrical front elevation. The rear of the terrace is of a less formal composition and incorporates a variety of modestly proportioned outriggers, such that it is subservient to the front elevation. At the rear of No 8 is a low two-storey outrigger incorporating two gabled elements, and a single storey modern glazed extension. The property has a small rear garden and garage with access from Shepherd Street.
6. There is no assessment of the significance of the listed building before me. The list entry, on which the appellant seeks to rely, should not be regarded as a comprehensive statement of all the components of the listed building or an assessment of its significance. Notwithstanding this, the list description notes that there are 'various individual back extensions' and it seems to me that they form part of the character of the listed building and contribute to its significance which lies mainly in its age, its form and detailing.
7. The proposal seeks to alter and extend the property at the rear. Part of the existing two-storey outrigger would be removed and the remaining part increased in height. The replacement extension would feature an additional gable, to form two symmetrical projecting gables which would be linked by a flat roofed glazed central section some two storeys in height.
8. The proposal would result in the loss of an amount of historic fabric, including the narrow gabled part of the outrigger. That feature, which is replicated on other parts of the terrace, makes a positive contribution to the character of the listed building. The new gabled element would be considerably bulkier than that which would be lost and both gables would project well above the eaves line such that the extension as a whole would have an imposing impact on the rear elevation. The symmetrical composition of the upper floor would give the extension a sense of formality and its visual impact would be compounded by the modern first floor glazed link. Consequently the composition, scale and design of the proposed rear extension would be at odds with the informal character and subservient nature of the rear elevation of the listed building. Moreover, the extension would cover the entire rear wall of the property such that its original form and appearance would no longer be legible.
9. I acknowledge that the rear of the building is partially screened from view by existing buildings and vegetation. Nevertheless, even in early summer part of the first floor of the building and its roof were visible from Shepherd Street. Moreover, listed buildings are protected for their inherent qualities, irrespective of whether or not they are visible to the public.
10. I also acknowledge that the extension would, in itself, be well-proportioned and that matching brickwork would be used. Whilst the extension would unify the appearance of the rear of the building, symmetry does not form part of the character of the rear of the houses as it does at the front. Whilst there are modern properties nearby with strident gable features and bargeboard detailing in the vicinity, this does not persuade me that such a form of development is appropriate on this listed building.

11. My attention has been drawn to examples of planning permission for first floor extensions on other parts of the terrace. However, I do not have the details of these cases before me, or the context in which they were allowed, so cannot be sure they are directly comparable with the appeal proposal.
12. For the reasons set out above, the proposal would detract from the architectural and historic interest of the building. For the same reasons the proposal would neither preserve nor enhance the character or appearance of the conservation area. As such, it would not comply with the weighty statutory requirements of the Act, as set out above. Also, for the same reasons, the proposal would not comply with Policies HL5, EP3 and EP4 of the Fylde Local Plan 2005 which in various ways seek to ensure that new development is in keeping with its context and preserves heritage assets.
13. The approach in the National Planning Policy Framework is that where the harm to the significance of the building would be less than substantial, as in this case, it should be weighed against the public benefit of the proposal including securing its optimum viable use. Less than substantial harm does not equate to a less than substantial planning objection. I acknowledge that the proposal would be of benefit to the appellant in providing additional living space. However, I am not persuaded that this consideration equates to a public benefit including securing its optimum viable use, sufficient to outweigh the harm that I have identified.

### **Conclusion**

14. Therefore, for the above reasons and taking all other matters raised into account, including the comments of a neighbouring resident, the appeals are dismissed.

*S Ashworth*

INSPECTOR



# Appeal Decision

Hearing held on 13 June 2017

Site visit made on 13 June 2017

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 June 2017**

## **Appeal Ref: APP/M2325/W/17/3166447 29 Mains Lane, Singleton FY6 7LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice with the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr R Richardson against Fylde Borough Council.
- The application Ref 16/0538, is dated 19 July 2016.
- The development proposed is described as "the erection of 7 dwellings (6 x single storey, 1 x 1.5 storey) around existing dwelling with access, layout and scale applied for with appearance and landscaping reserved."

### **Decision**

1. The appeal is allowed and outline planning permission is granted for the erection of 7 dwellings (6 x single storey, 1 x 1.5 storey) around the existing dwelling at 29 Mains Lane, Singleton FY6 7LJ in accordance with the terms of the application, Ref 16/0538, dated 19 July 2016, subject to the conditions set out in Annex A.

