

## Planning Committee Index

### 18 December 2019

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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 Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2019
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

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

# Planning Committee Schedule

## 18 December 2019

**Item Number:** 1

**Committee Date:** 18 December 2019

<b>Application Reference:</b>	19/0248	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Fairhaven Homes	<b>Agent :</b>	Sunderland Peacock and Associates
<b>Location:</b>	259 INNER PROMENADE, LYTHAM ST ANNES, FY8 1AZ		
<b>Proposal:</b>	DEMOLITION OF EXISTING DWELLING AND ERECTION OF A FIVE STOREY BUILDING TO PROVIDE 18 APARTMENTS INCLUDING ASSOCIATED LANDSCAPING AND CAR PARKING		
<b>Ward:</b>	FAIRHAVEN	<b>Parish:</b>	Fairhaven
<b>Weeks on Hand:</b>	39	<b>Case Officer:</b>	Andrew Stell
<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/@53.739504,-2.9963929,337m/data=!3m1!1e3?hl=en>

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

### Summary of Officer Recommendation

The application site is a detached two storey dwelling located in a residential area of Lytham St Annes opposite Fairhaven Lake. The building is not locally or nationally listed and is not in a conservation area. The application is submitted in full and proposes the demolition of the existing building and the erection of a 5 storey building providing 18 flats, with the majority 2 bedroomed. External parking areas and refuse store are provided with these served off a revised access point to Inner Promenade.

The site is within the settlement area and so the redevelopment of the site for a more efficient form of use is in accordance with Policy GD1 and DLF1 of the Fylde Local Plan to 2032. The scale of the building involves a significant increase over the existing, but the site is located at a transition point where the more domestic scale dwellings towards St Annes give way to the larger flatted developments towards Lytham and with this context, particularly the large building of the Ribble Point dwellings to the immediate west, it is considered that the scale of the development is acceptable.

The other key planning implications of the design, relationship to neighbours, and parking provision have all been carefully assessed and it is considered that they are acceptable. As such the officer recommendation is to support the application in principle. However, there are a number of areas where further information and discussions are required with the developer and so the recommendation is to delegate the decision to the Head of Planning and Housing to allow these to be progressed. These relate to: the provision of a surface water plan so that the potential implications for the Ribble Estuary SPA can be assessed, a number of relatively minor design queries that remain to be resolved, the securing of

affordable housing (either on-site or off-site ) to comply with the requirements of Policy H4, the provision of open space enhancements in the area to comply with policy ENV4, and the drafting of a series of planning conditions. Whilst it would be usual for these matters to have been progressed to a conclusion prior to presenting the application to Committee, having regard to the planning history of the site, officers are keen to understand Members view on the principle of development of a building of this scale and design in this location prior to committing the additional time with the developer to resolve these issues, although there are no indications that they will not be resolvable.

Accordingly, it is expected that the scheme will be capable of revision and progression to a point where it fully accords with the requirements of the Fylde Local Plan to 2032 and so it is recommended that the decision to grant permission on conclusion of the outstanding matters be delegated to officers.

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

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

### **Site Description and Location**

The application is located on the northern side of Inner Promenade within the settlement area of Lytham St Annes. It currently contains a detached two storey dwelling that faces onto Fairhaven Lake with gardens to the front and rear and a driveway entrance to the front. The surrounding land uses are all residential with the 5 storey flats at Ribble Point to the west, a semi-detached Victorian style dwelling to the east that is converted into flats and 3 storey dwellings on Clifton Drive South to the rear.

### **Details of Proposal**

The proposal is to demolish the existing dwelling and clear the site to enable the erection of a 5-storey building providing a total of 18 flats with a revised single access point to Inner Promenade and parking areas to the front and rear. The application is submitted in full.

The accommodation is in a single building with a generally rectangular footprint of 17m in width and 25m in depth although the upper floors are wider as they cantilever over part of the ground floor. The ground floor accommodation provides 4 flats with 2 x 2 bed and 2 x 1 bed along with refuse store and plant rooms. The first, second and third floors each provide 4 flats with 3 x 2 bed and 1 x 1 bed, and the upper floor provides 2 x 2 bed units. This gives a total of 13 x 2 bed flats and 5 x 1 bed flats.

This building is designed with the main habitable windows to the units to the front and the rear elevations, with predominantly secondary windows to the sides. The materials are a mixture of brick and rendered panels, with a tiled roof and large elements of glazing to the front and rear elevations, including a series of balconies.

Parking is provided to the front and rear from a single repositioned access point with a total of 18 spaces provided. A cycle store is provided to the rear, a bin store to the front and a separate pedestrian access is sited more centrally on the front elevation. Landscaped areas are provided across the site frontage and to the sides of the front forecourt area.

The application is submitted with a suite of supporting documentation including a planning statement, flood risk assessment, and a bat survey.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0010	PROPOSAL ERECTION 4 STOREY BUILDING TO PROVIDE 7 NO. APARTMENTS WITH GARAGE BLOCK TO REAR (RESUBMISSION OF 15/0708)	Granted	09/03/2017
16/0445	PRIOR APPROVAL FOR DEMOLITION OF DWELLING HOUSE AND ASSOCIATED GARAGE AND OUTBUILDINGS	Approve Prior Determination	11/07/2016
15/0708	ERECTION OF FOUR STOREY BUILDING WITH BASEMENT TO PROVIDE EIGHT APARTMENTS WITH UNDERGROUND GARAGING AND ALTERED VEHICULAR ACCESS FOLLOWING DEMOLITION OF EXISTING DWELLING	Withdrawn by Applicant	03/01/2017
07/1231	DEMOLITION OF EXISTING DWELLING & REPLACEMENT WITH 9 APARTMENTS & ASSOCIATED GARAGING	Refused	12/03/2008
04/0212	GROUND & FIRST FLOOR EXTENSIONS TO FRONT & REAR ELEVATIONS & ADDITIONAL TWO FLOORS OF ACCOMMODATION	Granted	25/06/2004

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

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
07/1231	DEMOLITION OF EXISTING DWELLING & REPLACEMENT WITH 9 APARTMENTS & ASSOCIATED GARAGING	Dismiss	21/08/2008

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

Not in a parished area.

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

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

Their comments on the application do not raise any objection to the development, but qualify that position with the need to address issues regarding car parking and off-site improvement works. The points raised in their consultation response are summarised as follows:

- Inner Promenade features limited waiting on the opposite side of the road to prevent overnight parking, and has no waiting at anytime on the same side.
- The pedestrian refuge that exists outside the site should be improved to feature tactile paving.
- The two nearest bus-stops to the site on Clifton Drive South should be improved to quality buys standard with raised kerbs

- The building should be adapted to include 2 electric charging points
- The parking should be increased to provide a further 6 spaces to serve the needs of visitors in addition to the 18 for the flats, and should include in this number a mobility space to the front and rear.
- The plans should demonstrate that a refuse vehicle can enter and leave the site in forward gear.

They then suggest a series of their standard conditions which are intended to secure these works and the proper implementation of the parking and access arrangements.

#### **Natural England**

They refer to the proximity to the Ribble & Alt Estuaries Special Protection Area (SPA), Ramsar site, and Ribble Estuary Site of Special Scientific Interest (SSSI), and comment:

*We request that a HRA is submitted to enable us to provide comments. We note that no detail has been provided with regards to surface water and foul drainage. The application site appears to be hydrologically connected to the designated site. You need to be confident that the application will not impact the designated site.*

*In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.*

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

They confirm that there are no significant ecology issues within the development site, but highlight the proximity to the SPA. They then conclude that due to the separation of the development from this site by the road and Fairhaven Lake and its car park and that the site is already developed, they believe that any post development impacts will be negligible.

They refer to the comments of Natural England regarding the potential for the site to be hydrologically linked to the SPA. They conclude that the risks of this contamination are limited but highlight that the law (as set by case law) confirms that these risks need to be established and then assessed at the time of a decision and so a HRA is likely to be required to enable the scheme to be progressed to a planning permission. This can only be established through the submission of drainage information which is currently missing from the supplied information.

They concur with the bat survey and do not believe that this is a significant issue, but suggest that a note be added to ensure that the demolition is undertaken with suitable precautions.

They refer to the moderate bird nesting potential of the front garden and request that a condition be imposed to ensure that this area is not cleared in the nesting season to avoid the potential for offences under the Wildlife and Countryside Act.

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

Whilst no comments have been received at this time, the scheme does not currently provide any details of the surface water drainage proposals. This information has been requested and it is agreed that the comments will be provided by the LLFA on receipt.

### **Strategic Housing**

They have been consulted on the application and have confirmed that there is a significant demand for affordable housing in the borough, with 2576 applications on the MyHomeChoice lettings scheme looking for accommodation in Fylde. Of these around half are seeking accommodation of the 1 or 2 bed scale that is proposed in this development. Having explained that the Housing Team advise that:

*“There is a high demand for affordable housing in Lytham and a limited supply and so affordable housing should be provided as part of developments wherever possible. Therefore there will be a requirement for affordable housing to be delivered on this site. The planning proposal comments that an off site contribution of £50k per unit would be made. With the high level of demand for 1 and 2 bed units within Fylde this would not be acceptable and we would be looking at the outset for an affordable housing provider to work with the Developer to deliver affordable homes as part of this development. I expect that there would be significant RP interest in working on delivering affordable housing as part of this scheme.”*

### **Local Education Authority**

The County Council have provided comments on the application in their role as the local education authority using their approved methodology for assessing the need for school places from a development and the generating of contributions from developments to address any shortfalls in provision that are identified.

They have assessed the scale of the development and conclude that it is likely to generate 1 additional primary school place over that which exists from the 4 bed roomed house that currently stands on the site. They conclude that there is sufficient capacity in local schools to accommodate this additional place and so make no request for primary education contributions from the development.

They undertake the same exercise in relation to secondary education and conclude that there is likely to be no net increase in scale place demand from the development compared to the existing situation. As such so make no request for secondary education contributions from the development.

### **Fylde and Wyre CCG**

They have been advised of the application but have not, to date, made any comment on it.

### **United Utilities**

Raise no objections to the development subject to standard conditions relating to the need for the site to be drained to separate systems and the surface water drainage follows the drainage hierarchy. They also request that the future management arrangements for the surface water drainage scheme be secured through condition.

### **Lancashire Fire Service**

They have made general comments about the need for new residential development to provide suitable access for fire tenders and a capacity of hydrants near to all dwellings.

### **Lytham St Annes Civic Society**

*“We lament the loss of one of the few remaining villas surrounding Fairhaven Lake. It is of particular interest and charm in the Arts & Crafts style with a distinctive sundial of*

1927. We would like to see the latter incorporated in any new development.

*Although we objected to demolition on the previous application we understand that permission was granted for seven apartments. This is a much bigger development and will have a much bigger impact on its surroundings, and we prefer the previous plan. There seems to be very little green landscaping due to parking needs. We also feel that a terracotta roof rather than dark grey would allow the building to blend in better with existing adjoining properties."*

### **Neighbour Observations**

<b>Neighbours notified:</b>	25 March 2019
<b>Site Notice Date:</b>	28 March 2019
<b>Press Notice Date:</b>	04 April 2019
<b>Number of Responses</b>	13 letters have been received from 10 properties (6 in Ribble Point, 3 other Inner Promenade neighbours, and 1 from Clifton Drive). A planning consultant has also responded as a collective representative of the occupiers of the neighbouring Ribble Point development.

**Summary of Comments** All correspondence received is opposed to the development.

The points made by the planning consultant are summarised as:

#### **Planning History**

- There has been a previous appeal for a scheme of 9 flats on the application site that was refused by Fylde Council and dismissed on appeal. This remains a relevant consideration
- There is a planning permission for the erection of 7 apartments in a 4 story block which represents a fallback position for the applicant.
- There is a demolition consent in place allowing the building to be demolished and so this is not an issue for consideration now.

#### **Submitted Details**

- The application is deficient as there is no Transport Assessment, no Design and Access Statement, no comparative analysis of the scheme to its predecessors, no sun-path analysis, no topographical survey to indicate the existing building levels, and no details of the proposed landscaping.

#### **Streetscape Comments**

- The existing property is an attractive Arts and Crafts style dwelling that sits comfortably in its plot whereas the proposed development is significantly larger in its height, frontage width and has no stagger to the front elevation to reflect the character of the existing streetscene
- The proposed eaves height to the new building will be higher than that of the Ribble Point on that side, which fails to respect the efforts made by the designers of Ribble Point to give it a domestic scale. The scale of the submission development



represents a very significant increase visually upon what currently exists upon site. This will give the new building a very dominating appearance, and so the consultant suggests that this element of the building should be of a reduced scale to address that impact.

#### Landscaping Comments

- The details provided are only symbolic but sufficient to conclude that the majority of the landscaping on the site will be lost.
- Inadequate compensatory planting for this is proposed.
- The 2008 appeal inspector criticised the scheme for a failure to provide suitable landscaping to soften the bulk of the building, and that remains the case with this submission.
- That decision also referred to the lack of open space around the building, and that issue is repeated with this scheme which has only parking around the building.

#### Parking

- The limited provision of parking spaces on site is inadequate and will lead to on-street parking in an area where this is already a high degree of such parking and where it is limited, particularly in summer.

#### Local Plan and Policy Implications

- The consultant refers to the requirements of Policy GD7 relating to the design of new development and argues that the scheme is in conflict with a number of the criteria of this Policy.
- Reference is then made to the compliance with the New Flat Development policy that was adopted in 1989. The consultant argues that his scheme is relevant for the consideration of this scheme despite its age, and then highlights that he believes it fails to accord with Policy 2a of this document which requires that developments conform to existing streetscape character particularly with regard to building lines and plot density.

#### Precedent

- Reference is made to the 2008 appeal decision, and particularly the Inspector's view that this property and its neighbours provide an element of domestic scaled properties that give an element of relief from the larger flatted developments that exist in the wider area. He argues that this remains a failing of the current proposal
- Reference is then made to the NPPF and its focus on delivering well designed development that respond to the local character of an area, and whilst there are many flatted developments in that area, this is not the traditional character that should be emphasised in new development.
- He highlights that the 2008 Inspector agreed that whilst the delivery of housing in accessible locations was a key benefit, this does not outweigh other considerations, and so he asks that this application be refused as it is not of a suitable scale and design

for this site.

The points made by the individual residents are summarised as:

- The parking proposed on site is inadequate and will lead to a large amount of overspill parking on Inner Promenade. This is compounded by the lack of any provision for servicing vehicles within the site.
- There will be significant overlooking of the rear garden area to Ribble Point
- The building will lead to a loss of light to the flats in the rear part of Ribble Point and the side elevation
- The refuse store is inadequate in its size and inappropriate in its location so it will lead to noise and odour issues to the nearby flats.
- Bats are regularly seen in the area so may roost in the existing building or trees.
- The scale of the building is overly large for the plot and the surrounding area. The site has permission for 8 flats and this is a more appropriate number
- Concerns over the potential structural implications for the older dwellings at the east of the site due to the likely use of piling to construct the flats.
- The loss of another one of the original properties from the area is highly disappointing and a loss of the heritage of the borough.
- The scheme will lead to significant overlooking and loss of privacy to the properties to the rear on Clifton Drive though the height of the building and the use of balconies
- There will be a removal of a significant area of garden and its replacement with hard surfaced parking areas which harms the habitat of wildlife and the drainage in the area.
- The building was regarded as a fine example of local architecture by a previous Inspector and remains so. It should be preserved as a reminder of the borough's heritage.
- There is no detail of how the affordable housing requirements of the development are to be satisfied.
- The design of the building does not reflect the local architectural standards
- The building will lead to a loss of privacy and light to the flats in the building at 261 Inner Promenade

### **Relevant Planning Policy**

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

DLF1	Development Locations for Fylde
S1	The Proposed Settlement Hierarchy
GD1	Settlement Boundaries
H2	Density and Mix of New Residential Development
GD7	Achieving Good Design in Development
H4	Affordable Housing
ENV4	Provision of New Open Space

INF2

Developer Contributions

**Other Relevant Policy:**

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

**Environmental Impact Assessment**

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

**Comment and Analysis**

**Policy Background**

The application site is located within the settlement of Lytham St Annes as designated by Policy GD1 of the Fylde Local Plan to 2032 (referred to as FLP32 hereafter). The justification to that policy explains that land within the settlement should generally be treated as suitable for development.

The FLP32 sets the development needs of the borough in the Plan period in Policies S1 and DLF1. Policy S1 confirms that Lytham (including Ansdell) is a Key Service Centre and so an area where “*a range of housing and employment opportunities will be promoted and delivered.*” Policy DLF1 expands on this by allocating the borough’s housing needs through a settlement hierarchy and confirms that the majority of future growth is to be focussed in the four Strategic Locations for Development, with Lytham St Annes being one of these. These policies set the context for the principle of residential development on the site.

The details of this are assessed through the other policies of the FLP32, principally Policy GD7 which sets out a series of design criteria that new development is to satisfy. The policies of the Housing Chapter of FLP32 are also relevant with Policy H2 looking at the density and mix of development, and policy H4 securing the provision of affordable housing. There are also various policies associated with the delivery of appropriate infrastructure, drainage, ecology and the other key material considerations for a scheme of this nature which will be referred to where relevant in the remainder of this report.

**Planning History**

The planning history of a site is a key material consideration in the assessment of a planning application. In this case there are two relevant recent decisions, and a more historic one which members need to be aware of.

Most recently a planning permission has been granted under reference 17/0010 for the demolition of the existing dwelling and the erection of a 4-storey detached building providing 7 apartments with a rear garage block providing the parking arrangements. This is an extant permission that can be implemented at any time up to March 2020, subject to the prior discharge of a number of pre-commencement conditions. This confirms that the principle of the loss of the existing building and the redevelopment of the site for a more intensive form of residential development is established as this permission provides a fall-back option for the developer at the present time. Prior to that the council approved a Demolition Determination application under reference 16/0445 which confirmed that the building could be demolished, and so reinforces that aspect.

More historically, an application was refused in 2008 for an application for the erection of a building

that provided 9 apartments on the site in a 4-storey building under reference 07/1231. That decision was subject to an appeal which was dismissed. The Inspector concluded that the site was a suitable one for development, but that the details of the scheme presented were unacceptable. He was particularly critical of the bulky nature of the development that was created by the 4-storey scale and proximity to the site boundaries which he felt harmed the outlook from the adjacent Ribble Point development and the appearance of the building in the streetscene. Whilst this decision is now quite dated and was made against a different local plan and national policy framework, it raises issues that remain relevant to the consideration of this application and so which will be discussed in the remainder of this report.

### **Principle of Residential Development**

With the site being an existing residential property within the settlement where residential uses are found on all developed sides it is appropriate that a residential re-use of the site is acceptable in principle. This is confirmed by the recent planning history that confirms the redevelopment of the site is acceptable providing that there is a suitable design, scale and other details to the proposed development. Accordingly the principle of the development is acceptable.

### **Scale of Proposed Development in Streetscene**

The existing building is a two-storey house with a traditional scale and appearance. It sits between a larger 3 storey building at Nos. 261/263 to the immediate east and an even larger 4-5 storey building at Ribble Point to the immediate west. The site is within the transition between the more domestic scaled properties that front the majority of Fairhaven Lake to the west, and the much larger redeveloped flatted buildings that front Granny's Bay to the east. In many respects the two-storey scale of the existing property is out-of-scale with that taller buildings around it, although that does help with visual relief of the streetscene in the longer range views that are available looking back at the settlement from across Fairhaven Lake.

Given the position of the building to the east of Ribble Point and the scale of the other buildings to the east of this site, it seems appropriate to read this site as forming part of that Granny's Bay streetscene. The scale of development in that area is almost exclusively of large 4 storey flatted buildings with these taking a range of styles but predominately having a significant bulk on their respective plots with flat roofs to the buildings and balconies to accentuate their use as flatted buildings.

With regards to the planning history, the extant permission is for a 4 storey building, albeit one with a reduced height to that proposed here as it provides accommodation in its roof. The earlier scheme which was refused for reasons of its bulk and scale had a height that replicated that of the Ribble Point development but was wider than the current proposal which meant that its height was even closer to the boundary with that property and so would intensify the scale of development in the area.

The proposal is for a 5 storey building and so provides an additional floor of accommodation over the neighbouring buildings. This is achieved by reducing the ground floor level of the building slightly, and by providing the flats with a minimal internal ceiling height. The resultant building has a staggered ridge line with the higher element to the Ribble Point side and sitting below the ridge to that building, and the lower part of the ridge sitting below the ridge of the building at 261/263 to the other side. This is a conscious effort by the architect that attempts to prevent the building from dominating the scale of these adjacent buildings. Further efforts are made on this by providing the building with a depth of roof that reflects the scale typically found on a dwelling, by incorporating elements of relief to the front elevation with a pair of forward projecting gables, by using a mix of materials to the front elevation, and by adding vertical and horizontal features to the front elevation.

to break up its appearance.

The result of this work is that it is considered that the building has a scale that is not unduly tall in its context, and will not appear as an overly dominant feature in the near views available from Inner Promenade or the more distant views available from across Fairhaven Lake. However, officers accept that this is not a clear-cut position, and it is with this in mind that the report is presented for consideration at this stage when a number of the peripheral issues around the decision remain to be finalised. If members do not agree with the recommendation of officers and feel that the building is overly intensive and bulky for the site then this will allow that decision to be made without spending time negotiating these more finer details. Nevertheless the officer view is that the proposal meets the requirement of Policy GD7 criterion d) with respect to the scale of the development relating well to its surrounding context.

### **Design of Proposed Development**

The existing building has an Arts and Crafts led design with a large Rosemary tiled roof above a rendered building with stone detailing. The approved flatted development from 2017 has a similar design approach but with an increase in scale and the use of a series of balconies and other more modern features. The refused scheme from 2008 was more brutal in its design and followed the approach found in many of the other flatted buildings in Granny's Bay with a symmetrical form of vertically positioned windows and balconies.

The development now proposed is a combination of these two approaches: it features the vertically aligned windows to the front elevation of the majority of other buildings in the wider area, but introduces a series of roof arrangements with projecting gables and dormers to add some articulation to the front elevation. This is enhanced through the varying heights to the windows, the relief provided by a pair of forward projecting gables, the use of materials, and the larger scale to the roof.

This approach is carried through to the rear elevation, albeit in a simpler form. The vertical windows remain but this also features some relief through a staggered rear elevation and through the use of dormers to the roof, a range of materials, and some balcony features. The side elevations feature limited window openings, although there is a large glazed area that illuminates the internal staircase to the eastern side elevation and a range of materials are used.

One slightly unusual design feature is that the upper floors have a greater width than that offered by the ground floor, with that achieved through the use of a cantilevered construction to the eastern side that is towards 261 Inner Promenade. This reduced ground floor width allows for the provision of a vehicle access to the rear and is positioned at a full storey above the driveway level. In itself, this creates a rather awkward 'lob-sided' appearance to the front elevation of the building but it is masked by the provision of a gate to the front elevation that will obscure this cantilever feature when closed so that it will read as a more natural form of construction. With this gate being used it is considered that the appearance of this cantilevered section will not be so harmful that a refusal of the application could be justified, although a condition is required to ensure that this gate is constructed and has an appropriate closing mechanism to ensure it remains closed when not in active use.