### **Procedural Matters**

2. The application was submitted in outline with the means of access, layout and scale to be determined at this stage. I have dealt with the appeal on this basis treating the plan which shows the landscaping of the site as indicative.
3. After the application was submitted to the Council, but before the appeal was lodged, the application was amended. The revised scheme reduces the total number of dwellings proposed on the site from 8 to 7, as described in the banner heading above.
4. The appeal was submitted due to the failure of the Council to give notice within the prescribed period of a decision on the application, and it is on this basis that the appeal has been determined.

### **Main Issues**

5. The main issues in the appeal are:
  - whether or not the proposed development would accord with the settlement pattern for the area;
  - whether or not the proposed development would have acceptable access to the range of services necessary to support new housing development; and

- the effect of the proposed development on the character and appearance of the area.

## Reasons

6. The *National Planning Policy Framework* (the Framework) sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. It is accepted by the Council that it cannot do this, with the latest Housing Supply Statement (base date 31 March 2017) indicating that it has a 4.8 year supply.
7. Paragraph 49 of the Framework 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 should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
8. Paragraph 14 of the Framework states that where the development plan is absent, silent, or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

## Settlement Pattern

9. The appeal site comprises a detached bungalow and the land surrounding it that includes a former stable building. It is located in the open countryside as defined by the *Fylde Borough Local Plan As Altered (October 2005)* (FBLP). In order to help to focus development in the urban areas, and protect the character and appearance of the countryside the FBLP seeks to restrain new development in such areas. Policy SP2 of the FBLP sets out the circumstances when new development in the open countryside is acceptable. It is no part of the appellant's case that the proposal would meet the criteria in this policy, and thus the proposed development would be contrary to it.
10. The Council are currently preparing the *Fylde Council Local Plan to 2032*, and at the hearing it was stated that the examination into this plan was due to resume at the end of the month. Under the policies in this emerging plan, the appeal site would continue to be located in the open countryside where development would be restricted unless it meets the criteria set out in Policy GD4, which are similar to those in SP2.
11. Therefore, the proposed development would not accord with the adopted or the emerging settlement pattern for the area and would conflict with Policy SP2 of the FBLP.

## Accessibility

12. A core planning principle of the Framework is to focus development in locations which are, or can be made, sustainable. With the aim of promoting sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance, or maintain, the vitality of rural communities, and isolated new homes are to be avoided, unless there are special circumstances. In general, the pattern of development should seek to minimise the length of journeys to



- work, schools and other services, facilitating the use of alternative modes of transport to the private car (paragraph 30 and 37).
13. Policy HL2 of the FBLP which, amongst other things, indicates that new housing should be located where there is good accessibility to shops, schools, employment sources, public transport and other community facilities, is broadly consistent with the Framework.
  14. It is accepted that the site is not within a defined settlement. The nearest such settlement being Singleton which is around 2km from the site, and includes a primary school. Poulton, which has a much larger range of services and facilities, is approximately 2.5km from the site. In the immediate vicinity of the site, the nearby petrol filling station has a small convenience store, and a coffee shop at the adjacent garden centre. Further along Garstang Road East, on the edge of Poulton lies a large industrial estate and a Lidl store. Whilst these are not within walking distance of the site, they would be within cycling distance, and the roads to both Poulton and Singleton have pavements along them.
  15. In previous appeals and applications in the locality, it has been concluded that the area is within a reasonable and accessible distance of services. However, the Council considers this is no longer the case as a bus service no longer runs along Mains Lane. Nevertheless, the site is still within walking distance of the bus stops on Garstang Road East which provides services not only to Poulton but also further afield including Blackpool and Lancaster. As such, I consider the site would still have reasonable access to public transport.
  16. The Framework acknowledges that the opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. Despite not being within a settlement, future occupiers would not have to travel a significant distance to be able to meet the majority of their day to day needs, and would not be entirely dependent on the private car to do so.
  17. Consequently, I consider that the proposed development would have acceptable access to the range of services necessary to support new housing development. Thus, in this regard, there would be no conflict with Policy HL2 of the FBLP, and it would accord with paragraph 55 of the Framework.

#### *Character and Appearance*

18. The appeal site relates to the extensive area of land that wraps around the host property. To one side of the site lies a small commercial laboratory site and housing, and to the other there is a garden centre and 2 bungalows. To the rear of the site are dwellings and open land, whilst to the other side of Mains Lane is a caravan and camping site, located behind a row of high coniferous trees. The site forms part of a cluster of houses that spread out along the roads that converge at the Five Lane Ends Junction. On both Garstang Road East and Mains Lane, between this area of housing and housing on the edge of Poulton is an area of open countryside. On this side of Mains Lane, it is my view that this open gap starts after the adjacent garden centre and Nos 35 and 37.
19. When travelling along Mains Lane in either direction, the high hedge along the site frontage, together with adjacent buildings, and the vegetation around these buildings limits views of the site to the short range. Similarly, views of

the site when travelling from Poulton along Garstang Road East are limited to places where there are breaks in the roadside vegetation. As such, whilst the open nature of much of the site may mark the start of a transition between the residential area and the open countryside, it does not make a prominent contribution to this transition.

20. The development of the site would inevitably erode its open nature, but the relatively enclosed nature of the site means that the scheme would be able to be accommodated without any significant impact on the landscape, character, and setting of the area. As the site is largely bordered on all sides by development, where views of the scheme would be possible it would be seen against the backdrop of this surrounding development, and would form a natural extension to the buildings located on the triangle of land between Mains Lane and Garstang Road East. As a result, it would not be seen as physically or visually isolated.
21. Although many of the dwellings on this side of Mains Lane are bungalows, the wider cluster of housing has a mix of single and two storey properties that vary considerably in age and design. The proposed development would consist largely of bungalows with one 1.5 storey dwelling. Whilst all the proposed properties would in fact be higher than the host property, their ridge height would be lower than the adjacent 2 storey laboratory building, and to No 25 located to the rear of the site. In addition, elsewhere in the area bungalows and houses are located adjacent to each other. In the light of the variety in the type and height of properties in the area, I am satisfied that the proposed dwellings would not appear an incongruous, or overly dominant, feature in the street scene. In addition, the plot sizes would be similar to others in the locality, and so the site would not appear cramped or over-developed.
22. The host property, and all the new houses, would be accessed via a cul-de-sac that would run to the side and rear of No 29. Whilst the majority of the houses in the vicinity front onto the road, there are a number of houses which are set back behind other dwellings and accessed by long driveways. This includes both Brook Cottage and No 23a and No 25 Mains Lane that are situated immediately adjacent to the site. Given this, the depth of development to either side of the site, and limited views that would be possible of the scheme, I consider that the layout of the proposed dwellings would not appear an alien or discordant feature.
23. Although some of the hedge to the frontage of the site would need to be removed to create the new access, the majority would be retained and the indicative landscaping plan indicates that there would be considerable new planting within and around the site. This includes a significant area of planting to the south west corner. Whilst this is only indicative at this stage, I note the concerns of Council that this amount of planting would unacceptably harm the landscape character of the area. However, I observed that significant groups of trees are in fact common in the surrounding countryside, and consider that the planting would complement that which already exists around the adjacent garden centre.
24. Overall, I consider that the proposed development would not have an unacceptable impact on the character and appearance of the area. Accordingly there would be no conflict with Policies HL2, EP10 and EP11 of the FBLP which seek to ensure developments have a high standard of design that would be in

keeping with the character of the locality and the distinctive character of the landscape.

### *Other Matters*

25. Whilst the appeal site is being used as the garden of No 29, given the planning history of the site, it is disputed between the parties whether this is the lawful use of the land, and therefore whether it can be considered to be previously developed land on the basis of being residential garden in a non-built up area. It is not for me to determine the lawful use of the land in this appeal. However, in order for me to establish whether the site is previously developed land, I must be confident that its lawful use is not one that is excluded in the definition of such land in Annex 2 of the Framework. In the absence of any planning permission for the change of use of the land to garden land, or a certificate of lawful use to show the use of the land, I am not persuaded that this is the case. Consequently, I cannot conclude that the site represents previously developed land. Nevertheless, whether or not the land is previously developed land or is not matter on which the appeal turns.