The Inspector in 2008 was critical of the design approach taken in some of the flatted developments in the wider area which he felt had not integrated successfully with the traditional character of the area. He did however, note that where more modern buildings had utilised traditional features this helped them integrate more successfully except where their scale and massing undermines that design approach. In this case the building is a large one, albeit smaller than that considered in

2008, and features a design that makes successful use of elements that assist with integrating it into the streetscene which is dominated by the Ribble Point development and the wider flatted schemes to the east. As such it is considered that the current proposal provides a design solution that meets the requirement of Policy GD7 criterion d) with respect to the design of the development relating well to its surrounding context

### **Density and Massing of Proposed Development**

One of the reasons that the Inspector dismissed the appeal against the refusal of the 2008 scheme was that he found the building in question to be harmful due to being larger and more bulky than the prevailing character of development in the area. This proposal is smaller in height than that previous scheme despite the additional floor of development and is narrower to retain a more balanced width on the plot. It is clearly a larger building than the 2017 approval, and features a frontage width that projects forward of the Ribble Point building whilst that earlier scheme had a more pronounced stagger to follow the 'building line' in the area which is created by the pair of semis at 261/263 being set back from the other dwellings in the block. This creates some implications for the streetscene view when approaching from the east, and in the relationship to the neighbour at No. 261. That latter impact will be assessed later in the report, but the streetscene impact is considered to be adequately mitigated by the use of a slight stagger to the relevant front corner with that supported by a series of windows and vertical material changes to the visible side elevation of the building that mean it will not appear as a blank and solid corner when viewed from that aspect. It is undeniable that the massing of the building in the streetscene will be significant, but the key test is whether this is a harmful impact and on balance it is considered that this is not the case with the scheme, although again this is an area where officers accept that a contrary conclusion could be reached.

With regards to the density of development, Policy H2 of the FLP32 requires: *"Developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area."* The Policy then suggests a minimum density of 30 dwellings per hectare should be applied. In this case the application site has an area of around 0.135 Ha., and so with a scheme for 18 dwellings this delivers a density of 133 dwellings per hectare. It is not untypical for flatted developments such as this to deliver such high densities and the policy recognises this and refers to the need for such developments to not create highway safety or parking issues, be carefully designed, be orientated towards the street and provide sufficient amenity space for its residents.

Subject to these elements being satisfied, as are addressed elsewhere in the report, the density of development is acceptable. Indeed, with the site being located at a highly accessible location in a Key Service Centre and close to a range of shops, leisure, health, education and other amenities it is highly suited to a high density development. That being said, this does bring some concerns as the scale of the building and its parking arrangements mean that the site is fully developed with little space for landscaping and so could indicate that a slightly lesser density may be appropriate should Members believe the scale of the building to be overly large.

Policy H2 also makes reference to the mix of bedroom sizes in new residential developments and promotes the provision of smaller units to meet the identified demand and shortfall of such accommodation. With this scheme providing wholly 1 and 2 bedroomed units it satisfies that policy objective also.

The other elements of Policy H2 (provision of elderly accommodation in schemes over 20 units, the development on gardens, and the provision of custom and self-build homes) are not relevant to this proposal due to the scale and nature of the scheme. Accordingly, the proposal is considered to

comply with all elements of Policy H2 and with the density requirements in Policy GD7 criterion d).

### **Access and Parking Arrangements**

The policy position with regards to this element of the assessment of the application is provided in para 109 of the NPPF, in various criteria of Policy GD7 of the FLP32, and in the policies of the Transport Chapter to that Plan.

The existing dwelling on site is accessed from a single width driveway to Inner Promenade with that leading to a driveway that runs alongside the house to a garage located to the rear. This provides ample parking spaces on site for the single dwelling. The proposal is to relocate the access on the site frontage with parking provided to the front and rear of the building.

The relocation of the access on the frontage is a simple change, and with the wide character of Inner Promenade, its function as one of the main connecting routes between Lytham and St Annes, and the good visibility that is available it is not considered that there are any issues with the geometry or location of the revised access position. There are also no concerns with the capacity of that road to take the additional vehicle movements inherent in a development of this scale. A series of conditions are appropriate to ensure that the revised access is properly delivered with a suitable detailed design and construction. The proposal will therefore comply with the requirements of Policy GD7 criterion q) in this regard.

The local highway authority refers to a series of measures to promote pedestrian connectivity, the attractiveness of access to bus services, and the provision of electric vehicle charging points on site. These are all appropriate suggestions for a development of this nature and should be secured through the imposition of a series of conditions to any approval to ensure that they are implemented at an appropriate stage of the development. The proposal will therefore comply with the requirements of Policy GD7 criterion r) in this regard.

The one area of the local highway authority's comments that cannot be addressed by condition is their suggestion regarding parking provision. In their consultation reply they suggest that the parking provision on-site is increased from the 18 spaces that are provided to 24 spaces, with the additional 6 spaces being designed to accommodate the needs of visitors to the site. The level of parking provided is an issue that several residents have also raised in their comments on the application.

Whilst the potential for increasing on-site parking has been discussed with the applicant, the scheme remains with the 18 spaces initially proposed and so provides one space per residential unit. The scale of the scheme on the site means that it is not physically possible for additional parking to be provided, but it is also not considered to be necessary by your officers. The level of parking provided ensures that each of the flats that is proposed has a single parking space, and with the accommodation provided being 1 and 2 bedroomed flats and the accessible location of the site to local services in Ansdell and other neighbouring parts of Lytham and St Annes, it is considered that this is adequate in this context.

The provision of visitor spaces for a development can be helpful where there are significant parking pressures in the area around the site, or there is a lack of any available spaces in that area. However, that is not the case here as the circumstances around this site are that there are extensive areas of on-street parking available and the re-developed Fairhaven Lake Car Park will be operational prior to the development of this scheme. These areas are specifically designed to accommodate the parking needs of visitors, and whilst they are subject to pressures at the peak holiday season, there are very few occasions during the year where a visitor would not be able to

park in a convenient walking distance to this site. On this basis the local highway authority's suggestion that visitor parking spaces are required in the scheme is not one that officers can support, and is certainly not one that would lead to the parking levels being in conflict with the policies of the Fylde Local Plan to 2032, or resulting in the harm that is needed for a scheme to be in conflict with the NPPF. This is set out in para 109 and states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

As such it is officer view that there are no access or parking reasons that could justifiably be used to oppose the development.

### **Relationship to Neighbours**

One of the key assessments with any planning application is how the works that are proposed relate to the neighbouring land uses, and with this proposal having residential neighbours on both sides and to the rear it is critical that these relationships are all carefully assessed. The perceived impact on the occupiers of the neighbouring Ribble Point flats was one of the issues that the 2008 Inspector found to be a failing with that earlier scheme and so that emphasises the importance of the assessment of these relationships.

Policy GD7 criterion c) requires that the amenity of neighbouring uses is not adversely affected by development and so this provides the relevant policy test for this assessment. Looking at the neighbouring relationships in turn:

#### **Ribble Point**

This is a four-storey apartment block located to the immediate west of the application property. It has a main part of the building with a rectangular footprint and a central rear 'outrigger' feature. The nearest part of the main building is set around 5m from the boundary with the application site at the nearest point. This features a series of non-habitable stairs windows and some secondary windows to the flats themselves that are obscurely glazed. The rear part of the building is two storeys with the first floor providing a flat with habitable windows that face across the rear gardens to Ribble Point towards the application site at a separation of around 13m.

The application proposal sits generally alongside the main body of the Ribble Point building with a staggered construction that places it around 1m inside the boundary at the closest point. This means that the prominent conifer hedge that currently runs along this boundary within the application site will be removed and the building will be visible from some of the flats at Ribble Point and from the rear garden area. This was an area that the Inspector criticised in the 2008 decision as he felt that the scheme under consideration at that time would cause an overbearing outlook to the occupiers of these flats.

Having considered the relationship of the new development to the Ribble Point development from within its grounds and one of the outrigger flats it is not considered that there will be any undue massing impacts suffered by the occupiers of this development. The majority of the proposed building is alongside the side of the Ribble Point building, and so will represent a typical relationship where the side of one large building sits alongside the side of another. The flat in the rear outrigger of Ribble Point will maintain a generally open outlook across the application site as its windows are generally faced in that direction, and the amenity in the rear garden area will not be significantly affected by massing due to the existing use of this area being compromised by the dense conifer hedge which runs along this boundary to a height of around 6m and the separation of the proposed building from this area.



With regards to privacy impact, the side elevation of the new development will feature some windows with a single second bedroom and two bathrooms on each floor. The position of these is such that they generally face the side elevation of the main Ribble Point building but will need to be conditioned to be obscured to ensure that there is no undue overlooking impacts caused as a consequence of their position within 1m or so of the site boundary if they are retained in their current form. Given that this involves some bedrooms in the proposed building the implications for occupier amenity is considered in a subsequent section of this report, and is a matter of on-going discussion with the applicant.

The rear elevation of the new development features a series of habitable windows at all floors and includes balconies which will enable a wider angle of vision to be obtained. However these windows are directed over the rear parking area of the application site such that only angled views are available of the garden area of Ribble Point with no direct views available into any of the flats. These garden areas are already overlooked by the flats within Ribble Point itself and there is no possible harm caused to the users of this area from the development that is proposed, although a condition is appropriate to ensure that a side wall is added to the balconies to ensure that no directly sideways views are available to the flats themselves. This will require some design to ensure that the large balcony feature to the upper floor does not offer any side facing views as this would be in a position where it would lead to unacceptable overlooking of the outrigger flat to Ribble Point as the separation of around 22m is inadequate for a relationship where buildings of this height are involved.

#### 261 Inner Promenade

This is a semi detached building providing accommodation over 3 floors that is divided horizontally into two flats and has a series of side facing windows that face onto the application site. The proposal has been viewed from the ground floor flat which features a window that serves the dining room to the flat along with the bathroom window and other windows to the hall and a storage area. The side elevation also features a larger window that serves the stairs and landing to the first floor flat. Of these the ground floor dining room window is the only primary window to a habitable room.

At present the dining room faces to the roof of the garage to the application property and whilst this is relatively close to the window, given the driveway width separation between the building at 261 and the application site boundary, the design and scale of the garage ensure that the garage has no harmful impact on the amenity available in this room.

The approved scheme from 2017 changes that as it involves the erection of a three storey building with a separation of around 3m from the side boundary with 261 and with a depth that reflects that of 261 and so was across the dining room window to this flat. This has a significant massing impact on the window and establishes a position whereby the amenity of the occupiers of this flat is compromised to a degree by the extant, but unimplemented, development. The assessment to make now is not therefore whether the current proposal is more harmful than the current situation, but how the proposal relates to the approved scheme given that this represents a fall-back to the applicant.

The scheme that was originally proposed when the current application was submitted changed the relationship further as it involved the formation of a full 5 storey building across this window, at a similar separation distance. This was considered to be unacceptably harmful to the amenity of the occupiers of 261 and so a revision has been proposed. This retains the depth of the building and its width at ground floor, but removes the rear corner of the development so that the element of the building that faces this window is now set in from the boundary by just over 4m to give an overall separation of around 7.5m. Whilst the application continues to provide a 5 storey building that is

across the dining room window to this flat, the increased separation will reduce the massing impact to a degree that is considered acceptable given the fallback position that is established by the 2017 approval, and the orientation of the affected window. This is again accepted as a marginal conclusion in the overall assessment of the application.

There are a series of windows in the side elevation of the proposed building that face this property which serve the kitchens to the flats that are on this side of the building at all floors. However these are all at a high level in the rooms that they serve so that there is no prospect of any overlooking of the windows and garden to this neighbour. The exception to this is the upper floor as this has a side facing balcony, and so creates a potential for overlooking of the garden area to this property. Whilst this is not a usual relationship, the height of this balcony and the arrangement of the neighbouring property mean that the overlooking will be largely over the roof to the building, its driveway and the far parts of its garden. However, there will be some clear views over the main part of the garden and so a design change relating to the use of louvered screens to this balcony is under discussion with the applicant. Assuming that a suitable conclusion to these is reached then the proposed scheme will not lead to any undue overlooking of this neighbour.

The position of the building on the plot and its scale means that there is a potential for the front corner to create an impact to the front elevation of the flats in No. 261 as it is well forward of that property. However, the separation distance involved and the open aspect enjoyed by the property to the front is such that any harms caused by the development are minimal and do not create an undue impact on the residential amenity that is available.

#### Clifton Drive

The rear boundary of the application site is shared partly with a garage to the Ribble Point development which wraps around the development site, and partly with the garden to 58 Clifton Drive which is a detached dwelling on that road. The proposed development clearly has no impact on the garage element, but there is the potential for it to impact on the property to the rear and its neighbours.

The proposed development features accommodation over 5 stories to the rear with habitable accommodation provided in all floors and featuring bedrooms and lounges. There are also a number of balconies, include a large area on the upper floor flat.

The council has an adopted Supplementary Planning Document which offers guidance on the development of flatted buildings in the borough, and whilst it is dated as it was adopted in 1989 its guidance in separation distances remains helpful. This suggests that where a 2 storey property (as at Clifton Drive) faces a 5 storey development (as proposed here) then the separation distance that is appropriate to ensure that there is no undue loss of light or massing impacts is 42m, as opposed to the 21m that is generally sought as a minimum where 2 storey developments face each other.

At this site the distance from the rear of the dwelling at 58 Clifton Drive to its rear boundary is around 26m, although that is reduced by a rear outrigger. The distance of the proposed flats to the rear boundary is 18m which gives a combined separation of 44m which exceeds the minimum set out in the SPD. This distance is split relatively evenly between the two sides such that the flats is not relying wholly on the separation on the Clifton Drive side of the boundary. The separation that is available to the neighbours to No. 58 are greater as a consequence of the angle of view.

It is therefore concluded that the separation that is available to the neighbours to the rear is sufficient to ensure that no undue privacy loss will be suffered by their occupiers, and that the proposed development will not lead to any undue massing or other impacts that could compromise

their residential amenity to an unacceptable degree.

### Summary

Given the above commentary it is officer opinion that having viewed the proposal from the key vantage points, and considered the impacts that it causes carefully, there are no over-riding impacts on the amenity of the occupiers of neighbouring residential properties from this development. It complies with the requirements of Policy GD7 criterion c) in that regard.

### **Amenity of Occupiers**

There is a single flat on each of the upper floors that has a second bedroom window on the side elevation that is set just inside the site boundary and faces Ribble Point development. A clear glazed window in this location would not be acceptable due to the overlooking of the Ribble Point site, and an obscurely glazed window to address that would unacceptably compromise the amenity available to the occupiers of these flats. This is an aspect that would be contrary to criterion o) of Policy GD7 which requires that new development provides a high standard of amenity for its occupiers. This is an area that is under active discussion with the applicant who has proposed the use of an angled window to allow forward facing views only from these bedrooms. This is likely to be a viable solution as it will ensure that the rooms have a view, but that this is only over the publicly viewable front garden areas of Ribble Point and so will not compromise privacy in that building. The final details of this are outstanding at the time of writing this report and so it is an area that officers would resolve prior to any decision on the application.

### **Provision of Affordable Housing**

Policy H4 of the FLP32 requires that any development of 10 units or more contributes towards affordable housing provision, with that contribution set at 30% of the overall scheme. The Policy then sets out further details of this, including a requirement that priority be provided to delivering affordable housing on-site wherever the council believes that it is appropriate.

Further clarification on the implementation of Policy H4 has been provided in a Supplementary Planning Document on affordable housing. This was approved for consultation purposes at the 11 September 2019 meeting of the Planning Committee and that consultation has commenced. Whilst this document is only in a draft form, it must be given weight in the assessment of planning applications of this nature as it provides an indication of the council's approach to delivering the requirements of Policy H4.

The application involves a net increase of 17 dwellings over the existing single property on site and so clearly exceeds the trigger for affordable housing provision in Policy H4. As 30% of 17 dwellings is 5 dwellings then this number of properties should be provided if the scheme is to meet its affordable housing obligations on site. The supporting Planning Statement submitted with the application claims that it is not appropriate to provide affordable housing on site, and so instead refers to the provision of a financial contribution towards off-site provision of affordable housing. Policy H4 does allow for off-site contributions, but requires that this is at 43% of the development to account for the affordable housing obligation of the site where the housing is to be provided. In this case that percentage equates to 7 units with the planning statement suggesting a contribution of £50,000 for each of these be made, providing it doesn't unduly impact the viability of the development as a whole.

The views of the council's Housing Services Manager as set out in her consultation response are that there would be Registered Provider interest in delivering affordable housing on site. Whilst there are general concerns over the management obligations for this form of affordable housing as part of a larger flatted development, the advice provided is that this is not unsurmountable and so officers

recommend that any approval of this development should be subject to a legal agreement that requires the provision of 5 of the units as affordable housing. Policy H4 explains that whilst flats are not generally used for delivering affordable housing, the decision is one for the council and with the high levels of demand for units of this size, and particularly for delivery of affordable housing in Lytham, then this option should be pursued at this site.

The tenure of the affordable housing would form an element of that legal agreement and should be predominantly affordable rent given the overwhelming need for that tenure in Lytham, although other tenures such as shared ownership or discounted market sale properties could make up the balance providing the units are appropriately priced to make them affordable. The provision and tenure of affordable housing is an aspect that is the subject of on-going discussion with the applicant and is a further element that could be delegated to officers to resolve if Committee were minded to support the principle of the development.

The submitted details with the application suggest that its affordable housing obligations should be met through the payment of a commuted sum to the council, in the event that it is not unviable, at the level of £50,000 per affordable unit needed (i.e. £350,000). That level of contribution has been sought previously in schemes of this nature, but with the progress that has been made on the Affordable Housing SPD it is appropriate to use the approach set out in that document in the event that off-site provision is acceptable in this location. The SPD calculates the contribution based on the cost of delivering an equivalent unit in that area, and requires the applicant to undertake some discussions with a series of Registered Providers to establish the value of the on-site affordable to establish the level of an appropriate commuted sum. The applicant has been directed to this SPD also in the event that the provision of on-site affordable housing is ultimately not achievable.

The applicant has raised a query with the viability of the development, but has not provided any evidence of this that the council can assess. Should they provide that then this is an area that will be examined as is normal in such cases. Irrespective of this the guidance in para 64 of the NPPF requires that at least 10% of a major scale development is affordable in all cases and so this will need to be delivered or the scheme will be contrary to that guidance which would justify a reason for its refusal.

For the development to meet its affordable housing obligations under Policy H4 of the Fylde Local Plan to 2032 it will be necessary for a s106 agreement to be entered into prior to the grant of any planning permission that requires 5 of the units to be provided as affordable housing, with at least 3 of these as affordable rent.

Putting aside any other consideration of the principle of development, if the Committee resolve to support the scheme it would be appropriate for the provision of affordable housing to be delegated to the Head of Planning and Housing to enable officer discussions with the applicant. These are likely to be focused on:

- The desirability of on-site provision of affordable housing in this scheme
- The number and tenure of units to be provided
- The potential for off-site provision to be accepted in the event that on-site provision is not achieved
- The extent of that commuted sum to accord with the requirements of Policy H4 and the draft affordable housing SPD
- Any assessments of the impact on the viability of the development that the provision of this affordable housing creates
- The use of a reason for refusal relating to a conflict with Policy H4 should the scheme not

provide an appropriate level of affordable housing

### **Provision of Public Open Space**

The increased scale of the development on site will inevitably increase the population on the site, and so the demand for the use of open space. This is an aspect that is covered by Policy ENV4 of the FLP32 which sets out an amount of open space to be provided per bedspace in new developments, and links with Policy INF2 which sets out a series of infrastructure works that the council can require new developments to provide to meet the need raised by that development.

In this case there is no on-site open space provided, and no on-site amenity space available given that the whole of the external areas is given over to the parking arrangements. This would not normally be an acceptable situation, but in this location there is a ready access to open space facilities on the area around Fairhaven Lake and with the availability of a pedestrian island of Inner Promenade to allow that to be access it is considered that this provides a reasonably well located existing open space area to serve the development.

The Policy does enable the provision of financial contributions to enhance the quality of the open space that serves the development, and with this area being so accessible to the development it is appropriate that this scheme makes a financial contribution towards its enhancement. The FLP32 relies on a not-yet-produced SPD to calculate the payment of such commuted sums, but the council has previously used a sum of £1,000 per unit for this and that is an appropriate and proportionate contribution in this case also. This should be secured through a clause in a s106 agreement should Committee support the development and would amount to £17,000 in total based on the net increase in the number of dwellings resulting from this scheme. With that in place the scheme will comply with FLP32 policy and will provide its residents with an appropriate access to suitable open space.

### **Provision of Education Places**

Policy INF2 of the Fylde Local Plan to 2032 contains an obligation for developments that increase the calls on a range of infrastructure and services to make contributions towards addressing any identified shortfalls in that service.

Lancashire County Council as local education authority have assessed the application and conclude that whilst it is expected to generate an additional primary school place over the existing dwelling on site this can be accommodated within the surrounding schools. As such no contribution request for primary education is made. There is not expected to be any increase in secondary school pupil yield from the development and so no funding requests are made for that provision either.

Given these views of the local education authority it is not considered that any funding requests for education capacity are required from this development.

### **Provision of Health Capacity**

The provision of health infrastructure is an element that is specifically mentioned in Policy INF2, but until recently the Fylde and Wyre Care Commissioning Group (as the local NHS agency) have not been in a position where they had any adopted documents that could support such requests. However, they have recently adopted such a policy and so it is likely that funding requests from the CCG where capacity in local GP practices is overly stretched will become a regular feature of the council's planning decisions.

In this case the CCG have not offered any comments on the application, with a reminder having been sent to them on the recent presentation of their policy document. With the lack of any request

having been received it is assumed that there are no concerns over health capacity in the vicinity of this site.

### **Ecology Matters**

There are two potential areas of ecological importance in the assessment of this application: the implications for the nationally and internationally important estuary, and the implications at a local level should there be any protected species present on the site.

Looking at the implications for the Ribble Estuary first, the comments from Natural England highlight that the council should undertake a Habitats Regulation Assessment and refer to the absence of any documentation of this nature with the application. They also describe the site as appearing to be hydrologically connected to the designated site.

The council's ecological consultant takes a more pragmatic view on the likely risks of pollution to the SPA due to the physical features that separate the site from the Estuary and the current developed state of the site. However, they agree that the absence of any drainage information with the application means that the council cannot be satisfied, to the degree that is legally required, that the development will not harm this protected area.

This is an area that has recently been raised with the applicant as he has been advised of the need to provide the surface water drainage proposals for the site so that they can be assessed for their adequacy as a drainage solution, and to inform the further ecological assessment of the scheme. It is understood that these have been commissioned and so should be available for assessment shortly. With the previously developed nature of the site it is almost certain that there will be an on-site storage facility and restricted outflow to a sewer but as yet this detail is outstanding.

Assuming these are provided and are acceptable in both respects there will be a need for a Habitat Regulations Assessment to comply with legislation, and will need to consult Natural England on this document. Whilst it is not expected that this will raise any hydrological or other concerns from the proposal this is a legal requirement and a further element that it would be appropriate for the Committee to delegate to the Head of Planning and Housing.

The protected species that could be present on the site are bats, and the application is supported with an ecology report that includes a bat survey. This survey highlights the limited potential of the area around the site to support a large bat population due to its urban character and absence of ideal bat habitat, the general good maintenance standard of the building which provides limited opportunities for bats to enter the building, and the undisturbed dust/cobwebs inside the building which indicate an absence of the disturbance that would occur if bats were present. The survey concludes that there were no signs of historic bat use of the site, and that the building has only a no real roosting potential. As such they advise that there are no bat impacts from the development. This survey has been presented by an appropriately qualified person and makes clear conclusions that are supported by photographic evidence to support the points made, and as such it is accepted that there is not likely to be any impacts on the local bat population as a consequence of the development.

### **Drainage Matters**

The site is located in Flood Zone 1 so is at the lowest risk of flooding, with the on-going sea defence works designed to safeguard the area from coastal flooding into the future. It is obviously previously developed with the existing property and gardens to the front and rear, and whilst the proposed development increases the extent of hard-surfacing, and so the potential rate of run-off from the roofs and parking areas, this is not considered to be a significant issue in a location such as

this with the scale of the site that is to be developed. However, there are no details on how the surface water is to be managed and so it has not been possible for the Lead Local Flood Authority to offer any comments on the application at this stage. This is a matter that should also be the subject of an officer delegation along with the provision of a condition that requires details the agreed scheme to be implemented to ensure that the appropriate level of containment on site can be implemented during the development.

With regards to the foul water drainage, the site is conveniently located for the sewer network and so it is not considered that there are any concerns over this aspect of the site's drainage.

### **Heritage Implications**

The property is an attractive 2 storey dwelling of a style that is typical of the area with rendered walls and a large tiled roof. It is one that has been considered for inclusion on the Local List of Heritage Assets, but was not considered of sufficient merit for inclusion on that list. It is not national listed and is not in a conservation area. As such the application site is not a designated, or a non-designated, heritage asset.

There are no nationally listed buildings in the vicinity of the site, but there are some locally listed buildings. The nearest is 253 Inner Promenade which is at the prominent corner with Beach Avenue, with others at the RSPB centre on Fairhaven Lake and 277 Inner Promenade. These buildings are seen in a wider context with the application site, but given the large variance in the scale, design, materials and form of the buildings in this part of the borough it cannot be concluded that there is a single over-riding style that should be respected on heritage grounds. As such it is not considered that the scheme will raise any heritage implications and there is no conflict with Policy ENV5.

The Lytham St Annes Civic Society have made reference to the loss of the building, and other details of the development, including that the sun-dial is an interesting feature that should be retained. This has been discussed with the applicant and a condition is proposed that seeks its retention within the development.

### **Other Matters**

The Fire Service have provided comments on the application which refer the developer to the relevant standards for the design of estate roads and the distances that residential properties can be constructed from a fire hydrant to ensure that there is access for the fire service if needed in the future. With the scheme involving a flatted development that is located in close proximity to the road with a double-width driveway these matters are all addressed in the submission and there are no concerns over fire service access.

### **Conclusions**

The application site is a detached two storey dwelling located in a residential area of Lytham St Annes opposite Fairhaven Lake. The building is not locally or nationally listed and is not in a conservation area. The application is submitted in full and proposes the demolition of the existing building and the erection of a 5 storey building providing 18 flats, with the majority 2 bedroomed. External parking areas and refuse store are provided with these served off a revised access point to Inner Promenade.

The site is within the settlement area and so the redevelopment of the site for a more efficient form of use is in accordance with Policy GD1 and DLF1 of the Fylde Local Plan to 2032. The scale of the building involves a significant increase over the existing, but the site is located at a transition point where the more domestic scale dwellings towards St Annes give way to the larger flatted

developments towards Lytham and with this context, particularly the large building of the Ribble Point dwellings to the immediate west, it is considered that the scale of the development is acceptable.

The other key planning implications of the design, relationship to neighbours, and parking provision have all been carefully assessed and it is considered that they are acceptable. As such the officer recommendation is to support the application in principle. However, there are a number of areas where further information and discussions are required with the developer and so the recommendation is to delegate the decision to the Head of Planning and Housing to allow these to be progressed. These relate to: the provision of a surface water plan so that the potential implications for the Ribble Estuary SPA can be assessed, a number of relatively minor design queries that remain to be resolved, the securing of affordable housing (either on-site or off-site ) to comply with the requirements of Policy H4, the provision of open space enhancements in the area to comply with policy ENV4, and the drafting of a series of planning conditions. Whilst it would be usual for these matters to have been progressed to a conclusion prior to presenting the application to Committee, having regard to the planning history of the site, officers are keen to understand Members view on the principle of development of a building of this scale and design in this location prior to committing the additional time with the developer to resolve these issues, although there are no indications that they will not be resolvable.

Accordingly, it is expected that the scheme will be capable of revision and progression to a point where it fully accords with the requirements of the Fylde Local Plan to 2032 and so it is recommended that the decision to grant permission on conclusion of the outstanding matters be delegated to officers.

### **Recommendation**

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the following matters being resolved to his satisfaction:

1. The receipt of revised plans to address current concerns over the amenity implications of the location of the refuse store, the amenity implications of habitable windows in the side elevation of the building facing Ribble Point, and the amenity implications of the balconies to the side and rear;
2. The assessment of a submitted surface water drainage scheme including its adequacy as a drainage solution, and the comments of Natural England regarding its ecological implications;
3. The completion of a Habitats Regulation Assessment or other ecological assessments as required;
4. The completion of a S106 Agreement is to secure:
  - provision, retention and operational details for 30% of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032
  - a financial contribution of £1,000 per dwelling (and the phasing of the payment of this contribution) towards securing off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the Fylde Local Plan to 2032
  - a financial contribution to be agreed (and the phasing of the payment of this contribution) to cover the council's proportionate costs in relation to the monitoring of the obligations of this



agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010

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;

5. The finalisation of a series of Planning Conditions that the Head of Planning and Housing considers are necessary to control the development. These are not drafted as yet but it would cover the following matters, and potentially others as discussions on the above matters are concluded:
  - a) Time limit for development to commence
  - b) The approved plans
  - c) Agree materials for the building
  - d) Agree materials around the site
  - e) Agree landscaping
  - f) Maintain landscaping
  - g) Any re-positioning of the existing sundial
  - h) Provision of the access arrangements on site
  - i) Provision of access improvements off-site (paving to traffic island, quality bus stops)
  - j) Provision of accessibility facilities on site (mobility spaces, electric changing points, secure cycle storage)
  - k) Provision of a suitable sized and located refuse store
  - l) Agree design of boundary treatments and gates
  - m) Agree design and location of balcony screening works
  - n) Confirm side facing windows that are not-high level are to be non-opening and obscured
  - o) Agree details of side gate and its closing mechanism to minimise impact of cantilever
  - p) Agree building and site levels
  - q) Agree surface water and foul water drainage details
  - r) Implement any ecological mitigation works
  - s) Confirm details of Construction Management Plan and its operation



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Ordnance Survey (100006084).

Application No.  
5/19/0248

Address  
259 Inner Promenade, Lytham St Annes

Grid Ref.  
E.3343 : N.4274

Scale  
0 6 12 18 24 m

**Item Number:** 2

**Committee Date:** 18 December 2019

<b>Application Reference:</b>	19/0334	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Edworthy	<b>Agent :</b>	Bailey developments ltd
<b>Location:</b>	3-5 BLACKPOOL ROAD, KIRKHAM, PRESTON, PR4 2RE		
<b>Proposal:</b>	RETROSPECTIVE CONSTRUCTION OF DETACHED SINGLE STOREY DWELLING WITH INDEPENDENT ACCESS FROM BLACKPOOL ROAD.		
<b>Ward:</b>		<b>Parish:</b>	Kirkham
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Alan Pinder
<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/@53.7837806,-2.9000451,168m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to a dwelling that has been largely completed on land that was formerly the site of a pair of semidetached houses on the southern side of Blackpool Road in Kirkham. These dwellings have been demolished as part of a planning permission that approves the erection of 3 houses and a bungalow. This application relates to the bungalow form that scheme.

As such the dwelling proposed by this application has previously been approved as part of planning permission ref. 17/0684. This proposal differs only from that by way of the proposed separate vehicular access from Blackpool Road as opposed to it utilising the shared access approved under that permission. The principle of the residential bungalow, its siting, its design, its scale and its appearance have all previously been established by ref. 17/0684, and thus the main aspect for consideration is the proposed separate vehicular access point.

LCC Highways have raised no concerns regarding potential impacts on highway safety and the siting and extent of the access are not considered visually inappropriate for this ribbon of built development on the south side of Blackpool Road. Accordingly the proposed development is considered to accord with the relevant policies of the Fylde Local Plan to 2032 and the NPPF. The application is therefore recommended for approval.

**Reason for Reporting to Committee**

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

### **Site Description and Location**

The application site is a parcel of land, approximately 0.1 hectares in area, located on the southern side of Blackpool Road and approximately 450 west of the main roundabout junction with Ribby Road. The site is neighboured to the west by Canada Park caravan site and a restaurant beyond, to the east is the site of three approved (but yet to be constructed) dwellings, and to the rear is West End Residential Park. To the north, on the opposite side of Blackpool Road, is the new 'The Spinnings' residential development. The site is within countryside as designated in the Fylde Local Plan to 2032.

The site forms the western most part of the larger site that was granted planning permission for the construction of four detached dwellings under ref. 17/0684, and specifically is the site for a detached bungalow that was one of the dwellings approved under that scheme.

### **Details of Proposal**

Planning permission is sought for the construction of a detached bungalow dwelling and a new vehicular access off Blackpool Road. Construction of the bungalow is largely complete and thus retrospective permission is sought for this element of the proposal. Apart from some minor alterations to the fenestrations the bungalow, as built, replicates the bungalow approved under 17/0684. The new access has yet to be formed and this is to be located diagonally opposite the main road access into the Spinning s element of the Kirkham Triangle development and adjacent to the entrance to the Canada Park caravan site, which is approximately 7 metres further west along Blackpool Road.

### **Relevant Planning History**

Application No.	Development	Decision	Date
18/0275	APPLICATION FOR PRIOR NOTIFICATION FOR DEMOLITION OF DWELLINGS AT 3 AND 5 BLACKPOOL ROAD AND ASSOCIATED OUTBUILDINGS UNDER PART 11 OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2015	Approve Prior Determination	30/04/2018
17/0684	ERECTION OF FOUR DETACHED DWELLINGS AND GARAGES FOLLOWING DEMOLITION OF EXISTING TWO DWELLINGS	Granted	16/02/2018
DISC/12/0350	APPLICATION TO DISCHARGE PLANNING CONDITIONS 2,4,6,7 OF PLANNING PERMISSION 12/0350	Advice Issued	08/07/2015
12/0350	APPLICATION TO EXTEND TIME LIMIT TO IMPLEMENT PLANNING PERMISSION 09/0249 FOR REPLACEMENT OF TWO SEMI - DETACHED DWELLINGS WITH TWO DETACHED DWELLINGS AND GARAGES.	Granted	01/08/2012
09/0249	REPLACEMENT OF TWO SEMI - DETACHED DWELLINGS WITH TWO DETACHED DWELLINGS AND GARAGES.	Granted	02/07/2009

### **Relevant Planning Appeals History**

None

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

**Kirkham Town Council** notified on 11 September 2019 and comment:

*“The Town Council object to the application on the grounds that the proposed new access would be directly opposite the main access road into the Kirkham Triangle development and thus would create an unacceptable hazard to highway safety.”*

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

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

No objections to the proposal. They opine that the development will not have a significant impact on the highway safety, capacity or amenity in the immediate vicinity of the site

### **Neighbour Observations**

<b>Neighbours notified:</b>	11 September 2019
<b>Number of Responses</b>	None

### **Relevant Planning Policy**

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H6	Isolated New Homes in the Countryside

#### **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) Regulations 2017.

### **Comment and Analysis**

#### **Relevant planning history**

Planning permission was granted on 16 February 2018 for the construction of four detached dwellings following the demolition of two existing dwellings (17/0684 refers). One of the dwellings approved under that permission is the detached bungalow for which approval is now sought in its own right as a separate entity. Under planning permission ref. 17/0684 a single point of vehicular access from Blackpool Road was approved to serve all four dwellings. Since that approval the bungalow has been built (and largely completed) but the owner now seeks a separate vehicular access to serve only the bungalow. This application has been submitted for full planning

permission as the pre-commencement conditions attached to 17/0684 had not been discharged prior to construction works commencing and so the constructed bungalow cannot benefit from that permission.

Notwithstanding this, the existence of that planning permission confirms that the principle of the residential development, the design and appearance of the dwelling, and its potential impacts on neighbour amenity are all acceptable as they have all already been considered and found acceptable under planning permission ref. 17/0684. Hence for the purposes of determining this application it is necessary only to consider the proposed new, separate vehicular access point from Blackpool Road and its compliance with the relevant policy GD7 of the Fylde Local Plan to 2032.

#### Access & parking

The initial intention in the design of the scheme for 4 dwellings was that a single access point would be utilised to minimise the locations where turning movements were performed on this strategic road, and to avoid the possibility of conflicting movements with the access points opposite that serves The Spinnings and a crossing point associated with that access.

This scheme proposes a change from that with the formation of a separate access for this dwelling, which is understood to now be in a separate ownership to the 3 un-built properties. The access that is proposed would sit between the access approved under 17/0684 and the existing access serving Canada Park caravan site. The Town Council have objected to the application on the grounds that the proposed access would be directly opposite the main access road into 'The Spinnings' residential development and thus would create an unacceptable hazard to highway safety. However, the proposed siting of the access is actually offset from that access point, and is just beyond the pedestrian refuge that provides a physical barrier between these two access points and thus prevents any unacceptable interface between vehicles utilising these accesses. LCC Highways have been consulted on the application and have visited the site to assess the situation. They raise no objections to the formation of this access; opining that the development will not have a significant impact on the highway safety, capacity or amenity in the immediate vicinity of the site.

Whilst the concerns of the Town Council are understood given the history of the site, the local highway authority comments are clear that they believe the access arrangement to be a safe one in both principle and the design/location and on that basis it is accepted that the proposal does not present the 'severe' impact on highway safety that is needed to support a refusal of planning permission on that basis.

The site layout provides sufficient hardstanding to the front of the property to allow parking for two vehicles and sufficient manoeuvring room for vehicles to exit the site in a forward gear, and so this will also be acceptable for the single dwelling that is proposed.

#### Design & appearance in the Streetscene

The access point will require the removal of a 3 metre section of hedgerow to form the access. Whilst the application site is within designated countryside it lies within a ribbon of built development along the southern side of Blackpool Road, many of which have separate vehicular access points and within this surrounding context the proposed access would have little visual impact on the streetscape. Accordingly the access is not considered to unduly harm the visual amenity of the site and its surroundings and thus accords with criteria 'd' and 'h' of policy GD7.

#### Neighbour amenity

The spatial relationship of the access relative to neighbouring dwellings (both existing and yet to be built) is such that neighbour amenity would be unaffected, and thus would accord with criterion 'c'

of policy GD7.

#### Impact to trees

The impact on trees within the site was raised as a concern during consideration of the earlier planning permission, ref. 17/0684, however these trees fall outside the red edge boundary of this application site and sufficiently distant as to be unaffected by the proposed new access point.

#### Conclusions

The dwelling proposed by this application differs only from that previously approved under ref. 17/0684 by way of the proposed separate vehicular access from Blackpool Road as opposed to it utilising the shared access approved under that permission. The principle of the residential bungalow, its siting, its design, its scale and its appearance have all previously been established by ref. 17/0684, and thus the main aspect for consideration is the proposed separate vehicular access point. LCC Highways have raised no concerns regarding potential impacts on highway safety and the siting and extent of the access are not considered visually inappropriate for this ribbon of built development on the south side of Blackpool Road. Accordingly the proposed development is considered to accord with the relevant policies of the Fylde Local Plan to 2032 and the NPPF. The application is therefore recommended for approval.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This consent relates to the following details:

##### Approved plans:

- a) Site Location Plan 0 supplied by Digimap, scale 1:2500
  - Proposed Site Layout - Drawing no. A018/153/BR/06 Rev 01
  - Elevations - Drawing no. A018/153/BR/02 Rev A
  - Floor Plan - Drawing no. A018/026/BR/51 Rev A

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

2. 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 application form and / or approved plans listed in condition 1 to this planning permission.

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 Policy GD7 of the Fylde Local Plan to 2032.

3. The access and parking area shall be constructed and completed in accordance with the approved details shown on the approved site plan listed in condition 1 of this permission. The parking area indicated on that plan shall be made available prior to the first occupation of the dwelling hereby approved, with those areas thereafter retained available for the parking of motor vehicles.

Reason: In the interests of highway safety and to ensure the provision of adequate off street car parking in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

4. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A-G and Part 2 Class A, 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 its curtilage relevant to those classes shall be carried out without Planning Permission.

Part 1 - Development within the Curtilage of a Dwellinghouse

CLASS VARIABLES

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

Part 2 - Minor Operations

CLASS VARIABLES

A	Gates, Fences, Walls etc
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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 in accordance with the requirements of Policy GD4 and Policy H7 of the Fylde Local Plan to 2032.





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Application No. 5/19/0334	Address 3-5 Blackpool Road, Kirkham	Grid Ref. E.3407 : N.4323	Scale 0 10 20 30 40 m 

**Item Number:** 3

**Committee Date:** 18 December 2019

<b>Application Reference:</b>	19/0640	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Michael Davies	<b>Agent :</b>	De Pol Associates Ltd
<b>Location:</b>	HOLE IN ONE, FOREST DRIVE, LYTHAM ST ANNES, FY8 4QF		
<b>Proposal:</b>	ERECTION OF 27 No. 2 BEDROOM APARTMENTS IN TWO X THREE STOREY BLOCKS FOLLOWING DEMOLITION OF EXISTING PUB BUILDING, AND CONVERSION OF EXISTING GROUND FLOOR NURSERY INTO 3 No. APARTMENTS. REVISION TO SITE ACCESS ARRANGEMENTS, PARKING AND LANDSCAPING		
<b>Ward:</b>	ANSDELL	<b>Parish:</b>	Ansdell
<b>Weeks on Hand:</b>	18	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Delays in consultation replies		

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

<https://www.google.co.uk/maps/@53.7410197,-2.9759737,168m/data=!3m1!1e3?hl=en>

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

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

The application relates to the site of the Hole in One pub in Lytham St Annes which is a part single / part two storey building that has been vacant for around 5 years since the pub ceased trading. It also includes areas of the parking around the pub and adjacent commercial units and the ground floor of one of the commercial units which is also vacant but last traded as a children's day nursery. The site is in the settlement area and is not subject to any constraints although there are areas of protected woodland alongside the site and a public right of way runs along part of the rear perimeter of the site.

The application proposes the clearance of the pub building and the erection of two 3-storey apartment blocks which provide a total of 27 x 2 bedroomed flats, and the conversion of the former day nursery to provide an additional 3 flats. The access, parking, servicing and landscaping arrangements around the site are also to be revised as part of the scheme.

The principle of residential development in a settlement area such as this is acceptable, and there are no concerns over the loss of the pub or the children's day nursery given the time that each has been vacant.

The redevelopment of the site with a flatted development is a different form of residential development to that found in the vicinity. but as this site forms part of the original 'village centre' for the South Park estate it is already slightly distinct from that surrounding development. There are also existing flats above the commercial units and the use of the site in this manner allows an efficient form of residential development in a settlement location.

Whilst these surrounding buildings are at 2 storey, the proposed 3 storey buildings here are not excessively taller than them due to the design that is proposed and the change in ground levels. This allows the buildings to be accommodated on the site without causing any harm to the character of the area. The design is modern, but there is no overall style of housing in the area with some differences clear as areas have been developed at different times and properties have been extended in different ways since construction. The erection of a pair of cohesively designed blocks on this site will present a positive design solution to the site. The scheme raises no sustainable concerns over access and parking, relationship to neighbours, ecological matters, drainage, etc and so it is considered to be a scheme that is acceptable in principle.

The development is of a scale and nature that triggers a requirement for affordable housing, public open space and other contributions to infrastructure enhancements to meet the requirements of Policy H4, ENV4 and INF2 of the Fylde Local Plan to 2032. The details of these are the subject of some ongoing discussion with the applicant's agent and so it is recommended that the decision on the application be delegated to officers to allow these discussions to continue to a conclusion and so the necessary s106 agreement to be signed in advance of planning permission being granted.

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

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

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

The Hole in One pub is a part single / part two storey building that was built as part of the 'village centre' to the South Park development in the mid-1970s. The application site here includes the Hole in One pub, its car park and servicing area, the ground floor of one of the adjacent commercial units, and the majority of the access and servicing area for the village centre.

The pub has been vacant for over 5 years and has consequently fallen into a state of some disrepair. The commercial unit is also vacant and has been for around 12 months, with its last use being as a day nursery. There are other commercial units within the centre that are trading as a chiropractor, a dental surgery, and a hair salon. These are in two storey buildings with the upper floors in residential use. Access to the site is provided by a circulatory arrangement from Forest Drive with the parking area separated by a narrow landscaped strip from that road. There are also areas of flagged pedestrian areas within the site to the front of the commercial units with limited landscaping around the site.

The South Park estate is built on the periphery of the Lytham Hall grounds and is primarily residential, meaning that there are residential uses to the north (across Forest Drive) and west of this site. The land to the south and part of the east is a woodland which is protected by TPO (Ref: 1976 Lytham No 1), with an area of undeveloped and overgrown grassland to the remainder of the eastern boundary. Further to the south east is a play area that is accessed from this application site by a recently confirmed public right of way (Ref: 5-2-FP19) and beyond that through a series of short residential cul-de-sacs is Hall Park Primary School.

The land is within the settlement area as designated on the Fylde Local Plan to 2032 with no other designations or constraints.

### **Details of Proposal**

The application is submitted in full and effectively proposes three elements of development:

- The pub building is to be demolished and the site cleared to be replaced with 2 blocks of 3 storey residential development which together provide 27 x 2 bedroomed flats.
- The ground floor of the commercial unit is to be converted to provide 3 x 1 bedroomed apartments.
- The access and parking arrangements are to be revised with a single centralised access point provided to serve the new build residential development, the existing access point to the site revised to serve as an in/out arrangement for the remaining in commercial units, the flats above them and the converted flats created under this proposal, and the parking arrangements across the whole site are to be revised.

The new residential development are 3 storey blocks that are of a mixed render and brick construction. The front block provides 4 flats to each floor around a central access area, with the rear block providing 5 flats to each floor. Each flat is similar in size with access provided from a central core of the building that provides the access lift and stairs as well as internal cycle storage areas. The flats have their primary windows on all elevations of the building with some including balcony features at upper floors. The buildings are generally rendered at ground and first floor and clad in grey aluminium at the upper floor with elements of timber and brick detailing and vertical windows to break up these elevations.

Externally there are bin stores to each building and a collection point alongside the access to the residential element of the development. Parking is provided off the main access route and around each of the flat building. A revised area of landscaping is provided to the front of the site, with other areas alongside the flat buildings and to the rear where the public footpath continues to run through the site.

The commercial element is also revised to provide a more cohesive arrangement of its parking and to open up the front of the units which is currently a flagged area which adds little benefit to the operation of the site. The service access is retained to the rear of these premises.

### **Relevant Planning History**

Application No.	Development	Decision	Date
14/0786	OUTLINE APPLICATION FOR ERECTION OF 5 DWELLINGS (ACCESS AND LAYOUT PROPOSED WITH OTHER MATTERS RESERVED)	Granted	11/09/2015
77/0234	RESERVED MATTERS- DETAILS OF PUBLIC HOUSE. (RELATES TO 3/2/8776)	Granted	25/04/1977

### **Relevant Planning Appeals History**

None

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

Not in parished area.

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

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

The comments received may be summarised as follows:

#### **Background**

They confirm that their comments are based on a review of the submission including the Transport Assessment, a review of the highway information available, and a visit to the site.

#### **Highway Capacity**

They explain that the TRICS system indicates that 30 dwellings (not flats for robustness) would generate 17 two-way movements in the morning peak (8am-9am), 16 two-way movements in the evening peak (5pm-6pm) and 138 daily movements. They advise that they do not believe that this number will have a severe impact on the highway capacity or congestion in the vicinity of the site.

#### **Site Access**

They confirm that there are no reported accidents in the last 5 years in the vicinity of the site, and so conclude that the area has a good accident record.

They consider that the western access (to be retained for the commercial and converted unit) is acceptable for vehicles, but should be amended to provide a footway to cater for pedestrian use.

The eastern access (serving the new flats) is found to be substandard due to its restricted width preventing access and egress by larger vehicles without them impacting on the operation of Forest Drive. They also advise that the bin store should be relocated away from this point to ensure that the access remains safe when this point is being serviced by the refuse collection vehicle.

The consultee response advises that this is an objection that should lead to a refusal of the application as they believe it is in conflict with NPPF guidance.

#### **Sustainable Links**

They raise some concerns over the potential obstruction of access to the public right of way to the rear by a gate and the presence of vegetation in its vicinity could impact its attractiveness to users. They have forwarded these concerns to the Rights of Way team at LCC to see if they wish to comment further (although that team were initially consulted by Fylde direct on receipt of the application in any event).

The consultee response advises that this is an objection that should lead to a refusal of the application as they believe it is in conflict with NPPF guidance.