### **Planning Balance, Conclusion and Conditions**

26. The proposal does not accord with Policy SP2 of the FBLP. However, in that this policy seeks to restrict where housing can be located, I consider that it is a policy relevant to the supply of housing. Thus, in the absence of a five year housing land supply, it is out of date. This does not mean that it is irrelevant, but that the decision maker must determine the weight that it should be given. In this case, given the shortfall in the five year housing land supply is not substantial, and as the Framework recognises the intrinsic beauty and character of the countryside as a core planning principle, I consider that moderate weight can be given to it.
27. The Framework (paragraph 7) states that there are three dimensions to sustainable development. In terms of the economic role the proposal would enhance the economy of the locality by the creation of jobs associated with the construction phase, and spending by the new residents would be beneficial to the economy of the area. Whilst the modest scale of the development would limit these contributions, nonetheless, overall, the proposal would have positive economic benefits.
28. The scheme would provide new market housing in an accessible location, and future occupiers would help to maintain the vibrancy of local services. These represent social benefits that would arise from the proposal.
29. I have concluded above that, although the proposal would inevitably change the open nature of the site, it could be accommodated without causing unacceptable harm to the character and appearance of the area. In addition, the proposal would not be detrimental to biodiversity and wildlife, and depending on the exact nature of the landscaping, which is to be determined at a later stage, it may in fact be able to bring about enhancements in this respect.
30. Thus, although the proposed development would be contrary to the settlement pattern for the area, having considered the economic, social and environmental dimensions of the scheme, I consider that the adverse impacts of the development would not significantly and demonstrably outweigh the

benefits. So I consider that the proposal would be sustainable development. As such the presumption in favour of sustainable development set out in paragraph 14 of the Framework does apply, thus warranting a decision other than in accordance with the development plan.

31. Therefore, for the reasons set out above, I conclude the appeal should be allowed.
32. In addition to the standard implementation and reserved matters conditions, I have imposed conditions specifying the relevant plans, and indicating what needs to be submitted in the landscaping scheme as this provides certainty. In the interest of the character and appearance of the area and the living conditions of nearby residents, a condition is required to control the finished floor levels of the dwellings and the ground levels of the external areas.
33. For reasons of highway safety conditions are needed to ensure the submission of a construction management plan, and the provision of the proposed access and the visibility splays before any dwelling is occupied. To protect the living conditions of nearby residents a condition controlling the hours of operation and deliveries is necessary. For ecological reasons a conditions is required to protect protected species.
34. The Planning Practice Guidance indicates that conditions to restrict permitted development rights should only be used in exceptional circumstances. Given the generous plot sizes, the separation distances to surrounding houses, and the fact that dormer windows are commonly found on dwellings in the area, I am not persuaded that it is necessary to remove the permitted development rights as suggested by the Council. As the other conditions suggested by the Council relate to matters that are reserved for future consideration, I consider that it is not necessary to apply them at this stage.

*Alison Partington*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Jane Fox	Fox Planning Consultancy
Ron Richardson	Appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Claire Booth	Fylde Borough Council
Rob Buffham	Fylde Borough Council

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Appeal Notification Letter submitted by the Council
2. Statement of Common Ground
3. Settlement Hierarchy Background Paper March 2016 submitted by the Council
4. Five Year Housing Supply Statement, base dated 31<sup>st</sup> March 2017 submitted by the Council
5. A Landscape Strategy for Lancashire December 200 submitted by the Council

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**Annex A****Conditions**

- 1) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place, and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Site Plan Drg No F/16/35/01 Rev A; Proposed Site Plan Drg No F/16/35/02 Rev B; Strip Elevations Drg No F/16/35/03; Access Layout Drg No J746/Access/ Fig 1 Rev C.
- 5) No above ground works shall take place until details of the finished ground floor levels for the building and the ground levels for the external areas of the site, above ordnance datum, have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be implemented in accordance with the approved details.
- 6) Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a landscaping scheme for the site which contains details of:
  - Any trees, hedgerows and other vegetation on / overhanging the site to be retained;
  - Compensatory planting to replace any trees or hedgerows to be removed;
  - The introduction of additional planting within the site which forms part of the internal development and does not fall within the above two bullet points; and
  - The type, size, species, siting, planting distances and the programme of planting trees, hedges and shrubs.
- 7) No development shall take place until a Construction Management Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - The storage of plant and materials used in constructing the development;
  - Wheel washing facilities; and
  - Measures to control the emissions of dust and dirt during construction.

The development should proceed in accordance with the approved plan.