#### **Sustainable Transport Enhancements**

They do not request any transport contributions from this development.

#### **Internal Layout**

They opine that the current layout has issues which prevent it from meeting the obligations of current guidelines. These are firstly that the size and number of on-site

turning areas are inadequate to allow a larger vehicle (refuse / emergency vehicle) to access and turn within the site safely, and that the level of parking is inadequate as they would expect 2 spaces per flat, and so the 43 spaces is inadequate for the 30 flats created.

The consultee response advises that this is an objection that should lead to a refusal of the application as they believe it is in conflict with NPPF guidance.

#### Future Highway Adoption

They confirm that LCC would not consider the adoption of the internal highways.

#### Conclusion

*"LCC Highways are of the opinion that the proposed development, as presented, fails to meet the requirements of the National Planning Policy Framework and will have severe impact on highway safety and the development fails to adequately promote safe and sustainable travel by modes other than car and would ask that planning permission is refused. The reasons for refusal have been provided within this report.*

*The planning department is advised to consider the highway comments within this report regarding amenity for refuse collection; car parking and links to existing sustainable routes."*

#### **Lancashire County Council Rights of Way**

No comments have been received following the initial consultation on receipt of the application, although some issues have been raised by the highway officer and it is possible that the PROW team will expand on these formally.

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

They have reviewed the bat survey that was submitted with the application, and confirm that its author is suitably qualified and known to them.

The bat survey concludes that the former Nursery building has a negligible potential for bats, and they agree with this position.

With regards to the pub building the bat survey reports the findings of a survey in 2015 which found a roost at that time, but that this is no longer present. They highlight that this does not discount a roost returning and so it is appropriate that any demolition is suitably controlled to use Reasonable Avoidance Measures to prevent any harm occurring. They suggest a condition for this.

They also suggest that a condition should be imposed to ensure that biodiversity enhancement measures are incorporated in the development.

#### **Strategic Housing**

*There will be a requirement for 30% affordable housing provision on site. The location is residential and in close proximity to shops and schools in the centre of Lytham. Lytham is historically an area where there has been limited supply of affordable housing provision over recent years, therefore the area is in need of such provision.*

*As of May 2019 there were 1641 active applicants on the housing register, MyHomeChoiceFyldeCoast, requiring 1, 2 and 3 bedroom accommodation. Of these 159*

*households, have a priority banding for re-housing due their current housing circumstances. 946 households require 1 bedroom accommodation, 442 households require 2 bedroom accommodation and 207 households require 3 bedroom accommodation.*

#### **LCC Education**

They have assessed the application, the likely yield of children from it, and the capacity of the local primary and secondary schools to accommodate those children.

With regards to primary education they conclude that the development is likely to create an additional 2 school places, and that there is sufficient capacity in the local schools to accommodate these children. As such no education contribution is requested for primary education.

With regards to secondary education they conclude that the development is likely to create an additional 1 school place. They also report that there is an existing shortfall in capacity in the area and that this development will exacerbate that. Accordingly, an education contribution request is made for a single secondary education place which amounts to £23,101.08.

#### **LCC Archaeology**

They have reviewed the location of the site and the historic map data. This indicates that the site is tentatively recorded as the former site of three possible manorial corn mills, comprising a horse mill, a windmill, and a watermill. Two mills can be seen on Yates' 1786 map of Lancashire, and the area is known as Millhill Wood. A mill is recorded as having been in operation from at least the 1320s or 1330s with the windmill continuing in use until the late 18<sup>th</sup> century, whilst the watermill is thought to have stopped operating by the end of the 16<sup>th</sup> century.

They explain that previous development of the site is likely to have caused some damage to any surviving below-ground archaeological deposits, but advise that a formal programme of archaeological investigation and recording is undertaken in advance of works starting. This can be secured through a condition.

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

No comments have been received.

#### **Parks Service**

The council's Parks Service have been consulted on the scheme to establish the capacity and condition of the public open space and play facilities in the area around the site. They refer to the close proximity of the site to the South Park play area. They also refer to this being a facility which the Council maintains and which is in need of maintenance and improvement works in the near future. They estimate a costing for works which range from £15,000 for a repair to £100,000 for an enhancement.

They then highlight that the scheme does not provide any open space or play facilities on site and so request that a proportionate contribution from the development is made to assist with this project.

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

They have confirmed a lack of objection to the application, but request that a control is

imposed on the hours of construction and demolition of the building to minimise the potential for disturbance to neighbouring residents.

#### **United Utilities**

They raise no objections to the application, but highlight that there is a need for the site to be drained on separate surface water and foul water systems, with the surface water drainage arrangements dealt with in accordance with the drainage scheme that is submitted with the application and restricts the flows off-site to 30.7 l/s.

Their consultation response refers to the need for the developer to arrange for water supply to be arranged for the dwellings and that arrangements are to be put in place to ensure that the surface water drainage system is appropriately managed, although they highlight the role of LCC as the Lead Local Flood Authority in that respect.

#### **Cadent Gas**

They have reviewed the location of the development and highlight that there is gas supply apparatus in the vicinity of the development site.

From the information supplied with their response this appears to be limited to the supply to the existing pub and commercial / residential premises and so is an aspect that the developer would need to work around as part of the standard construction works on site.

#### **Fylde and Wyre Care Commissioning Group**

No comments have been received.

#### **Cllr Aitken (Ward Councillor)**

He expresses concerns over the intensity of the application and in particular the height of the blocks and the adequacy of the parking levels provided. He also highlights that there is an area of land to the side of the site that would benefit from landscaping.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	14 August 2019
<b>Site Notice Date:</b>	16 August 2019
<b>Press Notice Date:</b>	29 August 2019
<b>Number of Responses</b>	There have been mixed views with 6 in opposition and 5 in support.

<b>Summary of Comments</b>	<p>The comments made in support of the application are summarised as:</p> <ul style="list-style-type: none"><li>• The replacement of the derelict pub with a residential use is an excellent idea, although reservations are expressed about the proximity of the building to the front of the site and the level of landscaping provided to soften that.</li><li>• A number of local businesses express support to the scheme as it will bring the site into productive use.</li><li>• The public right of way from the site to the play area and school beyond should be upgraded to a surfaced route to facilitate its use by parents and children visiting the school</li><li>• The development of this site should be undertaken as soon as</li></ul>
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possible to remove the visual harm that this site is causing. They also highlight the untidy nature of the adjacent site

- The clarification of the parking arrangements for the adjacent units is a welcome element of the application.
- The site is an appropriate location for residential development and will allow the council to meet its housing obligations on a brownfield site

The comments made in objection to the application are summarised as:

- The erection of flats is at odds with the established character of the area where residential properties are generally houses or bungalows
- The design of the building is 'office-like' and so will appear out of character with the more modest 2 storey domestic scaled properties in the area, and will conflict with their design approach. Reference is made to a refusal of planning permission to a house extension in the area where the decision related to the conflict with the established character and so they argue that this should require all new development to reflect the existing character
- There is no need for affordable housing in the area and so this cannot be accepted as a reason for supporting the scheme
- The number of dwellings proposed is excessive for the site as the density of use is too great
- The appearance of the blocks of flats will dominate the streetscene
- The level of parking will result in an unattractive appearance of the site as a result of its prominence
- Whilst redevelopment of the site is welcomed given the current eye-sore on the level of development proposed is excessive
- Flats are more likely to be occupied by a transient population who are less committed to maintaining the strong community spirit in the area at presented
- The level of parking that is provided is inadequate as it takes no account of the parking use by parents to the primary school on the school site over many years. This will move this parking on to neighbouring residential streets. A request for parking restrictions is made.

### **Relevant Planning Policy**

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

DLF1	Development Locations for Fylde
S1	The Proposed Settlement Hierarchy
GD1	Settlement Boundaries
H2	Density and Mix of New Residential Development
GD7	Achieving Good Design in Development
H4	Affordable Housing
ENV4	Provision of New Open Space

INF2

Developer Contributions

**Other Relevant Policy:**

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

**Environmental Impact Assessment**

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

**Comment and Analysis**

**Policy Background**

The application site is located within the settlement of Lytham St Annes as designated by Policy GD1 of the Fylde Local Plan to 2032 (referred to as FLP32 hereafter). The justification to that policy explains that land within the settlement should generally be treated as suitable for development, subject to the provisions of other policies within the plan.

The FLP32 sets the development needs of the borough in the Plan period in Policies S1 and DLF1. Policy S1 confirms that Lytham (including Ansdell) is a Key Service Centre and so an area where “*a range of housing and employment opportunities will be promoted and delivered.*” Policy DLF1 expands on this by allocating the borough’s housing needs through a settlement hierarchy and confirms that the majority of future growth is to be focussed in the four Strategic Locations for Development, with Lytham St Annes being one of these. These policies set the context for the principle of residential development on the site.

The details of this are assessed through the other policies of the FLP32, principally Policy GD7 which sets out a series of design criteria that new development is to satisfy. The policies of the Housing Chapter of FLP32 are also relevant with Policy H2 looking at the density and mix of development, and policy H4 securing the provision of affordable housing. There are also various policies associated with the delivery of appropriate infrastructure, drainage, ecology and the other key material considerations for a scheme of this nature which will be referred to where relevant in the remainder of this report.

**Planning History**

The planning history of a site is a key material consideration in the assessment of a planning application.

The existing pub was constructed in the late 1970s as part of the ‘village centre’ to the South Park residential estate along with the adjacent retail units and Hall Park Primary School. Since that time it has served that purpose until recent years where its popularity declined to the point where it closed in around 2013, and has consequently fallen into disrepair. Whilst there is legislative protection to retain pubs that perform a function as a community asset the fact that this building has remained empty for this period and the lack of any comments to the council in respect of this application which refer to the desirability of this facility being reinstated provide a clear indication that there is no real local desire for a pub to be retained on the site. Policy GD8 of the FLP32 deals with various viability issues including the retention of commercial premises in that use unless it can be demonstrated that it is no longer viable. Whilst there is no marketing information provided with the application to indicate that either the pub or the day nursery are not viable for any

commercial use, it is clear from your officers understanding of the site and the comments above that there is little to be gained from resisting the loss of these facilities in this location.

Returning to the planning history, an application was submitted shortly after the closure of the pub for the clearance of the site and the development of 5 detached dwellings. This was in outline, but indicated that these would be detached properties sited in a row that backed onto the eastern boundary of the site. Whilst this planning permission was granted no application for the reserved matters was submitted and the permission has expired. This does however establish the general acceptability of a residential use on the site, albeit this decision was made under the policies of the previous Fylde Borough Local Plan.

### **Principle of Residential Development**

With the site being located in an area of one of the main settlements of the borough where residential uses are found on all developed sides (including the flats over the commercial units) it is appropriate that a residential re-use of the site is acceptable in principle. This is confirmed by the recent planning history that indicates the acceptability of a residential use, albeit of a different form to that now proposed. The details of the current scheme will be assessed in the remainder of this report, but the principle of the development is acceptable.

### **Scale of Proposed Development in Streetscene**

The development has two elements: the conversion of the nursery building and the erection of the two flatted buildings as replacements for the pub. The conversion is undertaken without any extensions and so makes no changes to the scale of the building in the streetscene. That is not the case with the flats and so this aspect is examined in this section.

The existing building has an extensive footprint that is largely at single storey to provide the pub accommodation, but has an element that is at two storey and provides the managers flat element. It is sited centrally on that part of the site with a vehicle route all around and parking areas to the front, rear and side. The scale of the building, its position on site being well set back from the road and the slightly reduced level of that site itself compared to the road combine to ensure that the existing building is recessive in the streetscene.

The redevelopment features two buildings, with one to the front of the site and one to the rear. The rear building will be set behind the other and alongside the nursery unit with a backdrop of protected trees on the other two sides. This means that it will not have a great impact on the streetscene views from Forest Drive although it will obscure some of the views of the woodland which are currently available. In contrast the three storey building that sits in front of it is further forward on the site with a slightly increased width over the pub building, and at 3 storeys in height is clearly taller than that building. The result is that it will change the appearance of the site in the streetscene, but the key test is whether that change is a harmful one, and it is officer view that it is not as follows:

- The change in levels of the site and the flat roof design of the flats means that their highest point is only marginally above the height of the ridge of the dwellings on the opposite side of Forest Drive, and so they will not appear to dominate those properties or the wider streetscene vertically. This is assisted by the use of render to the ground and first floor and a darker cladding and windows to the upper floor to make that level more visually recessive.
- Whilst the building is forward of the position of the pub, it retains a 10m separation from the back edge of the Forest Drive footway which is considered to be an appropriate separation and exceeds that of the dwellings in the area.
- The area between the building and the footpath is to be entirely landscaped and so will give a

greater depth of planting in this location than is currently the case where there is a narrow strip before the parking for the pub is located.

- The width of the front part of the building is relatively narrow at 11m and so is 'domestic' in its scale. Whilst the building does widen this, it is set further into the site and so avoids there being a significant bulk on the road frontage.
- The building is considered to be well designed with a series of vertical and horizontal breaks, interest created to elevations by a range of materials and window position, and a general form that avoids being overly bulky.
- The open areas around the village centre and the grassland to the east, along with its position on the outside of a bend in the road, ensure that the building has a setting that allows it to be appreciated in more distant views and so allows the receptor to become accustomed to the building as they approach it rather than it being a suddenly tall structure in their views.

Accordingly it is considered that the proposal meets the requirement of Policy GD7 criterion d) with respect to the scale of the development relating well to its surrounding context.

### **Design of Proposed Development**

The existing building has a sprawling form with a brick and tile roof that is generally reflective of the materials used in the 1970s-1990s in residential development. This design is functional and does not provide any particularly positive qualities to the character of the area, although it is inoffensive.

The proposal is again a contrast to that in that the new buildings that provide the majority of the flats are of a modern design with a layout and form that provides the individual flats in the corners of the building and so places windows in the majority of the elevations. These windows take a variety of forms but do so in a structured way with a predominantly vertical emphasis to assist in breaking up the elevations of the building. The buildings feature balconies and areas of cladding that add further interest and avoid them appearing as a plain flat roofed buildings. There are a few areas of this design which remain the subject of discussions with the agent to ensure that officers are entirely satisfied with the scheme, with these relating to the position and layout of refuse storage and parking arrangements, and the extent of the use of render on the site. However, the fundamental officer view is that these buildings are a well-designed solution to the residential development of the site.

The works to convert the nursery building to a residential use involve the removal of the display windows that are a legacy of its original retail purpose, and the installation of individual doors to the flats and a series of windows to serve the various rooms in the front and rear of the building. These are to follow a similar style to that used in the new flat buildings but do not contrast unduly with the existing building or the other commercial buildings that also feature a range of brick and render treatments and tall vertical window details.

Externally the reordering of the parking and pedestrian areas around the site is a visual benefit. The current situation is haphazard with poorly defined parking areas, an untidy expanse of flagged areas, and an absence of landscaping. The proposal adds order to this with a defined entrance and parking for the new flats, the provision of ordered parking for the existing commercial units and the retention of a reduced pedestrian route that allows the uses on the site to be accessed. Pockets of landscaping are provided around the site and between the new flats and the existing buildings which will enhance the design of the site overall.

As such it is considered that the proposal provides a design solution that meets the requirement of Policy GD7 criterion d) with respect to the design of the development relating well to its surrounding context.

### **Density of Proposed Development**

Policy H2 of the FLP32 requires: *“Developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area.”* The Policy then suggests a minimum density of 30 dwellings per hectare should be applied. In this case the part of the application site which features the new flats has an area of around 0.27Ha., and so with a scheme for 27 flats on this part of this site this delivers a density of 100 dwellings per hectare. It is not untypical for flatted developments such as this to deliver such high densities and the policy recognises this and refers to the need for such developments to not create highway safety or parking issues, be carefully designed, be orientated towards the street and provide sufficient amenity space for its residents.

Subject to these elements being satisfied, as are addressed elsewhere in the report, the density of development is acceptable. Indeed, with the site being located at an accessible location in the main settlement of the borough close to a range of amenities it is highly suited to a high-density development.

Policy H2 also makes reference to the mix of bedroom sizes in new residential developments and promotes the provision of smaller units to meet the identified demand and shortfall of such accommodation. With this scheme providing wholly 1 and 2 bedroomed units it satisfies that policy objective also.

With the scheme being for over 20 units there is a need for it to comply with the requirement of Policy H2 in that at least 20% of the units are to be designed specifically to accommodate the elderly. As this is becoming a standard feature in developments and through the building regulations it is expected that the development meets those requirements. A condition is proposed to be imposed to ensure that is the case.

The other elements of Policy H2 (the development on gardens, and the provision of custom and self-build homes) are not relevant to this proposal due to the scale and nature of the scheme. Accordingly, the proposal is considered to comply with all elements of Policy H2 and with the density requirements in Policy GD7 criterion d).

### **Access and Parking Arrangements**

#### Policy Position and Background

The policy position with regards to this element of the assessment of the application is provided in para 109 of the NPPF, in various criteria of Policy GD7 of the Fylde Local Plan to 2032, and in the policies of the Transport Chapter to that Plan.

The existing development on site is accessed from a circulatory system from Forest Drive with parking around the site without any clear definition as to which parking is associated with each use on site. The development proposed in this application changes the access arrangements, the parking arrangements and the use on the site and so needs to be carefully assessed. In that respect the views of the local highway authority are useful as they are the key consultee on this matter. Their comments on the application are reported above but were received only a day before the completion of this report and contain a number of areas where your officers and the applicant's agent has queries over the conclusions expressed. As such it is expected that the agent will provide additional information for consideration by the local highway authority in advance of the meeting, but to assist members the current position on the key highway issues are discussed here.

### Network Capacity

The highway authority have undertaken an analysis of the likely vehicle movements generated by the development at peak hours and throughout the day. This concludes that they will have a negligible impact on the surrounding highway network and so raise no objection to the proposals on that basis.

Your officers agree with this assessment given the position of the site and the existing and proposed uses that are involved.

### Access Location and Design

The highway authority has no concerns over the principle of the revisions to the site access arrangements and the design of the new access points to Forest Drive and within the site, but do raise some queries about the position of footways, the width of accesses and the availability of turning space for refuse vehicles.

The highway authority suggests that these shortcomings in the site layout are sufficient to warrant a refusal of the application. Your officers disagree as the issues raised are minor and so it is expected that the applicant will be able to present a revised layout that addresses these issues either in time for the Committee meeting, or in advance of any decision being issued on the application.

### Servicing Needs

The revisions to the western site access will maintain the connection to the existing internal service road that runs around the western boundary of the site and provides access to the commercial / flat units that are outside of this site, and the converted nursery building. This roadway is of a suitable width to provide their servicing needs (deliveries, refuse, etc) and an access to these units. This is an essential element of the scheme and a condition is proposed to ensure it is maintained through any construction works.

The new eastern access is to provide access for the serving of the new build flats, and so will need to support access by emergency and refuse vehicles for the needs of these properties. The local highway authority have expressed some concerns over aspects of this relating to the vehicle tracking arrangements and the width alongside the refuse collection point, and recommend that the application be refused on this basis. Your officers do not support this approach and at the time of writing this report are awaiting clarification on this which is expected from the agent to confirm that appropriate arrangements are available.

### Sustainability Enhancements and connectivity

The site has a direct frontage to Forest Drive which is served with footways on both sides that provide a continuous and lit route to Lytham and to Ansdell and other destinations which are of those routes and would be attractive to a residential occupier, such as Hall Park Primary School and the grounds to Lytham Hall. LCC do not request any improvements to this, and it is not considered that any are necessary.

LCC do express some concerns over the position of a gate which they believe provides an obstruction to the public right of way which runs along the southern perimeter of the site. In fact the only gate is between the site and this right of way, and so it is possible that the LCC officer is mis-reading the plans. The site maintains the public right of way route and does not include any works that will gate or impede its use. The gate is a beneficial feature that will allow access to the right of way and so improve the connectivity from the site to the school and play area that it serves

without the need to use the highway footpath.

The site is located in a settlement area and has good connectivity to the services and other facilities that are available in the wider area.

#### Parking Levels

The scheme includes a rationalisation of the parking across the whole site, with the parking provided in 3 areas:

- 19 spaces are provided for the 3 commercial units that are retained in that use with 3 flats above
- 8 spaces are provided for the 3 flats formed from the conversion of the day nursery unit and the existing 2 flats that are above them
- 37 spaces are provided for the 27 new flats that are provided in the new build blocks.

The local highway officer expresses a view that the parking provision for the new flats should be provided at the level of 2 spaces per unit, and so the provision made is inadequate. He also suggests that the parking provided for the converted units is inadequate but this seems to be on the basis of a mis-counting of the spaces that are offered. He recommends that a reason for the refusal of the application is justified on his interpretation of the parking needs and the level of parking that is provided.

Your officers do not believe that any concerns over the parking levels are such that they could justify a reason for refusal of the application. The FLP32 contains a policy that relates to parking standards which explains that these are to be contained in a SPD, but this has yet to be drawn up. There is reference to parking in criterion q) of Policy GD7 which requires that development should not prejudice highway safety, and in para 109 of the NPPF which advises that planning permission should be refused on highway grounds only where there would be an unacceptable impact on highway safety that would be severe. As such the key test is whether the level of parking provided would lead to such a shortfall that it would have a severe impact on highway safety.

The parking levels for the converted flats in the nursery building and the existing flats above it are that there are 8 spaces for 5 flats. This is slightly over the 1.5 space per dwelling average that was previously national guidance and so is considered to be acceptable. Similarly, the level of parking for the new build flats is shown as 37 spaces on the plans as first submitted and is to be increased to 39 spaces in the scheme presented to Committee. This is slightly less than the 1.5 space figure. Whilst LCC suggest that 2 spaces per flat would be an appropriate provision for a 2 bedroomed unit, this is the provision that they apply to a family dwellinghouse and it is considered that this is an excessive requirement for a flat where the occupants are less likely to be reliant on a private car and will consequently have a reduced demand for parking. On this basis your officers do not believe that the level of parking provided is so inadequate that it will lead to highway safety issues, and certainly not to a degree that could be said to meet the test of being 'severe' as required by para 109 of the NPPF.

As such it is considered that the parking provision on site is appropriate in number. It is also conveniently located to each of the uses and is supported with secure cycle storage and good pedestrian connectivity. A condition is appropriate to ensure that the parking is phased so it is provided alongside the elements of the development that it is to serve.

#### Summary

Whilst the local highway authority has raised objection to the scheme over a number of grounds, it is your officer view that these are either unsustainable for the reasons quoted here, or can be

addressed by relatively minor revisions to the submission. It is therefore recommended that part of the overall decision on this application is to delegate the authority to secure these revisions to the scheme prior to any planning permission being granted, but to then allow the Head of Planning and Housing to consider compliance with the relevant criteria of Policy GD7 and para 109 of NPPF at the time of making the decision.

### **Relationship to Neighbours**

One of the key assessments with any planning application is how the works that are proposed relate to the neighbouring land uses. In this case there are residential neighbours in the properties to the opposite side of Forest Drive and in the existing flats over the retained commercial units. Policy GD7 criterion c) requires that the amenity of neighbouring uses is not adversely affected by development and so this provides the relevant policy test for this assessment. This report assesses the neighbouring relationships in turn below.

#### Forest Drive

There are three detached two storey houses that face onto the site from across Forest Drive, with two of these opposite the front of the two blocks of flats that are proposed. These flats are separated from the front face of the houses by almost 25m, and whilst these flats are taller than the houses and to the south of them this is a sufficient distance to ensure that there are no undue massing implications from them.

There is just a single window in this facing elevation of the flats, with this being a narrow vertical window to a lounge on each floor that has been included to add interest to this front elevation and provide light to the rear part of this room. At the separation distance involved, and with the restricted width of this window, it is not considered that there will be any undue overlooking or loss of privacy suffered by the Forest Drive neighbours.

#### Flats in Commercial Centre

Each of the three commercial units that is retained has a flat above it. These feature main habitable windows in the elevation that faces the front block of the new build flats, which in turn feature a range of habitable windows and balconies in their facing elevation. At the closest point these two buildings are 29m apart, and in other areas have a separation of 34m.