- 8) No dwelling shall be occupied until the access shown on the plan approved pursuant to condition 4 of this permission has been fully laid out and surfaced.
- 9) No dwelling shall be occupied until the visibility splays shown on the plan approved pursuant to condition 4 of this permission, have been provided either side of the new access. No structure, object, plant or tree exceeding 1m in height shall subsequently be erected or allowed to grow within the visibility splays permitted.
- 10) No site preparation, delivery of materials or construction works other than quiet internal building works such as plastering and electrical installation, shall take place other than between 08:00 hours and 18:00 hours Monday to Friday and 08:00 hours and 13:00 hours on Saturdays.
- 11) No vegetation clearance in preparation for, or during the course of development, shall be carried out on the site between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless an ecological survey which demonstrates that the vegetation to be cleared is not utilised for bird nesting, has first been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.

# Appeal Decision

Site visit made on 6 June 2017

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29<sup>th</sup> June 2017**

**Appeal Ref: APP/M2325/W/17/3169884**

**The Croft, 117 Mains Lane, Singleton FY6 7LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs P McGovern against the decision of Fylde Borough Council.
- The application Ref 16/0940, dated 23 November 2016, was refused by notice dated 9 February 2017.
- The development proposed is an outline application for a single dwelling house (access applied for).

## Decision

1. The appeal is allowed and an outline planning permission is granted for a single dwelling house (access applied for) at The Croft, 117 Mains Lane, Singleton FY6 7LD in accordance with the terms of the application, Ref 16/0940, dated 23 November 2016, subject to the attached schedule of conditions.

## Procedural Matters

2. The application is in outline form with all matters reserved for future consideration except for the means of access. Drawings showing an indicative site layout plan and a site location plan were submitted with the application and I have had regard to these in determining this appeal.

## Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and the Council's housing land supply and related considerations.

## Reasons

### *Character and Appearance*

4. The appeal site comprises part of the garden area to the side of a residential property known as The Croft. The site forms a frontage onto Mains Lane, with an existing access in between mature trees. The side boundary with the neighbouring property and rear boundary are also defined by hedgerows and mature trees. The boundary with the remaining garden of The Croft is undefined. The site is located outside development limits and in a Countryside Area, under the Fylde Borough Local Plan As Altered (2005) (Local Plan).
5. The immediate surroundings of the site comprises of mainly detached properties that form a linear pattern of development along Mains Lane, and



- around the junction with Shard Road. To the rear of the site is found a large polytunnel structure. More broadly, the area comprises of groups of dwellings along Mains Lane interspersed with undeveloped land or fields. Land set further back from Mains Lane predominantly comprises farmland.
6. The site's contribution to semi-rural character is limited by its enclosed nature and its location within part of a more concentrated area of development along Mains Lane. It is also not typical of the Coastal Plain Landscape Character Type (LCT) of the Lancashire County Council A Lancashire Landscape Strategy (2000). The LCT is characterised by open landscapes and large open fields that allow for long views. As the site is an enclosed garden and the proposal would not be prominent, it would not detract from this open character or compromise openness, or views, into the open countryside.
  7. The proposal would constitute an infill plot with its proximity to established dwelling plots on either side, and is located away from the larger undeveloped land or field gaps along Mains Lane that contribute more significantly to the semi-rural character. It would thus not result in the spread of built development along Mains Lane into the undeveloped countryside.
  8. The density of the proposal would be similar to existing dwelling plots along this stretch of Mains Lane and around the Shard Road junction. It would appear coherent with this established pattern of development. None of the other approved dwelling schemes that have been referred to by the appellant and the Council are close enough to the site to have combined effects with the proposal in respect of character.
  9. I conclude the proposal would not harm the character and appearance of the area and as such would comply with 'Saved' Policies HL2 criteria 1 and 2, HL6 and EP11 of the Local Plan that require that development is compatible with nearby and adjacent uses, is in keeping with local character, including landscape. In respect of whether the proposal would be well designed under these policies, this would be controlled through a reserved matters application.
  10. I also conclude that the proposal would comply with paragraph 17 of the National Planning Policy Framework (Framework) because it does take account of different character of areas and would avoid harm to the intrinsic character and beauty of the countryside. It would also comply with paragraph 58 of the Framework because it would respond to local character. Whilst I attach limited weight to policies contained within the Fylde Council Fylde Local Plan Publication Version (2016) (Emerging Local Plan), as it is still undergoing examination and the policies may change, Policies ENV1 and GD7 provide a similar approach to the current Local Plan to the protection of character and appearance in countryside areas, and landscape. As such, the proposal would also comply with these draft policies.