The council has an adopted Supplementary Planning Document which offers guidance on the development of flatted buildings in the borough, and whilst it is dated as it was adopted in 1989 its guidance in separation distances remains helpful. This suggests that where a 2 storey property (the existing flats) faces a 3 storey development (the new flats) then the separation distance that is appropriate to ensure that there is no undue loss of light or massing impacts is 28m. This is slightly exceeded in this case.

It is therefore concluded that the separation that is available to the neighbours to the rear is sufficient to ensure that no undue privacy loss will be suffered by their occupiers, and that the proposed development will not lead to any undue massing or other impacts that could compromise their residential amenity to an unacceptable degree.

#### Summary

As such it is officer opinion that having assessed the proposal it complies with the requirements of Policy GD7 criterion c) with respect to the amenity of neighbouring occupiers.

### **Amenity of Occupiers**

The proposed flats are all of a reasonable size and each have suitably sized and positioned windows



to enable good levels of natural light into the buildings. The upper floor flats are provided with balconies which allow an area of outdoor space to their occupiers. The ground floor flats each face on to a small area of landscaping that whilst it is not segregated as their own private amenity space, it does allow some greenery views to be appreciated from within the flats and provides each with a small patio area outside the access doors to this space.

It is therefore considered that there is no conflict with criterion o) of Policy GD7 which requires that new development provides a high standard of amenity for its occupiers.

## **Provision of Affordable Housing**

### Policy Background

Policy H4 of the Fylde Local Plan to 2032 requires that any development of 10 units or more contributes towards affordable housing provision, with that set at 30% of the overall scheme. The Policy then sets out further details of this, including a requirement that priority be provided to delivering affordable housing on-site wherever the council believes that it is appropriate.

Further clarification on the implementation of Policy H4 has been provided in a Supplementary Planning Document on affordable housing. This was approved for consultation purposes at the 11 September 2019 meeting of the Planning Committee and that consultation has commenced. Whilst this document is only in a draft form at present, it must be given weight in the assessment of planning applications of this nature as it provides an indication of the council's approach to delivering the requirements of Policy H4.

A further element to note is the requirement of para 64 of the NPPF for all major developments to provide at least 10% of the homes to be available for affordable home ownership, although there are some exceptions and qualifications to this as will be discussed below.

### The Applicant's Proposal

The application involves an increase of 30 dwellings on the site with the erection of the 27 new build flats and the conversion of the nursery to 3 units. As such it clearly exceeds the trigger for affordable housing provision in Policy H4. As 30% of 30 dwellings is 9 dwellings then this number of properties should be provided if the scheme is to meet its affordable housing obligations on site.

The application is supported with an Affordable Housing Statement that sets out the applicant's views on this aspect. This is that they believe that a lower provision is justified due to the potential for the scheme to qualify for the reductions available under the 'vacant building credit' as set out in para 63 of NPPF and accompanying PPG guidance, and that they believe the viability of the scheme is such that it would be rendered unviable in the event that any affordable housing provision was required.

### Vacant Building Credit - Background

The concept of Vacant Building Credit is introduced in para 63 of NPPF which states:

*"63. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount."*

Further guidance on what is a 'proportionate amount' is provided in Footnote 28 which states:

*“Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.”*

There is also guidance in the NPPG which answers the question ‘What is Vacant Building Credit?’ as follows:

*“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”*

The application of Vacant Building Credit is also covered in the draft SPD on Affordable Housing that is currently subject to consultation. This pulls together the current legislation and guidance and provides a methodology for assessing if a scheme can qualify for this Credit.

#### Vacant Building Credit – Assessment

From reading the above guidance there are several circumstances that need to apply for a development to qualify for Vacant Building Credit.

- NPPF para 63 explains that the site needs to be on brownfield land that is being reused – That is the case here.
- Footnote 28 confirms that the proportionate amount is the floorspace of the existing building – That can be calculated here.
- Footnote 28 advises that it does not apply to vacant buildings that have been abandoned. The PPG gives guidance on this and suggests that the council looks at matters such as the condition of the property, the period of non-use, whether there has been any intervening uses, and the evidence of the owner’s intentions. It goes on to suggest that a building which has been made vacant for the sole purpose of redevelopment or is covered by an extant or recently expired planning permission should not be included – In this case both buildings have seemingly become vacant some time ago due to economic factors with their previous operations, and whilst there has been a planning permission for the residential re-development of the pub part of the site this expired in September 2018 and was for a different form of residential development. The pub and nursery uses could become re-established at any time and as such it is accepted that the proposal is not excluded from the benefits of vacant building credit by the buildings being abandoned.

The only real concern at present is whether the building has been abandoned as the developer has not provided any details of recent use and marketing. This has been requested, but assuming it is sufficient to meet the requirements of the council’s draft SPD it will be accepted that vacant building credit can apply to this development. This is calculated by comparing the floorspace of the existing buildings with that of the proposal and then reducing the affordable obligations by that percentage to provide a ‘credit’ for that reused floorspace.

In this case the floorspace of the pub and nursery building are 864m<sup>2</sup>. The developer claims that the floorspace of the proposed development is 1,390m<sup>2</sup> and so this difference is equivalent to a 62% reduction in the affordable housing requirement taking the number of units required from 9 to 3. Officers have some concerns over the accuracy of these figures and the calculation involved in reaching their conclusion and so this is a matter that is under on-going discussions. It is expected

that this will result in a lesser reduction in the affordable obligation.

There is no reference to vacant building credit in Policy H4 because the FLP32 was drawn up under the guidance of NPPF12 and vacant building credit was only introduced as a concept in 2016. However, it is clearly part of national guidance and so needs to be followed in the council's determination of planning applications.

A further part of this guidance is the requirement of para 96 of NPPF19 that all schemes provide at least 10% of the development as affordable housing and the reduced obligation from this scheme of 3 units clearly meets that requirement given the overall 30 unit scale of the proposal.

#### Viability

Following the application of the vacant building credit to reduce the overall affordable obligation from 9 units to 3 units the application then provides a viability report which argues that even the provision of these units would render the scheme to be of such limited profitability that it would not be viable for the development to proceed.

Policy H4 of the FLP32 and national guidance in the NPPF/NPPG does allow for the consideration of viability in assessing whether contributions towards affordable housing (and other elements of infrastructure) should be required from a scheme if they adversely affect its viability to a point beyond which it would be implemented.

If this argument is presented the council expects a developer to provide a robust financially based justification to be provided for this position. This will then be assessed by valuers retained to provide these services for the council, and then considered in the final determination of the content of any s106 agreement in advance of the issuing of a decision.

In this case the developer's appraisal suggests that the return on the development of this scheme even without any affordable housing or other contributions would be around 14% and so below the 15-20% that the PPG suggests as an industry standard level of profit for a developer to undertake a project.

At this stage the council has not commissioned any assessment of this viability appraisal as it was considered appropriate to gather a Committee steer on the principle of the development first, along with clarifying the extent of the affordable housing obligation and the scope of any other contributions. Accordingly this matter is an outstanding one at this time.

#### Summary of Affordable Housing Position

At present there are a number of elements of the delivery of affordable housing that are unresolved, but putting aside any other consideration of the principle of development, if the Committee resolve to support the scheme it would be appropriate for the provision of affordable housing to be delegated to the Head of Planning and Housing to enable officer discussions with the applicant. These are likely to be focused on:

- The assessment of recent occupation and marketing information to establish if the building has been abandoned to meet the tests in the council's draft SPD.
- The extent of vacant building credit that could apply
- The desirability of on-site provision of affordable housing in this scheme
- The number and tenure of units to be provided along with future management obligations
- The potential for off-site provision to be accepted in the event that on-site provision is not achieved

- The extent of that commuted sum to accord with the requirements of Policy H4 and the draft affordable housing SPD
- Any assessments of the impact on the viability of the development that the provision of this affordable housing creates
- The use of a reason for refusal relating to a conflict with Policy H4 should the scheme not provide an appropriate level of affordable housing

Assuming that agreement is reached on the scope and nature of affordable housing provision, and so the development to meet its affordable housing obligations under Policy H4 of the Fylde Local Plan to 2032, a s106 agreement will need to be entered into prior to the grant of any planning permission. This would then ensure compliance with the FLP32 policies on this matter.

### **Provision of Public Open Space**

The residential development that is proposed in this application will inevitably increase the population on the site, and so the demand for the use of open space. This is an aspect that is covered by Policy ENV4 of the FLP32 which sets out an amount of open space to be provided per bedspace in new developments, and links with Policy INF2 which sets out a series of infrastructure works that the council can require new developments to provide to meet the need raised by that development.

In this case there is no on-site open space provided, with only areas of landscaping around the new build blocks that does not really serve an open space purpose. This is not an ideal situation, but in this location there is a direct access to open space facilities in the area with the availability of a pedestrian route through to the play area at South Park. It is considered that this provides a reasonably well located existing open space area to serve the development. However the comments of the Parks Service highlight that this is in a declining condition and so would benefit from maintenance and enhancement, with no council budget currently available for that.

Policy ENV4 and INF2 does enable the provision of financial contributions to enhance the quality of the open space that serves the development, and with this play area being so accessible to the development it is appropriate that this scheme makes a financial contribution towards its enhancement. The FLP32 relies on a not yet produced SPD to calculate the payment of such commuted sums, but the council has previously used a sum of £1,000 per unit for this and that is an appropriate and proportionate contribution in this case also. This should be secured through a clause in a s106 agreement should Committee support the development and would amount to £30,000 in total based on the number of dwellings resulting from this scheme. With that in place the scheme will comply with FLP32 policy and will provide its residents with an appropriate access to suitable open space.

### **Provision of Education Places**

Policy INF2 of the Fylde Local Plan to 2032 contains an obligation for developments that increase the calls on a range of infrastructure and services to make contributions towards addressing any identified shortfalls in that service.

Lancashire County Council as local education authority have assessed the application and conclude that whilst it is expected to generate an additional 2 primary school places this can be accommodated within the surrounding schools. As such no contribution request for primary education is made. They conclude that an additional secondary school place will be yielded from the development and that this will exacerbate the existing shortfall of spaces in local schools. As such a contribution request is made for that single secondary education space at a value of £32,101.08.

This request is supported by the adopted methodology of the local education authority and will comply with the requirements of Policy INF2 of the Local Plan and the supporting guidance in para 94 of the NPPF that supports education provision. Accordingly it is appropriate that a clause be included in any s106 agreement to secure the payment of this amount to the Local Education Authority.

### **Provision of Health Capacity**

The provision of health infrastructure is an element that is specifically mentioned in Policy INF2, but until recently the Fylde and Wyre Care Commissioning Group (as the local NHS agency) have not been in a position where they had any adopted documents that could support such requests. However, they have recently adopted such a policy and so it is likely that funding requests from the CCG where capacity in local GP practices is overly stretched will become a regular feature of the council's planning decisions.

In this case the CCG have not offered any comments on the application, with a reminder having been sent to them on the recent presentation of their policy document. With the lack of any request having been received it is assumed that there are no concerns over health capacity in the vicinity of this site.

### **Ecology Matters**

Policy ENV2 of the Fylde Local Plan to 2032 requires that biodiversity is considered in planning decisions, with a recently adopted PSD underlining this and setting some details as to how that is to be implemented.

In this case the site has limited ecological habitat benefit being entirely hard surfaced and within a largely developed area. However, the pub building was found to contain a bat roost at the time of the 2015 application, with the presence of trees, grassland and water bodies in the vicinity providing a suitable habitat for their food sources. This application is accompanied by a further survey of the building which included internal and external inspections of the structure. This identified that there were bat droppings within the building but that these were not fresh and so were likely to have been those recorded at the time of the 2015 survey. The survey found no evidence of current or recent bat activity at the site.

The council's ecological advisors agree that this is an appropriate assessment of the building but highlight that bats could easily recolonise the building at any time. As such they recommend that a condition imposed to any planning permission that requires a schedule of Reasonable Avoidance Measures are implemented in the demolition of the building so that a precautionary approach is taken in the event that the building has been recolonised.

The site also offers the potential for a series of biodiversity enhancements for bats, birds, and other species and so a condition is appropriate to secure the design and implementation of these details.

With those areas being implemented the proposal will not raise any ecological concerns and will accord with the requirements of Policy ENV2 and the Biodiversity SPD.

### **Drainage Matters**

The application is supported with a Drainage Strategy. This includes a survey of the existing site drainage arrangements and sets out a proposed solution for the drainage of the site under this development proposal.

The existing drainage is to a combined sewer with separate connections that serve the pub and the other units. The Drainage Strategy explores the potential for use of the various methods set out in the drainage hierarchy and concludes that soakaways would not be suitable due to the ground conditions in the area, that there are no watercourses in the area that the drainage could be connected to, and so that a connection to the existing sewer in the area is the only viable option. The Strategy then provides technical details of the existing rate of surface water run-off to the sewer and an assessment of the proposed rate of run-off from the new development. It is proposed that this be attenuated on site to ensure that there is a betterment delivered in terms of run off to account for climate change as required by regulations. This gives a reduced rate of discharge from the site to this sewer that has been the subject of the council's consultation with United Utilities. In their consultation response they confirm that they have no objection to this proposal subject to the run-off being restricted in this way.

Subject to the imposition of a condition to provide this control over surface water flows as requested by United Utilities it is accepted that the site can be appropriately drained and will comply with the requirements of Policy CL1 and CL2 of the Fylde Local Plan to 2032.

### **Heritage Implications**

The existing buildings are not listed (nationally or locally) and are not within a conservation area. The grounds of Lytham Hall are a Registered Park and Garden and are nearby, but are separated from the site by the dwellings on the opposite side of Forest Drive and so it is not considered that there is any direct linkage as a result of this.

The comments of the County Archaeologist are of interest and highlight that the site may have previously housed a corn mill and other buildings associated with the occupation of the area in the 1300s. Whilst it is possible that the development of the site with the construction of the existing pub building and other works will have damaged any remains, this is a matter that they request is investigated further through a Written Scheme of Investigation. This would involve examination of the site at various stages of the construction of the development and can be secured through the imposition of a condition.

Subject to the imposition of this condition and the implementation of these works it is not envisaged that there are any heritage implications of the development that could cause any conflict with the policy protection for heritage matters in Policy ENV5 of the Fylde Local Plan to 2032 or the supporting guidance in para 189 of the NPPF.

### **Other Matters**

There is a designated Public Right of Way that runs through the site. This was established in January 2016 following a request to Lancashire County Council by the users of this route to have it formally recognised as a right of way under the legislation that allows that to occur after a route has been in constant use for a period of years. The submitted plans recognise the existence of this route and it is retained in the development proposals without any alterations or impact on its route. Lancashire County Council's Rights of Way team have been consulted on the application but have not provided any comments and so it is assumed that they have no objections to the development proposals. A condition is appropriate to ensure that the plans are implemented to retain this route throughout the construction and operational phases of the development in the event that planning permission is granted.

Cadent Gas have referred to the presence of gas apparatus in the vicinity of the site. However this doesn't appear to be a major supply or other facility, and so is an element of the infrastructure of the area that any developer would need to work around to implement construction works on site.

Their comments have been made available to the developer and a note should be added to any planning permission to highlight the safety obligations of this.

With the site being previously developed land in a settlement area the application is supported with a Geo-environmental report that records the results of a series of desktop and intrusive tests that have been undertaken to establish if there is any risk of contamination from the development of the site. This does not identify any significant issues and confirms that there is no need to undertake any remediation of the site to enable the end use to be implemented. The council's Environmental Protection team have not raised any conflicting issues with this report and so it is considered that there are no ground contamination issues that are raised by this proposal that would not be addressed by the standard working practices.

A couple of the comments received refer to the untidy state of an area of land that lies to the immediate east of this site and fronts Forest Drive. This land is open and separated from Forest Drive by a post and rail fence that is in a poor condition. The land does not appear to be used and consequently becomes overgrown with grass and weeds each year. The letters highlight the condition of this and propose that the development of this site should include some requirement for this land to be improved. That is not a feasible requirement as the land in question is not within the control of this applicant and is not in public ownership. As such the fact that the current owner chooses to leave it in this state is not an issue that could be linked to this application. If the land was found to be in an unreasonably untidy condition that has an adverse effect on the amenity of the area then the council could use its powers under s215 of the Town and Country Planning Act 1990 to require it to be improved, but this would be separate from any decision on this application.

## **Conclusions**

The application relates to the site of the Hole in One pub in Lytham which is a part single / part two storey building that has been vacant for around 5 years since the pub ceased trading. It also includes areas of the parking around the pub and adjacent commercial units and the ground floor of one of the commercial units which is also vacant but last traded as a children's day nursery. The site is in the settlement area and is not subject to any constraints although there are areas of woodland protected by TPO alongside the site and a public right of way runs along part of the rear perimeter of the site.

The application proposes the clearance of the pub building and the erection of two 3-storey apartment blocks which provide a total of 27 x 2 bedroomed flats, and the conversion of the former day nursery to provide an additional 3 flats. The access, parking, servicing and landscaping arrangements around the site are also to be revised as part of the scheme.

The principle of residential development in a settlement area such as this is acceptable, and there are no concerns over the loss of the pub or the children's day nursery given the time that each has been vacant.

The redevelopment of the site with a flattened development is a different form of residential development to that found in the vicinity. but as this site forms part of the original 'village centre' for the South Park estate it is already slightly distinct from that surrounding development. There are also existing flats above the commercial units and the use of the site in this manner allows an efficient form of residential development in a settlement location.

Whilst these surrounding buildings are at 2 storey, the proposed 3 storey buildings here are not

excessively taller than them due to the design used and the change in ground levels. This allows them to be accommodated on the site without causing any harm to the character of the area. The design is modern, but there is no overall style of housing in the area with some differences clear as areas have been developed at different times and properties have been extended in different ways since construction. The erection of a pair of cohesively designed blocks on this site will present a positive design solution to the site. The scheme raises no sustainable concerns over access and parking, relationship to neighbours, ecological matters, drainage, etc and so it is considered to be a scheme that is acceptable in principle.

The development is of a scale and nature that triggers a requirement for affordable housing, public open space and other contributions to infrastructure enhancements to meet the requirements of Policy H4, ENV4 and INF2 of the Fylde Local Plan to 2032. The details of these are the subject of some ongoing discussion with the applicant's agent and so it is recommended that the decision on the application be delegated to officers to allow these discussions to continue to a conclusion and so the necessary s106 agreement to be signed in advance of planning permission being granted.

### **Recommendation**

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the following matters being resolved to his satisfaction:

1. The receipt of revised plans to address current minor queries raised by the local highway authority (some internal layout issues, the provision of pedestrian connections to the highway network and to increase parking spaces), and to improve the quality of the materials of construction and their appropriateness for the area;
2. The completion of a S106 Agreement is to secure:
  - a) provision, retention and operational details for 30% (or an agreed alternative percentage) of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032
  - b) a financial contribution of £1,000 per dwelling (and the phasing of the payment of this contribution) to Fylde Council towards securing off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the Fylde Local Plan to 2032
  - c) a financial contribution of £23,101.08 (and the phasing of the payment of this contribution) to Lancashire County Council towards the provision of increased secondary education capacity in the area
  - d) a financial contribution to be agreed (and the phasing of the payment of this contribution) to cover the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010

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;

3. The finalisation of a series of Planning Conditions that the Head of Planning and Housing considers are necessary to control the development. These are not drafted as yet but it would cover the following matters, and potentially others as discussions on the above matters are concluded:
  - a) Time limit for development to commence



- b) The approved plans
- c) Agree phasing of development and operational arrangements to ensure access is retained to commercial units, flats above and public right of way at all times
- d) Confirm that at least 20% of the units meet the requirements of Policy H2 as being specifically designed to meet the needs of the elderly (which units and what methods are used to achieve this)
- e) Agree materials for building Block A
- f) Agree materials for building Block B
- g) Agree materials for conversion of nursery building
- h) Agree materials for hard surfaced areas around the site
- i) Agree landscaping
- j) Maintain landscaping
- k) Provision of the access arrangements on site including remodelling of western access, formation of new access, closing of existing access, provision of pedestrian connections, provision of appropriate radii and turning areas
- l) Provision of any access improvements off-site none currently suggested by LHA)
- m) Provision of accessibility facilities on site (mobility spaces, electric changing points, secure cycle storage)
- n) Phasing of provision of parking areas to ensure that the enhancement of parking to commercial units is implemented prior to first occupation of any flat on site, and that parking for converted units / new blocks are available prior to occupation of units on those sites.
- o) Provision of a suitable sized and located refuse store
- p) Agree design of boundary treatments and gates
- q) Agree building and site levels
- r) Agree surface water and foul water drainage details with surface water to sewer at rate specified in UU comments
- s) Implement scheme of biodiversity enhancement with bat and bird nesting opportunities
- t) Secure Reasonable Avoidance Measures for bats if found during demolition
- u) Implement Archaeological watching brief
- v) Implement any requirements of ground contamination validation
- w) Confirm details of Construction Management Plan and its operation

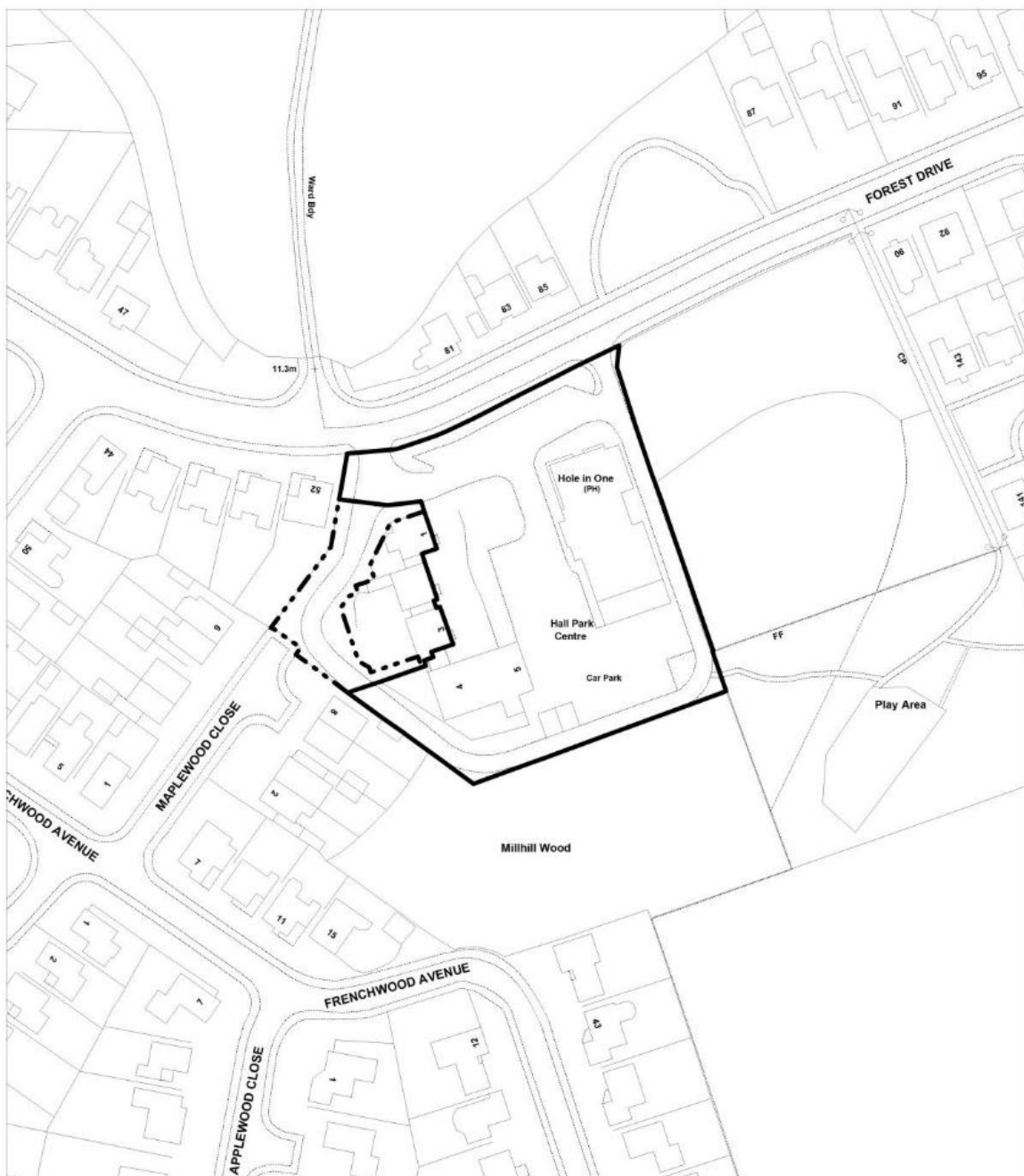
### Notes

Highway works to be undertaken with LCC approval

Works in vicinity of gas pipeline to follow safe working advice from Cadent

Bat precautions

NPPF compliance



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Ordnance Survey (100006084).

Application No.  
5/19/0640

Address  
Hole In One, Forest Drive, Lytham St Annes

Grid Ref.  
E.3357 : N.4275

Scale  
0 6 12 18 24 m

**Item Number:** 4

**Committee Date:** 18 December 2019

<b>Application Reference:</b>	19/0642	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Wylie	<b>Agent :</b>	NJSR Chartered Architects LLP
<b>Location:</b>	VALENTINES KENNELS, WILDINGS LANE, LYTHAM ST ANNES		
<b>Proposal:</b>	ERECTION OF A TWO STOREY C2 CARE VILLAGE WITH 205 BEDROOMS, COMMUNAL LOUNGE AND DINING AREAS, RESIDENTS LIBRARY, CINEMA ROOM AND SALON. PROVISION OF 58 CAR PARKING SPACES WITH NEW VEHICULAR AND PEDESTRIAN ACCESS. ASSOCIATED LANDSCAPING AND OUTDOOR RECREATIONAL AREAS.		
<b>Ward:</b>	HEYHOUSES	<b>Parish:</b>	St Anne's on the Sea
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.7611324,-2.9987291,1346m/data=!3m1!1e3?hl=en>

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

### **Introduction**

This application was considered at the 6 November 2019 meeting of the Planning Committee. At that meeting the Committee resolved to defer determination of the application for the following reason:

*The decision on the application was deferred to enable the Committee to visit the site, as this Committee have not previously had the opportunity to view the site in its context, and to gain an appreciation of the highway arrangements at the site.*

The site visit is scheduled to take place prior to the Committee meeting.

### **Updated Matters**

The officer report below is that which was presented to the 6 November meeting. However, there have been a number of other updates which are set out below:

### **Neighbour Representations**

The council has received a further 12 letters of objection in respect of the application since the publication of the agenda in November, with eight of these reported in the late observations to that report. The late observations reported that those letters had raised the additional issues with regard to car parking and doctor's surgery places which are addressed below. The four letters received since repeat points previously made with regard to matters around infrastructure, highways, ecology and amenity and which are addressed below and in the main report.

## Health Service Provision

Following the receipt of comments regarding the potential for capacity concerns in the local GP surgeries to cope with the likely additional demands on them from this facility, and the adoption of a policy by the CCG as reported elsewhere on this agenda, a specific consultation with the Fylde and Wyre Care Commissioning Group has been undertaken. Their comments are summarised as follows:

- The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.
- This proposal will generate approximately 287 new patient registrations based on the dwelling mix provided.
- The proposed development falls within the catchment area of Ansdell Medical Centre. This need, with other new developments in the area, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice.
- From a CCG perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. It is not a resilient, sustainable or attractive service model to commission new practices serving a small population, specifically from a workforce perspective. The same principle applies to branch surgeries within a close proximity to the main surgery site.
- It is however important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. We would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.
- Therefore the CCG request a contribution £32,959 towards the refurbishment and/or reconfiguration at Ansdell Medical centre.

The document against which this contribution has been calculated is subject to another item in this agenda. If members are minded to accept the use of the CCG's policy as a material consideration in the determination of planning applications, then this contribution should be included in the scope of the matters to be provided in the s106 agreement that would sit alongside this planning permission.

## Highway Matters

The applicant's highway consultant has commissioned a Stage 1 Safety Audit of the highway operation. This has highlighted some minor issues related to the level of the road surface in one area, and the relationship of the site access to the carriageway. Their consultant does not believe that these merit any changes to the submitted scheme.

The Audit and the consultant's response have been passed to LCC highways for their consideration and they confirm that they are *"satisfied with both and consider that the audit does not raise any issues that alter my original statutory consultation recommendation"*. Accordingly the position on this is unchanged from that previously reported.

Officers late observations to the agenda on the 6 November 2019 in relation to representations received with regard to the amount of car parking on the site was as follows;

*The development of a 205 bed care home with 58 spaces has been considered by LCC Highways who*

*have made no objections to the development, including to the number of parking spaces proposed. Whilst the Council is yet to adopt an SPD on parking standards, the standard within the Joint Lancashire Structure Plan (which LCC use for assessing the adequacy of parking in new developments) expect 1 parking space per 5 residents.*

*Therefore a 205 bed care home generates a need for 41 parking spaces, and so with 58 spaces the scheme exceeds these standards by 17 spaces. The standards also are reduced in areas of medium and high accessibility, and as LCC note there are bus stops within 350m on Heyhouses Lane and when Queensway is constructed within 100m. Therefore it is considered that the scheme provides more than sufficient parking spaces and that no reason for refusal on this issue could be justified.*

#### Officer Recommendation

With regard to the above the recommendation to Committee is revised to the following;

That:

1. the Shadow HRA submitted with the application be adopted as the Council's own HRA
2. that authority to GRANT planning permission be delegated to the Head of Planning and Housing, subject to the completion of a Section 106 agreement in order to secure:
  - a) a financial contribution of up to £360,000 towards the M55 to Heyhouses Link Road and the phasing of this payment
  - b) a financial contribution of £6,000 towards travel plan support and the phasing of this payment,
  - c) a financial contribution of £32,959 towards the refurbishment and/or reconfiguration at Ansdell Medical centre. and;
  - d) the timing and legal arrangements for the stopping up of Wildings Lane to traffic, and securing clauses within future leases of the proposed development so that the owners are fully aware that the interim access will be closed.

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.

3. The decision be subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable).

#### Previous Report

The report from the 6 November agenda is provided below for context.

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

The application relates to the erection of a 205-bedroom care home with associated ancillary facilities on an area of land off Wildings Lane which is allocated for residential development in the Fylde Local Plan to 2032 and has previously had planning permission for the erection of 53 dwellings. Whilst the site is currently undeveloped and sits within a landscape of other undeveloped land, the surrounding land has planning permission and reserved matters approval for residential development as part of the 'Queensway' development.

The proposed 205-bedroom care home brings the benefit of a different form of accommodation which will cater for an identified need for elderly residents as well as releasing approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Fylde Local Plan to 2032 presumes to deliver, ensuring that the site will contribute positively to the delivery of the aims of the Local Plan with regards to general and specialist housing supply. There will also be economic benefits in terms of job creation. The development is considered to sit well with the mix of residential uses, retail and school permitted in the area. Therefore the principle of the development is acceptable.

The proposed 'interim' and 'final' access arrangements are considered acceptable subject to appropriate conditions and legal agreement and during the interim period the development will not have an unacceptable impact on Wildings Lane. LCC Highways have no objections to the application.

The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. The impact on residents throughout construction has been considered and whilst there will be some impact as with any major construction project it is concluded that the impact would not be so harmful as to refuse this application. Therefore the application is recommended for approval.

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

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

### **Site Description and Location**

The application site is a 1.7 hectare site located on the eastern side of Wildings Lane in St Anne's. The site is located in the settlement boundary in the Fylde Local Plan to 2032 and is allocated site HS60 for 53 homes to be completed during the plan period. The land to the north, south and west of the application site is also within the settlement boundary in the plan and has outline planning permission for 1150 dwellings through planning permission 08/0058 and reserved matters application 15/0400 for the erection of 927 dwellings on the majority of the site covered by the outline planning permission. This is the scheme that is currently being implemented on that site.

The land to the east of the application site lies outside of the settlement boundary and is classed as open countryside. The application site as existing is partly a designated Biological Heritage site and has previously been used as commercial kennels. The landscape surrounding the site is typical of the area and comprises low lying, poorly drained, level, grazing land, with ditches and wind sculpted woodland. The site itself is flat and has an average level of 4.5 – 5.0m AOD. Residential properties along Wildings Lane are located to the south and west of the application site.

### **Details of Proposal**

The application is submitted in full for the erection of Care Village use class C2 (Residential Institutions) with 205 bedrooms, communal lounges and dining areas, a library, cinema room and a salon. The development is set in seven linked blocks, with parking in front of the building and

outdoor recreational areas surrounding the site including a putting green and a bowling green for residents use. A total of 58 car parking spaces are proposed to serve the development for both staff and visitors.

The proposed scheme arranges the care home as a collection of buildings surrounded by green areas and parking spaces. At the entrance to the site the building will form a 250sqm day-care centre where people can go and spend the day at the site receiving care. The form of the development replicates the scale and massing of housing joined together by glazed links to create separation. The buildings will be constructed in two types of red brick, one light and one medium with some feature elevations walls. The roof which is mainly pitched will be constructed in an anthracite concrete tile and the windows and doors in anthracite aluminium. Immediately adjacent the building will be hard landscaping paving with the internal road and parking spaces in tarmac. The application proposed soft landscaping including trees, flowers and shrubbery around the site for the benefit of residents.

Access to the site is taken from Wildings Lane and has been designed to work with the street arrangements approved in application 15/0400. As with a previous residential scheme that was approved on the site (16/0903) it is intended that there are two basic access scenarios:

- a) an 'interim' solution which proposes the Site will be accessed via an improved Wildings Lane; and,
- b) a 'future' solution which proposes the Site will be accessed through the adjacent Kensington Developments Ltd (KDL) 'Queensway' development site, once that scheme is fully developed out to the site frontage in accordance with its approved masterplan.

The reason that two access scenarios are submitted is because the Queensway development requires the stopping-up of Wildings Lane to vehicular traffic (some 100m south of the application site), and that the current route of Wildings Lane will be redeveloped as a pedestrian link. Therefore, once Wildings Lane is stopped up and developed over there will be no access available from this application site via Wildings Lane. At that point in time, the traffic from the proposed development would 'switch' to route via the Queensway scheme and the new east-west link road that will be constructed to serve that site.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0903	RESUBMISSION OF APPLICATION 14/0580 FOR OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Approved with 106 Agreement	21/03/2017
14/0580	OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	14/12/2015
12/0477	OUTLINE APPLICATION FOR UP TO 66 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Withdrawn by Applicant	10/07/2013
09/0801	NEW PLANNING PERMISSION TO REPLACE AN EXTANT PLANNING PERMISSION IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION ON APPLICATION 06/0809	Granted	27/01/2010
06/0809	PROPOSED DWELLING AND DEMOLITION OF KENNELS	Granted	05/01/2007
06/0142	DEMOLITION OF KENNELS TO CREATE NEW	Withdrawn by	02/05/2006

03/0109	DWELLING REPLACEMENT DWELLING (REVISED SUBMISSION OF 02/0912)	Applicant Granted	10/03/2004
02/0912	PROPOSED REPLACEMENT DWELLING	Refused	29/11/2002
01/0403	PROPOSED ERECTION OF 8 DWELLINGS	Refused	05/09/2001
93/0292	CHANGE OF USE OF LAND FOR THE STORAGE OF TOURING CARAVANS	Granted	16/06/1993
77/0485	TEMPORARY MOBILE HOME.	Granted	29/10/1977

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0580	OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Withdrawn	14/03/2017
01/0403	PROPOSED ERECTION OF 8 DWELLINGS	Dismiss	14/02/2002

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

**St Anne's on the Sea Town Council** notified on 23 August 2019 and comment:

*No objections, make the following observations;*

- *The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible.*
- *There appears to be a discrepancy regarding drainage between flood risk statement (soakaway etc not feasible) and application form (no. 11 – not within 20m of water source).*
- *Accords with HOU3 of the Neighbourhood Plan – Retirement Hubs*

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

#### **Natural England**

*NO OBJECTION - Natural England has reviewed the submitted plans and we are satisfied that due to the nature of the development we consider that the proposed development will not have significant adverse impacts on designated sites and has no objection.*

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

*I would consider that, when the updated (2019) ecological assessment of the site and the information provided in the 'Shadow' HRA are included, there is sufficient ecological information available in order to decide the application.*

#### **Impact on European protected sites**

*The application site is within 3 km of the Ribble and Alt Estuaries SPA and Ramsar European protected site.*

*While the site is separated from the SPA by significant built development and does not itself support substantive areas of habitat that would be of use to the qualifying bird species for which the Estuary is designated, it is adjacent to the 'Lytham Moss' Biological Heritage Site (BHS). The area known as Lytham Moss is of ornithological importance for a number of species that are mentioned as qualifying interests/nature conservation*



*objectives within the Ribble & Alt Estuaries Special Protection Area (SPA). The importance of the Lytham Moss area in supporting foraging and feeding wildfowl associated with the SPA (and thus sustaining the SPA population) means that Lytham Moss can be considered to be functionally linked with the SPA. While I would consider that although this particular development may not cause direct harm to the European site indirect harm may be caused through increased disturbance to birds arising from construction activity and from increased recreational pressure resulting from the development. And while the development included in this application is relatively small it must be considered in combination with the committed development of 1150 on land adjacent to, and surrounding, the application site (the Queensway development (application ref: 08/0058; Appeal ref: APP/Q2371/V/11/2157314). It is material that significant mitigation for the harm that will be caused by the much larger adjacent developments has been put forward and, in some cases, implemented.*

*To address these potentially harmful impacts the applicant has provided a 'Shadow' Habitats Regulations Assessment of the development proposal (ERAP 2019). I would be prepared to accept the conclusions of this shadow HRA that*

- Given the nature of the proposal increased recreational disturbance is unlikely to have a significant effect on important bird species.*
- Disturbance from construction impacts can be mitigated through the implementation of a Construction Environmental Management Plan (CEMP).*

*The HRA puts forward two possible CEMP scenarios, either of which would serve to mitigate construction disturbance I would recommend that as a Condition of any permission which may be granted scheme a final, adopted and detailed CEMP should be prepared by a suitably qualified person and, once approved by the Council, implemented in full.*

*Weight should be given the views of Natural England on the above matters, since they are the relevant statutory body regulating European sites.*

#### *Impact on Biological Heritage Site (BHS, Local Wildlife Site)*

*The BHS that will be directly affected by the scheme (Lytham Moss Copses) was originally designated for a particular bird species (tree sparrow). This species was not recorded on the site during surveys in 2014 and 2016. Given these survey results, and the overall severe and rapid decline in this species in the UK in recent years, I am prepared to accept that the species is no longer present on this site and therefore that the BHS designation no longer carries the weight that it used to. Nevertheless the presence of the BHS should not be entirely dismissed; I would therefore support proposals to retain and/or recreate habitats suitable for use by nesting birds (trees, shrubs and hedgerows)*

#### *Impact on Species*

*As the works involve the clearance of vegetation that may be used by nesting birds, we would advise that the following condition (BS 42020:2013) be attached to any permission:*

*No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no*

*birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

*All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended)*

*Possible signs of the protected species water vole were recorded in a ditch forming the eastern boundary of the application site. The ditch is capable of retention and protection, although I would recommend that a buffer zone is established between any build site and the ditch of at least 6 m and that this buffer zone is marked with suitably robust fencing to prevent encroachment into the ditch and to avoid any possible harm to water voles.*

*A single tree on the site has been shown to have some potential to support bats (ERAP ecology report 2019). Before removal this tree it must first be inspected for the possible presence of bats.*

#### *Impact on Habitats*

*The site does support habitats of local nature conservation value, including established broad-leaved trees and shrubs and hedgerows. These features should be retained wherever possible and recreated through new Landscaping if removal is necessary. I would recommend that as a Condition of any approval granted to the scheme a comprehensive landscape plan should be prepared for the site and, once approved by the Council, implemented in full.*

*New bird nesting and bat roosting boxes should be erected on retained and/or newly planted trees at the eastern boundary of the site.*

#### **Environment Agency**

*No objections to the application. Comment that the proposal is for a major development which includes an option for a non-mains foul drainage system. Foul drainage should be connected to the mains sewer and when this is not possible any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission.*

*The Flood Risk Assessment and Drainage Strategy (Ref: LRD30217; dated July 2019), prepared by Sutcliffe, states that foul sewage generated by the development will be either pumped to the public combined sewer, or disposed of via a non-mains system which will discharge to an adjacent watercourse.*

*Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.*

*In this case, given the scale of the development and the proximity to the nearest public foul or combined sewer, it is unlikely that we would grant an environmental permit for a non-mains system of foul drainage.*

No comments received.

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

LCC have provided extensive comments in a 15 page response. Given the importance of highways issues to this application it has been decided that the full response should be an appendix to this report. Please see appendix. However, the summary of this is included here:

*With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures as set out within these comments are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered.*

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

*Following our review of the provided Flood Risk Assessment and Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice.*

The condition they refer to is to ensure the implementation of the drainage as shown on the submitted Flood Risk Assessment alongside a condition that relates to the management and maintenance of the suds.

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

No comments received.

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

*I have had a look at the proposed application and plan for the site regarding trees. I am in agreeance with Alan my predecessor where he has stated the tree species in the area does not warrant a tree preservation order due to poor condition and would look to see in the application that the developers keep the larger trees (Poplars) for screening and plant sufficient trees throughout the site to soften the development.*

*From the proposed plan A107 site plan I see they are retaining the trees at the Southern boundary and planting small trees around the site. I would like to see a mix of large (mainly around the boundary edge) and small trees as this will be a significant development and having larger trees on the site will soften the impact of such a development in this location.*

#### **LCC Archaeology**

*Mesolithic flint scatters have been found both to the east and west of the proposal site (Lancashire Historic Environment Record PRNs 23581 and 20185 respectively). An assessment of the adjacent Queensway housing site (planning application 5/08/0508) concluded that the area did have some archaeological potential which needed to be tested through a combination of fieldwalking, augur survey and trial trenching. The results of this first stage of work being used to determine whether or not any subsequent archaeological investigation of the site was warranted.*

*Previous advice to the Council from both the former Lancashire County Archaeology Service and Lancashire Archaeological Advisory Service, in relation to applications made*

*in 2012, 2014 & 2016, advised that such works could be secured by means of a planning condition, as was the case with planning application 16/0903. The Historic Environment Team sees no reason to change this advice, and would suggest that the same condition be attached to any consent that might be granted for the current application:*

### **Neighbour Observations**

<b>Neighbours notified:</b>	23 August 2019
<b>Site Notice Date:</b>	12 September 2019
<b>Press Notice Date:</b>	12 September 2019
<b>Number of Responses</b>	Four objections received.
<b>Summary of Comments</b>	<ul style="list-style-type: none"><li>• Increase in vehicles on surrounding highway network.</li><li>• Loss of countryside.</li><li>• Ecological impact.</li><li>• Impact of traffic on wildings lane.</li><li>• Drainage problems in wider area.</li><li>• Area used by dog walkers and walkers for exercise.</li><li>• New link road needed and may never take place.</li><li>• The assertion that Wildings lane will only be short period of time ignores the possibility of delay to the Queensway site.</li><li>• Request that construction site don't use Wildings Lane.</li><li>• As a wheelchair user with no pavement outside my home which is ok with no traffic but will not be safe with construction traffic.</li><li>• Additional traffic will cause conflict.</li></ul>

### **Relevant Planning Policy**

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

DLF1	Development Locations for Fylde
ENV2	Biodiversity
ENV1	Landscape
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
SL1	Lytham and St Annes Strategic Location for Development
T5	Parking Standards

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

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

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The main issues to be considered when determining this application are;

The principle of the development

Highways

Design and visual impact

Ecology

Flooding and drainage

Impact on residential amenity

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

The site lies within the settlement boundary of St Anne's on the Sea in the Fylde Local Plan to 2032. Policy GD1 states that within settlement boundaries development proposals will be assessed against all relevant Local Plan policies. The Local Plan settlement hierarchy policy S1 identifies St Anne's on the Sea as a key service centre. Policy DLF1 (as modified) identifies four strategic locations for development which will accommodate 90% of homes over the plan period, of which St Anne's (with Lytham) is one. The site is allocated under Local Plan Policy SL1 and identified as HS60 Valentine Kennels, for 53 homes to be completed during the plan period.

The site lies outside the defined settlement boundary shown on the St Anne's on the Sea Neighbourhood Development Plan Policies Map. Policy GP1 states that development outside the settlement boundary will be assessed against national policy and any relevant development plan policy. Although this means that there is no presumption from the NDP for the site to be developed, it does not preclude the development of the site, and defers to the more recent policies of the Fylde Local Plan to 2032.

The proposal is for a 205 bedroom care home under use class C2 and therefore does not provide accommodation that falls within the use class C3 residential as sought by the FLP allocation. Paragraph 9.18 of the Local Plan clarifies that the housing requirement figure applies to all types of housing including housing for specific needs such as the elderly. Therefore, the proposed development will contribute to meeting identified housing needs and so it is considered that this allows the view to be reached that the proposal is in compliance with the allocation of the site for housing under Policy SL1. Further support for this approach is included in the section below concerning the Planning Practice Guidance (PPG).

The Local Plan identifies that the over-65 population will increase by over 40% over the plan period, and that one-third of all of the increase in the population of Fylde over the plan period will be people over 85. The number of people with support needs is likely to increase by approximately 50% (in relation to each of the individual categories of visual impairment, inability to self-care or mobility impairment). Therefore Local Plan policy is positively-framed in order to bring forward suitable provision for specialist accommodation for the elderly, where compliant with other policies of the plan.

Policy H2 includes a section 'Specialist Accommodation for the Elderly' and is a positively-framed, criteria-based policy. It provides a series of criteria that schemes of 100% specialist accommodation for the elderly should meet in order to be considered acceptable, and a further set of criteria to be met in order that a development proposal be identified as purpose built 100% specialist accommodation for the elderly. The policy states that;

*Developments will be considered by the Council to be purpose-built 100% specialist accommodation for the elderly if:*

*All areas used by residents will comply with optional technical standard M4(3(2a)) (wheelchair-adaptable dwellings);*

*A communal lounge or similar social facility for the exclusive use of all residents is included within the development;*

*A shared laundry service is provided for the use of all residents;*

*The development will be marketed with a restriction on age for residents of over 55;*

*A daily hot meals service is provided either through a central facility on-site or through an outside provider to residents who require it; and an emergency alarm call service is provided for all residents.*

*On sites where 100% specialist accommodation for the elderly is proposed as defined above, affordable housing contributions will not be sought.*

From examination of the submitted plans and supporting information the proposal complies with all of the above criteria and constitutes a care home and therefore affordable housing contributions need not be sought.

The NPPF paragraph 61 requires the size type and tenure of housing needed for different groups should be assessed and reflected in planning policies, including older people and people with disabilities. This is reflected in Local plan policies (see above). The proposed development would contribute to meeting identified need.

The NPPG (Paragraph: 016a Reference ID: 63-016a-20190626) states that plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data.

The PPG provides a link to the relevant census data in order to provide data on the average number of adults in a household. The table in the census data gives a total number of adults in households of 60,110 and a total number of households of 34,877, giving an average of 1.72 adults per household within Fylde Borough. The 205 single bedrooms therefore equate to 119 dwellings. Therefore the approval of this development as well as providing 205 bedrooms instead of the 53 dwellings granted permission, will also release approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Local Plan to 2032 presumes to deliver and the site will therefore contribute to the delivery of the Local Plan and is fully in accordance with the allocation of the site for housing.