#### *Housing Land Supply and related Considerations*

11. Policy SP2 of the Local Plan seeks to restrict the types of development in Countryside Areas. The site lies in the countryside and the proposal would not be a type of development that is acceptable under Policy SP2. The Council accepts however it cannot demonstrate a five year housing land supply in accordance with paragraph 47 of the Framework. Paragraph 49 states that relevant policies for the supply of housing cannot be considered up to date if a five year deliverable supply of sites cannot be demonstrated. The provision of

one additional dwelling is unlikely to make a meaningful difference to housing land supply, especially as the housing land supply at 4.8 years does not constitute a substantial shortfall. Nevertheless, Policy SP2 is relevant to the supply of housing, is out of date and has limited weight. Whilst Policy GD4 of the Emerging Local Plan continues protection of the countryside, I have previously also given the policies of the Emerging Local Plan limited weight.

12. In these circumstances, following the Supreme Court judgment of 10 May 2017<sup>1</sup>, paragraph 14 of the Framework is to be applied, which means that where relevant policies are out of date, granting planning permission unless an adverse impact of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
13. In respect of the roles of sustainable development under paragraph 7 of the Framework, there would be minor economic benefits arising from the construction and maintenance of the single dwelling, and the contribution to housing land supply would constitute a small social benefit. As the proposal would not harm the character and appearance of the area, it would also not conflict with protecting and enhancing the natural environment, under the environmental role.
14. With regard to paragraph 55 of the Framework, the proposal's accessibility to public transport, local services and facilities, which are limited although include two petrol stations with retail space and two public houses within two kilometres of the site, affords it a slight benefit in respect of enhancing or maintaining the vitality of rural communities. My findings on the accessibility of the site are also consistent with the Koi Pool appeal decision (ref: APP/M2325/W/16/3143716) and the site is nearer to the full range of services in Poulton than the Koi Pool site. I consider the proposal does not constitute a new isolated home in the countryside, with its proximity to other dwellings, and therefore special circumstances do not need to be justified.
15. I therefore conclude that there are no adverse impacts that would significantly and demonstrably outweigh the benefits. The proposal would constitute a sustainable form of development and would comply with the Local Plan in all other respects, with the exception of Policy SP2, to which I have given limited weight. It would also comply with Policy NP1 of the Emerging Local Plan which reflects national policy on sustainable development.

#### *Other Matters*

16. The previous appeal (ref: APP/M2325/A/03/1128994) for a similar development on the site was determined some time ago in January 2004, and effects on the character and appearance of an area can readily change over a prolonged time period. The policy framework has also changed considerably since then, in particular with the introduction of the Framework and the approach to decision making that results from the lack of a demonstrable five year housing land supply. I therefore consider there are clear reasons why my decision departs from that of the previous appeal.

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<sup>1</sup> Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

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**Conditions**

17. I have imposed conditions necessary for reserved matters, timescales and plans, in the interests of certainty and the avoidance of doubt; require details to be submitted prior to commencement of development to provide for the proper drainage of the site, that protect and maintain trees that are to be retained, in the interests of character and appearance, for highways safety and deal with construction, as these matters needs to be addressed at the start of the implementation of the permission; and to protect nesting birds. I have not imposed a condition concerning landscaping as this is a matter reserved for future consideration.

**Conclusion**

18. I conclude the appeal should be allowed.

*Darren Hendley*

INSPECTOR

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**CONDITIONS SCHEDULE**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan OS 1:1250 and C281/1 Proposed Dwelling Nov 2016 but only in respect of those matters not reserved for later approval.
- 5) Development shall not commence until drainage works for the dwelling hereby permitted shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the drainage works shall have been completed in accordance with the submitted and approved plans.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 7) No development shall commence until a schedule of maintenance of the trees that are to be retained has been submitted to and approved in writing by the local planning authority, and the schedule shall be implemented as approved.
- 8) Development shall not take place until details of the junction between the proposed access road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) delivery, demolition and construction working hours; and
- v) wheel washing facilities.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 11) 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 a 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 scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the approved scheme.