Therefore the principle of the development is considered to accord with local and national policies and guidance and so is acceptable.

## **Highways Issues**

### Proposed access solutions proposed and highways impact

The previous consent on the site for 53 dwellings effectively approved two access arrangements. An interim solution where access is taken from Wildings Lane, and a future final solution where the site will be accessed through the adjacent Queensway development site once that scheme is fully developed. The same solutions are being proposed here. The reason why two access solutions are proposed and assessed in the submitted Transport Statement is because the approved Queensway masterplan includes the stopping up of Wildings Lane to vehicular traffic and that the current route of Wildings Lane will be redeveloped as Wildings Lane is not appropriate to serve a development of the scale of that proposed on the Queensway site. Therefore once Wildings Lane is stopped up and developed the traffic from this application site will switch to the highways serving the Queensway

site including the new east-west link road.

During the 'interim' and 'future' solution the proposed access scheme includes, and according to LCC Highways demonstrates, the following;

- acceptable sightlines from the site access;
- the site access is overlain on the approved Queensway Reserved Matters Masterplan layout (Drawing No. 1844.L.01, Revision K) to demonstrate that the proposals for the site access have fully taken into consideration the approved wider plans and the committed highway infrastructure and associated access points;
- the site access junction will be a raised table with street lighting;
- the extent of adopted highway and proposed service strips (service strips to be dedicated as highway and to be 2m wide from the site red edge abutting Wildings Lane into the site along the full site frontage);
- the extent of adopted highway will include the site access turning head, built to adoptable standards;
- a build out on Wildings Lane to the north of the site access, with carriageway width reduced to 3.7m; and
- swept path analysis at the site access showing acceptable movements can be achieved for a large refuse vehicle;

The latest 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan according to LCC Highways demonstrates:

- the layout will utilise the full extents of the current adopted highway with the agreed carriageway to be a consistent 5m width with verges that will vary in width but to be a minimum of 0.5m on each side;
- a carriageway crossfall of 1 in 30 from the centreline would be expected, all such matters will be agreed at technical approval stage;
- a build out on Wildings Lane at the southern end of the proposed 5m wide carriageway section (to the north of the Roseacre site access) – carriageway width to reduce to 3.7m to provide traffic calming/traffic management/speed reduction with associated signing etc.;
- Street lighting is required on the proposed section of 5m carriageway where there is no footway;
- hazard bollards markers are to be provided on each side of Wildings Lane as appropriate;
- the plan makes reference to the wider improvements now agreed to be delivered by this applicant that cover the length of Wildings Lane between Roseacre and Heyhouses Lane (in line with the scheme agreed previously for the extant residential outline approval on the Valentines kennels site and shown in Drawing SCP/14137/100, Revision C for that application);

These works differ from the scheme approved previously as topographical surveys have confirmed that the width of the carriageway is less than previously thought. With regard to the two solutions outlined above LCC have commented that they have considered both in highways and transport terms and they are acceptable in principle to LCC Highways and demonstrate that a safe and suitable access can be delivered but changes may be necessary following the detailed design process. They have also commented that they would want to see Stage 1 Road Safety Audit (RSA) carried out on the access plans that have been agreed in principle. The RSA should cover all works proposed over Wildings Lane from the north of the site access to the junction with Heyhouses Lane such that the RSA considers the overall scheme as a whole.

LCC consider that the future restriction to vehicular traffic on Wildings Lane presents less of an issue

for the Care Village application. However if the prohibition for vehicular traffic on Wildings Lane is not delivered as intended, then the implications and impact on Wildings Lane as the key sustainable link from Queensway and also the junction with Heyhouses Lane, will be significantly greater. Therefore as with previous consents the 'future' solution will result in the proposed development linking up with the adjacent housing development and utilising the highways network approved by that application. The signed Section 106 Agreement between KD and FBC / LCC states that the TR6 M55 – Heyhouses Link Road shall be completed in full prior to the occupation of the 425th residential unit on that site (total approved units = 1150). The route of the new link road will run alongside the existing North Houses Lane / Wild Lane route. Funding is secured to turn the existing route into a bridleway in the S106 Agreement. As part of the Queensway scheme, KDL are also obligated through the S106 Agreement to construct the east-west link road (known as TR5) between the M55 Link Road and Queensway. The S106 obligates KDL to fund the delivery of the TR5 route in full prior to the occupation of the 375th dwelling on the site. At the point this infrastructure becomes available the site will no longer use the 'interim' access which will then be closed to vehicles.

The submitted Transport Statement present trip rates which LCC confirm are not unreasonable and therefore acceptable. The TS provides a direct comparison with the forecast peak period traffic generation of the extant residential application.

In the AM peak the forecast two-way flow is 22 vehicles and in the PM peak the figure is 31 vehicles. The traffic flows forecast in the peak periods are lower than those forecast for the extant residential application, these being 31 and 35 vehicles in the AM and PM respectively. Overall, in the peak periods the proposed Care Village could be expected to generate approximately 80% of the traffic generated by the previous residential application. Clearly the impact of that development was found acceptable so a reduction in traffic from the site from the proposed development can also be found to be acceptable.

#### Restricting use of Wildings Lane to the application site only

Both the Local Highway Authority and your Officers raised concerns with the previous application with regard to the proposed 'interim' and 'future' solutions which resulted in the applicants providing information in order to overcome these concerns. The main concern was that allowing this development could prejudice the stopping up of Wildings Lane to vehicular traffic in the future, something that is a requirement of the Queensway application and also that the occupiers of the adjacent site could utilise the Wildings Lane access, which if allowed to occur would result in a severe impact which would clearly be unacceptable. The mechanisms proposed by the applicants for the previous development to ensure the Kensington Developments scheme does not utilise Wildings Lane during the 'interim' solution are through the approved Queensway scheme itself which shows Wildings Lane to be closed to traffic in both the outline and approved Reserved Matters application. The phasing plans submitted with the pending Reserved Matters Kensington application show that phase 2 includes completion of the link road, with phases 3 and 4 to be completed after this road is available. Phases 3 and 4 are those nearest to the Valentines Kennels site. As this is shown as part of the RM application the requirement to close a highway can, and is regularly included within a planning condition. Subsequently since the previous application on this site was approved, the RM for Queensway has been approved and includes the following condition

*There shall be no vehicular access, whether for construction purposes or otherwise, from any aspect of the development to or from Wildings Lane. Prior to commencement of the development hereby approved, Wildings Lane shall be closed to vehicular traffic in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The closure shall be carried out in conjunction with the provision of any road infrastructure, whether temporary or permanent, resultant from any works within the site, unless the express consent to vary the scheme*



*has first been obtained from the Local Planning Authority.*

*Reason: In the interests of highway safety and amenity in accordance with policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan and GD7 of the submission version Fylde Local Plan to 2032.*

This condition prevents any element of the Queensway development from using Wildings Lane in a vehicle and requires that a scheme be submitted that details the road closure and that it should be carried out in conjunction with the road infrastructure. This would prohibit occupation of any dwellings in phase 3 or 4 of the Queensway development prior to the laying out, completion and opening of the estate road indicated on the phasing plan and, the closure of Wildings Lane to vehicular traffic; at which point traffic from the Valentines Kennels site could start using the new road.

Closing up of Wildings Lane following availability of Queensway road network

Therefore the use of the 'interim' access arrangement can be controlled so that it is only used by occupiers of the application site. The closing up of this access to vehicles when the Queensway highways network becomes available also needs to be considered. As outlined above it is a requirement of the Queensway scheme for it to be closed in accordance with a scheme to be approved by the Council. However whilst LCC Highways state that the future restriction to vehicular traffic on Wildings Lane presents less of an issue for the Care Village application than the previous consent, if the prohibition for vehicular traffic on Wildings Lane is not delivered as intended, then the implications and impact on Wildings Lane as the key sustainable link from Queensway and also the junction with Heyhouses Lane, will be significantly greater. LCC Highways state that following discussion between the applicant of the previous residential application and Officers at Fylde it was agreed that this matter could be satisfactorily addressed through the legal documents associated with individual house purchases and through conditions attached to both the outline and subsequent Reserved Matters application for the site. They state that a similar condition requiring that all residents of the Care Village are clearly made aware of the interim and long term access proposals prior to taking up residence is considered appropriate. It is therefore considered appropriate to take the same approach to this scheme as the housing scheme despite the differing uses the care home will still have a number of visitors and staff members.

It is therefore considered appropriate again that the 'switch' to access the site via the Queensway road network is secured via a S106 legal Agreement and planning condition. This gives the LPA and the County Highway Authority assurance that any developers would not challenge such an agreement at a later date because legal agreements are much harder to change than planning conditions. To ensure that Wildings Lane is stopped up as and when the Queensway highways infrastructure is completed and it is no longer needed as a vehicular access for the application site the most appropriate method for the stopping up of Wildings lane will be via Section 247 of the Town and Country Planning Act 1990. Any application for a Stopping-up Order made under this section of the Act would, if the Secretary of State is satisfied to do so, allow the stopping-up to be carried out in accordance with a valid and relevant planning permission. The requirement for the stopping-up has also been secured by way of planning condition. Any objections to such an application would only be given significant weight if the objecting party would be unreasonably prejudiced by the proposals. Objections from individuals or groups who simply don't like the planning permission that the Section 247 is submitted pursuant to can carry no weight and cannot frustrate the process by objecting to the Stopping-up.

Therefore as long as the residents of the application site have been made fully aware of the planning approval and the requirements for the stopping up of the access in the future their objections would not carry significant weight and are highly unlikely to be considered by the Secretary of State as

sufficient to refuse the order. It is therefore proposed to make first and subsequent occupiers of the proposed care home aware of the requirement to stop up Wildings Lane by requiring their notification within the tenancy agreements for the site.

With this clause included there can be no point at which any future occupier of the site can assert that they have not been duly notified of the access arrangement and as such if they were to object to a stopping up order it would carry immaterial weight and would not be sufficient to warrant refusal of the order. Fylde Borough Council's Legal Officers have considered this aspect of the development for the previous consent and their view was that there is sufficient comfort that the Secretary of State will consider it necessary to stop up Wildings Lane under s247 of the Town and Council Planning Act 1990 in order for the Queensway development to be carried out should the Valentines Kennels application be approved. The SoS will consider highway safety and also the fact that Wildings Lane will be stopped up as part of the Queensway development) which means the SoS will give weight to the fact that the Queensway development has been approved on the basis that the residents do not use Wildings Lane as an access and unless he was persuaded that there was less of a danger to highway safety by not closing up the road and allowing them to use it he is likely to make the necessary order. In FBC's Legal officers' view there is a good and cogent planning case to stop up Wildings Lane, despite any objections from the residents and they would not expect the SoS to make a decision contrary to good planning. Therefore it is considered that both of these can be adequately controlled.

#### Highways impact during construction

With regard to construction work they require a condition securing a strong Construction Management Plan and a detailed Construction Method Statement covering how improvements to Wildings Lane will be constructed and how safe access will be managed. For example, it may be that at the construction stage there will be a requirement to provide passing places, at selected locations, that allow for HGV's to pass over a wider temporary carriageway than the 6.0m (2 x 0.5m verge plus 5m carriageway) proposed for the final layout. The need for piling/and or pre-loading is well documented on existing sites in this area and this should form part of the detailed consideration within a Construction Method Statement and Construction Management Plan. It is considered that with the control of all these measures that the highways impact during the construction phase can be managed so that it does not have an unacceptable impact.

#### Sustainable transport

With regard to sustainable transport LCC state that they are satisfied that the impact on sustainable users as a result of this development cannot be considered to fall under the NPPF descriptive criteria of a 'severe' impact.

#### Travel Plan

LCC require a Full Travel Plan to be provided and secured by condition. They also request a contribution of £6000 for Travel Plan Support.

#### Section 278 Works

LCC Highways response indicates that Section 278 agreements (s278) are appropriate where improvements are required in the public highway, and are to be 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 the highway improvements required by the development so that public funds are not used in the provision of these features).LCC state for the development to be acceptable in highway and transport terms, works will be necessary and must be secured through a s278 Agreement. The works that are to be delivered as part of a s278 Agreement are the main site access junction off Wildings Lane and associated improvement works on Wildings Lane as agreed 'in

principle' subject to detailed design shown on the following drawings:

- (i) the site access junction on Wildings Lane (see Drawing No. SCP/190428/F02, dated 21.10.2019), and
- (ii) a highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019)

#### Highways contributions

LCC state that obligations are expected to be applicable for sites within this area. They consider that the starting point for each developer should be to look at what was deemed necessary for the Queensway development with consideration for scale and impact. LCC would request a funding contribution from the development towards the M55 to Heyhouses Link Road Scheme. The suggested funding request is based on the scale of development and is based on a proportionate contribution (proportionate with the Kensington site) with regard to the scale of this application in comparison to the larger site and the latest overall estimated scheme cost.

Therefore, based on a proportionate contribution (i.e. with regard to the scale of this application in comparison to the Kensington site and the necessary M55 to Heyhouses Link Road having regard to public body contributions and the overall estimated scheme cost) the requested sum would equate to £360,000. This is less than the previous scheme request which was for £450,000 due to the higher number of transport movements from the site. The developer has agreed in principle to making a contribution but no agreement has been reached with regard to the specific sum requested.

LCC Highways state that it is for the LPA to secure the appropriate level of funding through the planning process and that this must give consideration to a site's overall viability. As the levels of contributions have not been agreed, if members are minded to approve the application the resolution would therefore be to delegate to officers to approve subject to agreement of an appropriate level of contributions towards highways.

#### Highways conclusion

The development of up to care home isolation will not have an unacceptable impact on Wildings Lane or the junction with Heyhouses lane in terms of capacity or safety and appropriate conditions can be imposed to ensure that the construction phase does not have an unacceptable impact on residential amenity. LCC Highways have confirmed that they have no objections and that the interim access solution provides a safe access. When the Queensway site becomes available to the application site the improved access will be closed to vehicles and become the sustainable link that was approved as part of the Queensway site. A Section 106 agreement can be used to ensure that residents of the site are aware that the road will be closed post occupation and use of the road. Contributions would also be made towards sustainable transport and towards the delivery of the Moss Road which is a benefit of the scheme. Therefore there are no sustainable highways reasons to refuse the application.

#### **Design and visual impact**

The application site is located directly adjacent to an approved residential scheme and the Planning Inspector when allowing that development at appeal considered the visual impact that proposal would have on the character and appearance of St Annes. That site and the applicant site have also been assessed as part of the plan making process and are now part of the settlement of St Annes and indeed are allocated for development in the Local Plan to 2032. Therefore the development of this site and the associated visual impact has been accepted in principle.

This site effectively infills an area excluded from the Queensway development due to site ownership. The most significant view of the site will be from the east but with the development of the adjacent site and an appropriate scheme of landscaping it would be viewed as having a consistent boundary in line with the adjacent developments. The trees within the site that are of the best quality are shown to be retained on the southern boundary. Tree and hedgerows are proposed and the existing ditches to the north and eastern boundaries will be retained with a scheme of landscape enhancement. The provision and retention of these features will assist in integrating this development into the setting of the adjoining development and St Annes. It is not considered the development will have a significant visual impact, and it will eventually be well contained and surrounded by residential dwellings and existing natural landscape features.

## **Ecology**

The application has been submitted with an Ecological Assessment and a Shadow Habitats Regulation Assessment. The applicants were advised to submit these documents as ecology was a key issues in previous applications on the site. This is due to the site's designation as a Biological Heritage Site designated because of a tree sparrow population, and its position adjacent to Lytham Moss Biological Site which is designated because it is a site within which 0.5% or more of the British population of any wild non-breeding species of wildfowl or wading bird is regularly present. This includes pink footed geese.

Consideration of previous applications found that the residential development could be completed without unacceptably impacting upon birds on the adjacent Lytham Moss through construction or recreational disturbance and that the sites value as a site for sparrows had diminished with the removal of the sparrow boxes that housed them. This was backed up by surveys and proposed mitigation.

The submitted Ecological Survey and Assessment makes the below key findings;

- The site comprises a field of unmanaged grassland with an area of abundant scrub at its south-eastern end, and mature trees along its southern boundary. Ditches are present at the northern, eastern and southern site boundaries.
- It is considered that, provided the recommendations adhered to, the proposals will have no direct adverse effect on statutory or non-statutory designated sites for nature conservation, and represent an opportunity to secure enhancements (in relation to nesting tree sparrow) at the section of the Lytham Moss Copses Biological Heritage Site which forms part of the eastern end of the site.
- The site contains only common and widespread plant species. None of the habitats within the site are of significant interest in terms of their plant species composition.
- The mature trees and scrub and boundary ditches are of local value as they provide structural diversity. The boundary trees and scrub are additionally suitable for use by foraging bats and foraging and nesting birds. The development proposes to retain and protect the majority of the mature trees.
- One tree (Pop2) was identified to support a feature suitable for use by roosting bats; in accordance with the proposals plan the tree will be retained by the proposed development. No other trees were identified as supporting features suitable for use by roosting bats.
- Ditch 1 (at the northern site boundary) and Ditch 3 (at the southern site boundary) are dry. Neither supports habitats suitable for use by water vole. Signs of water vole were detected along the length of Ditch 2 (at the eastern site boundary); recommendations for the protection of the ditch (and therefore water vole) at the site are proposed.

- The trees and shrubs are suitable for use by nesting and foraging passerine (i.e. perching) bird species. The tall, unmanaged grassland and scrub is unsuitable for use by wintering bird species, and is not favourable for use by ground nesting species of bird.
- No other protected species have been detected.

GMEU have commented on the above findings and their response is detailed in full above. They state that the development will directly affect the tree sparrows BHS, but given no species were recorded at the site in recent surveys and the rapid decline in this species in the UK in recent years, they are prepared to accept that the species is no longer present on this site and therefore the BHS designation no longer carries the weight that it used to. However they support the proposals to retain and recreate habitat on the site for use by nesting birds – trees, shrubs and hedgerows. They advise that a condition be used to prevent works to nesting bird habitat during the main breeding season. With regard to the evidence of water voles in the eastern ditch GMEU recommend that a buffer zone is established between any build site and the ditch of at least 6 m and that this buffer zone is marked with suitably robust fencing to prevent encroachment into the ditch and to avoid any possible harm to water voles. This can be subject to a condition. They also recommend a condition that requires a comprehensive landscaping plan to be submitted

#### Impact on European protected sites

As stated above the application was submitted with a Shadow Habitats Regulation Assessment which if found acceptable can be adopted as the Council's own. This HRA outlines that the development site is located within the SSSI impact risk zone for the Ribble Estuary SSSI and Ribble & Alt Estuaries Ramsar site and Special Protection Area (SPA), located 2.5 kilometres to the south-west of the site, and a section of the Lytham Coastal Changes SSSI, located 0.4 kilometres to the south. The Ribble Estuary designations are because of their importance to breeding, overwintering and migratory waterfowl. It also highlights the sites presence adjacent to the Lytham Moss BHS which is functionally linked with the SPA. Also of relevance is the Farmland Conservation Area on Lytham Moss which was established to compensate for the impact of the Queensway residential development and the M55 Link Road. As the FCA was established to compensate for development on the European Site Ribble & Alt Estuaries and Martin Mere SPA, the FCA receives the same protection as the SPA's themselves. The FCA is located along North Houses Lane.

The HRA established the baseline conditions and the scope of development as described in preceding paragraphs. It then considers the reasons for the designations and outlines the species that they support. It describes the conservation objectives of the sites as being;

‘With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’ listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.’

The assessment of likely significant effect is the first stage of a HRA and is a simple exercise which considers whether not the proposal, either on its own or in combination with other developments is likely to result in a significant adverse effect on the conservation objectives. The HRA considers

various potential courses of significant effect, the consequences of unmitigated impact and the assessment of LSE for each. These include construction works within the site and operational when the site is occupied. During construction the potential consequences found are the direct loss of qualifying features, however as the site does not support any habitats that contribute the SPA and is distance enough from those sites that no LSE is predicted. Another is the loss of functional linked habitat, however again the site does not support sites suitable for waterfowl and the wooded nature of the site means they are not likely to occupy land near it and as such no LSE is predicted. However during the construction phase due to the sites location adjacent to the Lytham Moss a LSE is predicted due to noise from construction effecting the distribution of birds with the BHS.

This is considered further with the HRA stating that in the absence of mitigation, development during the construction phase may cause the disturbance and/or displacement of SPA birds from the Lytham Moss BHS. The HRA then considers the distribution of SPA birds within the Lytham Moss BHS and finds the following disturbance impacts;

- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- In accordance with Habitats Regulation Assessment, M55 to Heyhouses Link Road (Lancashire County Council, 2011), the following disturbance zones for wintering wildfowl that have been assumed for this development:
  - Activities within 200 metres will cause a high level of disturbance with displacement from the field if construction is continuous;
  - Activities within 200 to 400 metres will cause low to moderate level of disturbance; and,
  - Activities greater than 400 metres will cause no significant disturbance.
- Vegetation removal (such as tree felling / de-vegetation works), site clearance, re-profiling works, pile driving and the operation of machinery around site are considered potential source of high levels of noise disturbance during construction
- The nearest known records of SPA birds are identified within fields situated approximately 5 metres to the west and 100 metres to the north of the site boundary (note: this is field location and not individual record location); the remaining 'clusters' of records are situated outside of the anticipated developmental zone of influence.
- Prolonged construction work in the spring and summer (i.e. between April and September) will have no effect on SPA birds; they will not be present. For the purposes of this assessment 'prolonged' is assessed as a time greater than more than 1 working day in any given week.
- In the absence of mitigation and based on the worst case scenario (i.e. prolonged construction in winter and coinciding with the SPA birds grazing within either of the adjacent fields), construction activities may cause the disturbance and displacement of SPA birds utilising these fields for the duration of the works
- This represents a short term likely significant effect at a regional level.
- It is important to consider that the SPA birds do not rely entirely on one field, and will utilise different fields on a rotational basis. Birds may not be present within the disturbance zone for the duration of the construction phase; in that instance no disturbance / displacement would take place.

The finding of the HRA is therefore;

*a. The proposed development is reasonably unlikely to have any direct likely significant effect to the*

*Ribble & Alt Estuaries SPA and Ramsar site during either its construction or operational phase;*

*b. Disturbance effects to functionally-linked land to the Ribble & Alt Estuaries SPA and Ramsar site (i.e. Lytham Moss BHS) may occur during the construction phase.*

The HRA then considers in-combination effects finding that given the proposal is for a C2 care facility the impact will be less than the approved residential development given the reduced impacts in terms of recreational disturbance to the wider area. It is therefore concluded that the revised proposals at the site will have no impact, either alone or in combination, in terms of recreational disturbance.

The second stage of a HRA is the appropriate assessment stage which is to precisely assess the likely effects identified and to inform a conclusion as to whether an adverse effect on the designated sites integrity can be ruled out. It states that a Construction Environmental Management Plan (CEMP) for Biodiversity will be prepared for the proposed development. Within which they propose two options both of which may be used to prevent construction impacts creating a LSE to wintering bird populations associated with Lytham Moss BHS during the wintering period. In brief these measures consist of completing disturbing activities in summer, when wintering birds are absent (although the potential for breeding birds, protected under the Wildlife and Countryside Act 1981 (as amended) must also be considered) or conducting potentially disturbing works in winter, if it can be reliably established that wintering bird species are not within sufficient proximity to the site/activity that they may become disturbed. This would be achieved by undertaking weekly checks for the presence of SPA birds within 200 metres of the site between October to March; if no SPA birds are identified then works likely to cause high levels of noise/vibration disturbance can proceed. It is stated that the incorporation of the measures described above into the development proposal and the requirement for a suitable CEMP to guide the proposed development, as described above) will enable the LPA to conclude under the Habitats Regulations that there is no adverse effect on the integrity and conservation objectives of the European designated sites (or any designated site) as a result of the development proposals. The HRA concludes that

*The assessment makes the recommendation that, provided the recommendations relating to the completion of a suitably worded Construction and Environmental Management Plan (CEMP) are adhered to, it can be concluded that the project will have no significant adverse effect on the integrity and conservation objectives of the relevant identified European designated sites for nature conservation either alone or in combination with other projects. It is advised as best practice that the CEMP can be secured by planning obligation / conditions, as appropriate.*

Both GMEU and Natural England have commented on the application and their responses are detailed above. GMEU accept the conclusions of the HRA given that the nature of the proposal increased recreational disturbance is unlikely to have a significant effect on important bird species and that disturbance from construction impacts can be mitigated through the implementation of a Construction Environmental Management Plan (CEMP). They state that either of the above CEMP scenarios would serve to mitigate construction disturbance and would recommend a condition that requires a final, adopted and detailed CEMP should be prepared by a suitably qualified person and, once approved by the Council, implemented in full. GMEU state that weight should be given the views of Natural England on the above matters, since they are the relevant statutory body regulating European sites.

Natural England state that they have reviewed the submitted plans and are satisfied that due to the nature of the development that it will not have a significant adverse effect on designated sites and therefore have no objection. With regard to the HRA they state they are satisfied that the HRA is up to date and they therefore have no further comments to make on this proposal - subject to the

proposed mitigation measures being secured by the Council and implemented by the developer. They state that to meet the requirements of the Habitats Regulations, they advise the Council to record our decision that a likely significant effect can be ruled out. As such it is considered that there are no Ecology issues with the application and that the shadow HRA which determines that a likely significant effect can be ruled out can be adopted as the Council's own. This is incorporated into the recommendation to members.

### **Flooding and drainage**

The site is not located in a flood zone and is, therefore, located in an area where the development of a more vulnerable use such as that proposed is acceptable. The site is over 1 hectares and accordingly the application has been submitted with a Flood Risk Assessment (FRA) and drainage strategy by Sutcliffe Civil Engineers. The site slopes to the south and east with elevation differences of circa 0.4m and 0.14m. Land elevations in the north are approximately 4.484AOD and approximately 4.884AOD in the south. Land along the western boundary is at approximately 4.736mAOD and slopes to approximately 4.594mAOD at the eastern boundary. A topographic low point at the site has been identified at 4.155mAOD located within the northeast corner and a high point of 5.508mAOD close to the southern boundary. The total site area is 1.75 hectares and at present only 2.8% of it is an impermeable area. Therefore given this lack of development and drainage on the site the site has been treated as a greenfield site. The greenfield run off rates have been calculated to be 9.3 l/s and for a 1 in 100 year storm event 19.3 l/s. The FRA outlines that soakaways/infiltration is not feasible due to shallow groundwater and therefore proposes that surface water drainage discharges into one or both of the adjacent watercourses to the south and east to mimic the existing situation. This is the same drainage solution proposed by the previous application on the site and as the FRA states this is the second discharge option on the hierarchy of solutions after infiltration. The surface water run-off will be restricted to greenfield rates by a hydro brake and stored in an underground attenuation tank. With regard to foul water the FRA states that foul water will be discharged to the public combined sewer via a pumping station, the nearest being on Jubilee Way to the south, or into the watercourse after treatment.

The FRA and drainage strategy submitted have been considered by United Utilities, the Environment Agency and the Lead Local Flood Authority (LLFA). United Utilities have no objections to the development, stating that the FRA and drainage strategy outlined above is acceptable to them. They request a condition requiring the scheme to be constructed in accordance with the FRA and suggest a condition regarding the management and maintenance of the surface water system. The Environment Agency have no objections nor request any conditions. LCC as the Lead Local Flood Authority (LLFA) have made no comments on the application but for the previous scheme on the site offered no objections, and the drainage solution proposed here is the same solution. Therefore subject to appropriate conditions being used there are no drainage issues with the application.

### **Impact on residential amenity**

The application site is located in a position where once built it will be surrounded by residential development to the north, south and west. Reserved Matters has been granted for that site through application 15/0400 and therefore the impact on the dwellings approved there can be fully assessed against the development proposals here.

The proposed building is set back from the highway by approximately 15m with the dwellings to the west either facing or side on the application site and are in excess of 30m away so there will no impact on these dwellings. To the north the approved dwellings are laid out so that their side or rear elevations face the application site, with the proposed care home between 14 and 8m from the



side elevations with obscure glazing proposed at the nearest points. To the south the dwellings are set further away due to the access road and existing landscaping on site so there will be no overlooking or loss of light from the proposed development here.

To the rear of the site the building is 12m from the boundary and 23m from the rear elevations of the proposed dwellings and as such there will be no unacceptable overlooking or loss of light here. The existing dwellings to the south on Wildings lane would not experience any overlooking or loss of privacy as a consequence of this development.

There are therefore no issues with this development when constructed in terms of impact on residential amenity. Conditions will be used to ensure obscure glazing is used where appropriate.

### **Conclusions**

The application relates to the erection of a 205-bedroom care home with associated ancillary facilities on an area of land off Wildings Lane which is allocated for residential development in the Fylde Local Plan to 2032 and has previously had planning permission for the erection of 53 dwellings. Whilst the site is currently undeveloped and sits within a landscape of other undeveloped land, the surrounding land has planning permission and reserved matters approval for residential development as part of the 'Queensway' development.

The proposed 205-bedroom care home brings the benefit of a different form of accommodation which will cater for an identified need for elderly residents as well as releasing approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Fylde Local Plan to 2032 presumes to deliver, ensuring that the site will contribute positively to the delivery of the aims of the Local Plan with regards to general and specialist housing supply. Therefore the principle of the development is acceptable.

The proposed 'interim' and 'final' access arrangements are considered acceptable subject to appropriate conditions and legal agreement and during the interim period the development will not have an unacceptable impact on Wildings Lane. LCC Highways have no objections to the application.

The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. The impact on residents throughout construction has been considered and whilst there will be some impact as with any major construction project it is concluded that the impact would not be so harmful as to refuse this application. Therefore the application is recommended for approval.

### **Recommendation**

That:

1. the Shadow HRA submitted with the application be adopted as the Council's own HRA
2. that authority to GRANT planning permission be delegated to the Head of Planning and Housing, subject to the completion of a Section 106 agreement in order to secure:
  - a) a financial contribution of up to £360,000 towards the M55 to Heyhouses Link Road and the phasing of this payment
  - b) a financial contribution of £6,000 towards travel plan support and the phasing of this payment, and;
  - c) the timing and legal arrangements for the stopping up of Wildings Lane to traffic, and

securing clauses within future leases of the proposed development so that the owners are fully aware that the interim access will be closed.

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.

3. The decision be subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no.
- Proposed Site Plan - Drawing no. A104 REV 5
- Proposed Basement Plan – Drawing no. A130
- Proposed Ground floor sheet 1 – Drawing no. A131
- Proposed Ground floor sheet 2 – Drawing no. A132
- Proposed Ground floor sheet 3 – Drawing no. A133
- Proposed First floor sheet 1 – Drawing no. A134
- Proposed First floor sheet 2 – Drawing no. A135
- Proposed First floor sheet 3 – Drawing no. A136
- Proposed second floor sheet 1 – Drawing no. A137
- Proposed roof plan – Drawing no. A138
- Proposed elevations sheet 1 – Drawing number A140
- Proposed elevations sheet 2 – Drawing number A141
- Proposed elevations sheet 3 – Drawing number A142
- Site plan and masterplan overlay – Drawing number A106
- Landscaping Plan A107
- Site access Plan – Drawing number SCP/190428/F02
- Proposed interim site access improvements – Drawing number SCP/190428/F01 REV C
- Site Access plan with Queensway masterplan – SCP/190428/F03

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

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

3. No part of the development hereby approved shall commence until a scheme for the construction all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The site access and off-site highway works shall be completed in accordance with the details approved before the development is first occupied unless otherwise agreed in writing by the Local Planning

Authority. The following schemes to be covered by this condition include:

- (i) the site access junction on Wildings Lane (see Drawing No. SCP/190428/F02, dated 21.10.2019), and
- (ii) a highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019)

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised) and to ensure the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options

4. No development shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of the development, is submitted to and approved by the Local Planning Authority. The plan shall detail:
- a) how biodiversity would be protected throughout the construction period
  - b) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
  - c) the parking of vehicles of site operatives and visitors;
  - d) loading and unloading of plant and materials;
  - e) storage of plant and materials used in constructing the development;
  - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - g) wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
  - h) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
  - i) a Management Plan to identify potential ground and water contaminants;
  - j) details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
  - k) a scheme to control noise during the construction phase,
  - l) the routing of construction vehicles and deliveries to site
  - m) xiii a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures and including actions to be taken in the event that any dust control equipment employed on site fails;
  - n) xiv the timing of operations which shall confirm that no construction or associated vehicle movements will take place on Sundays or Bank Holidays or outside the hours of 0800-1800 Monday To Friday and 0800-1300 on Saturdays.

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with local Policy and the provisions of the NPPF.

5. There shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device within any visibility splay required to maintain safe operation for all

users. The site access shall be constructed to provide a visibility splay of 2.4m x 43m and permanently maintained thereafter.

Reason: To ensure adequate visibility splays are maintained at all time.

6. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Reasons: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

7. The car parking and manoeuvring scheme shall be marked out in accordance with the approved plan, before occupation of approved development and shall be permanently maintained thereafter.

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

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

9. No development shall take place until a Construction Method Statement for the construction and operation of the development, is submitted to and approved by the Local Planning Authority. The statement shall detail:

- a) Details of proposals for temporary works on Wildings Lane necessary to allow safe access / passing for large construction traffic. To include local widening on Wildings Lane; and
- b) Consideration for pre-loading and/or other construction methods on access roads and within the site.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site during the construction works.

10. Prior to the commencement of development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Wildings Lane. A similar survey shall be carried after six months and the final inspection within one month of the completion of the development, and the developer shall make good any damage to Wildings Lane to return it to the pre-construction situation as required.

Reasons: To maintain the construction of Wildings Lane in the interest of highway safety.

11. The approved Kensington Development, Queensway 1,150 dwellings which surrounds this application site will result, in the future, with Wildings Lane being restricted for motorised through traffic. Therefore prior to the first occupation of any part of the development hereby approved details of the interim and future access for motorised vehicles will be passed to residents of the Care Village site within a welcome pack and also made clear within associated travel plan information.

Reason: To ensure future residents of the proposed site fully understand the proposed interim and future access provision., with the long term access to be taken from the proposed East/West access road via a new signalised roundabout at Queensway/Kilnhouse Lane and/or the proposed M55 to Heyhouses Link Road.

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No. LRD30217, Dated July 2019) which was prepared by Sutcliffe. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

14. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of

the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

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

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

16. No works shall commence until full details of bat roosting and bird nesting opportunities to be installed with the re-developed site have been submitted and approved in writing by Fylde Borough Council. The details shall include details of nesting opportunities in trees, within/on buildings and a minimum of 20 tree sparrow boxes within hedgerows. The approved details shall be implemented in full.

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

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

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

18. No site clearance, site preparation or development work shall take place until a fully detailed landscaping/habitat creation and management plan has been submitted and approved in writing by Fylde Borough Council. The scheme shall demonstrate (1) adequate planting of native species appropriate to the locality to compensate for direct and indirect impacts, (2) that habitat connectivity through the site and to the wider area will be retained as a minimum, including for amphibians and in and around ditches (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The approved details shall be implemented in full.

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

19. Prior to occupation of the development hereby approved full details of a residents pack that will be made available to resident, which would highlight and explain the sensitivity of the surrounding areas, the importance of keeping dogs on a lead and identifying other suitable recreational areas locally shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of

the Wildlife & Countryside Act 1981 and the National Planning Policy Framework

20. No site clearance, site preparation or development work shall take place until a fully detailed Ecological Mitigation and Management Plan (EMEP) has been submitted and approved in writing By Fylde borough Council. The scheme shall demonstrate the measures that will be used to prevent impacts associated with construction on Lytham Moss and shall include details with regard to the timings of construction and details of any further mitigation measures required such as acoustic screening. The approved plan shall be implemented in full.

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

21. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. Full details of the bowling and putting green and a timetable for their provision. The landscaping scheme shall include a tree belt, along the eastern boundary of the site, which shall comprise a suitable mix of native tree species. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in accordance with GD7 and ENV1 of the Local Plan to 2032.

22. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The completed scheme shall be submitted to the local planning authority within one month of the first use of the development hereby approved.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

23. The use of the development hereby approved shall be limited to a care home (Class C2) for elderly people aged 65 and above.

Reason: To ensure that the approved care home falls properly within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

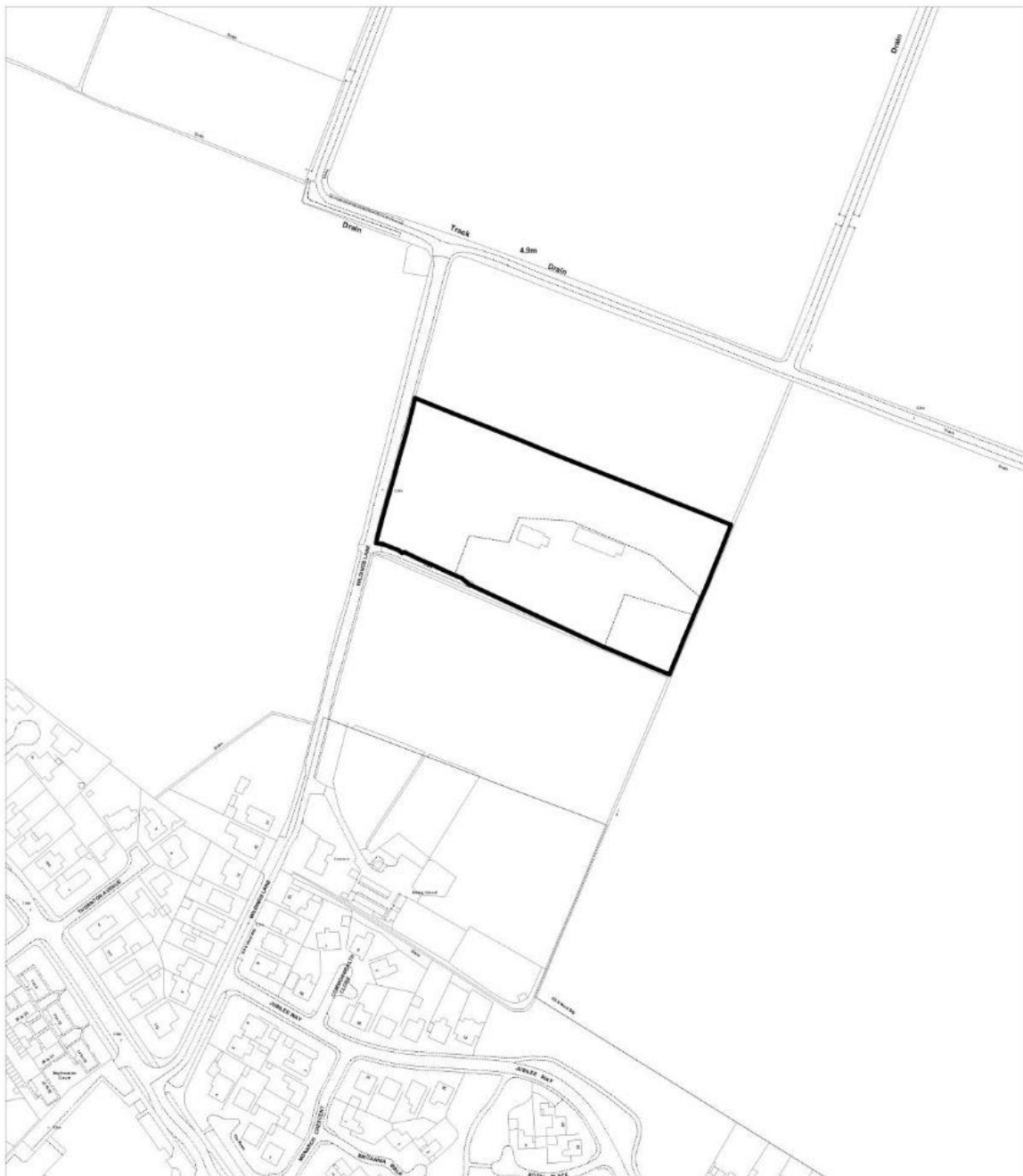
24. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

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

25. The windows indicated with a red star on the proposed elevations sheets shall be obscurely glazed to standard equivalent to at least level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling / extension hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.





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Ordnance Survey (100006084).

Application No.  
5/19/0642

Address  
Valentines Kennels, Wildings Lane,  
Lytham St Annes

Grid Ref.  
E.3341 : N.4298

Scale  
0 15 30 45 60 m

**Item Number:** 5

**Committee Date:** 18 December 2019

<b>Application Reference:</b>	19/0783	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Newhall Downey Ltd	<b>Agent :</b>	HPA Chartered Architects
<b>Location:</b>	FOUNDRY YARD, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
<b>Proposal:</b>	APPLICATION TO VARY CONDITIONS 2 AND 8 OF PLANNING PERMISSION 17/0471 TO ALLOW: 1) THE SUBSTITUTION OF HOUSE TYPES ON PLOTS 9, 10 AND 11; AND 2) THE USE OF FORMER GARAGE FLOORSPEACE FOR PLOTS 9, 10 AND 11 AS LIVING ACCOMMODATION		
<b>Ward:</b>	NEWTON WITH TREALES	<b>Parish:</b>	Treales, Roseacre and Wharles
<b>Weeks on Hand:</b>	12	<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/@53.7891403,-2.8512406,168m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

This application seeks approval for a variation of condition Nos 2 and 8 imposed on planning permission application 17/0471 which authorises the erection of 4 new dwellings. The conditions relate to the approved house type plans, and the need to retain the garages for the parking of vehicles respectively.

The amendments proposed in this application seek approval for a change to the design and type of dwellings originally approved from two storey dwellings to one and half storeys. They also incorporate the floor area previously approved for garages into the habitable accommodation of proposed new dwelling design.

It is considered that the changes are acceptable and will not result in a detriment to highway safety or any harm to the visual amenity or character of the area and will not harm the amenity of neighbours.

It is considered that the proposal complies with Policies H1, H2, GD4, GD7, ENV1, ENV2 and T5 of the Fylde Local Plan to 2032 and the aims of the NPPF. Accordingly the application is recommended for approval by Members.

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

The application is subject to an objection from the Parish Council and so as the officer recommendation is for approval it is necessary for the decision to be made at Planning Committee to comply with the Scheme of Delegation.

### **Site Description and Location**

The application site is Foundry Yard, Kirkham Road, Kirkham, which is now named 'Foundry Court'. In particular this application relates to a parcel of land located to the rear of Smithy Farm on the south side of Kirkham Road. The overall site has recently been partially developed in that five new dwellings have been completed with the foundations and infrastructure laid for four dwellings on the application site, but no active construction works are currently underway. The site is accessed via a newly constructed road off Kirkham Road which also serves the newly constructed dwellings.

The land is bounded by open farmland to the south, Smithy Farm and associated buildings to the north, and residential properties to the east and west.

There is no designated settlement in Treales and so the application site is designated as Countryside Area on the Fylde Local Plan to 2032.

### **Details of Proposal**

This application seeks permission to vary conditions 2 and 8 of planning permission 17/0471 to allow: 1) the substitution of house types on plots 9, 10 and 11; and 2) the use of former garage floorspace for plots 9, 10 and 11 as living accommodation.

The proposal is to construct dwellings that are designed to be one and half storeys tall with gable feature to ground and first floor front elevation with large picture window and roof lights. To the rear elevation the properties are designed to have a 'cat slide' roof with pitched roof window at first floor level and roof lights. The dwellings are to be constructed in brick, render with timber panel detail.

The ground floor of each property provides open living/kitchen/dining room with entrance hall, WC and utility and to the first floor two bedrooms, bathroom and a store.

It is intended that the dwelling has been designed to be a 'life-time home' in that it provides a level access to a wet room on the ground floor and space for a potential lift.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
18/0035	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0471 CONDITION 3 - MATERIALS, CONDITIONS 4 AND 5 - DRAINAGE CONDITION 6 - LEVELS, CONDITION 7 - CONSTRUCTION MANAGEMENT PLAN, CONDITION 11 - BOUNDARY TREATMENT, CONDITION 12 - LANDSCAPING	Granted	04/04/2018
17/0634	APPLICATION FOR NON MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL 16/0217 - AMENDMENT TO HOUSE TYPE DESIGN OF PLOTS 4-8 INCLUSIVE.	Granted	13/09/2017
17/0640	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON RESERVED MATTERS APPROVAL 16/0217 FOR	Advice Issued	19/12/2017

17/0579	CONDITION 4 - BOUNDARY TREATMENT AND CONDITION 6 - MATERIALS	Withdrawn by Applicant	27/07/2017
	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 15/0450 TO HOUSE TYPE DESIGN FOR PLOTS 4-8 INCLUSIVE FROM APPROVED MATTERS APPLICATION 16/2017 AS APPROVED.		
17/0471	ERECTION OF 4 RESIDENTIAL DWELLINGS	Granted	19/10/2017
16/0217	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 15/0450 FOR DEVELOPMENT OF 7 DWELLINGS	Granted	05/10/2016
15/0450	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING WORKSHOP BUILDINGS AND ERECTION OF UP TO 8 DWELLINGS (USE CLASS C3) INCLUDING ASSOCIATED WORKS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Granted	04/09/2015
12/0090	DEMOLITION OF EXISTING WORKSHOPS AND CONSTRUCTION OF 3 DETACHED DWELLINGS AND ACCESS ROAD.	Granted	23/05/2013
10/0261	PROPOSED ERECTION OF 8 TWO STOREY B1 WORKSHOP / OFFICE UNITS AND 3 DETACHED TWO STOREY HOUSES TOGETHER WITH ASSOCIATED INTERNAL ACCESS ROADS AND PARKING AREAS.	Granted	23/05/2013

### **Relevant Planning Appeals History**

None

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

**Treales, Roseacre & Wharles Parish Council** notified on 01 October 2019 and comment:

*At their meeting on the 5 November 2019 the Parish Council resolved to **object** to this planning application for the following reasons:*

- a) Proposal does not comply with FLP32 GD7 in respect of providing sufficient off-road car parking spaces within the curtilage of the development.*
- b) This is because the change of use from garage to living accommodation reduces the overall parking provision for the development as a whole. The application needs to demonstrate that it meets the standards for parking provision. This is vital to ensure access for refuse vehicles, emergency services, as well as personal & property services. Note1.*
- c) In addition, the change of use from garage to living accommodation removes the storage space for items that are normally stored in garages without supplying alternative provision. The application fails to demonstrate how such provision is to be available. See Note 1.*
- d) It is observed that the applicant in the Design & Access Statement makes particular reference that the revision proposes that "the bungalows are to be lifetime homes". We would highlight*

*that in developing the Local Plan, FBC has already assessed that this development location is not sustainable because there is no access to any services from within the parish within the required distances deemed to be acceptable. To encourage residents with restricted mobility prompts the prospect of: isolation due to lack of access to public transport; and increased burden on public social services to support the medical & personal needs of residents with such conditions.*

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

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

The Highway Development Control Section comment that:

*“From a highway planning perspective the roads and car parking are acceptable for this small estate, with low vehicle volumes and speeds.”*

They then refer to some technical issues relating to the position of planting, the width of the carriageway and the position of parking areas which are such that the internal access road is not one that would be suitable for adoption by the local highway authority.

However they reiterate that this is not an aspect that could result in their objection to the proposal.

### **Neighbour Observations**

<b>Neighbours notified:</b>	01 October 2019
<b>Site Notice Date:</b>	04 October 2019
<b>Summary of Comments</b>	None received

### **Relevant Planning Policy**

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

H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity
T5	Parking standards

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

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

#### **Site Constraints**

Tree Preservation Order

### **Environmental Impact Assessment**

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

## **Comment and Analysis**

This application seeks permission for a variation of condition no. 2 (approved plans) to change the design of dwellings proposed for Plot no.s 9, 10 and 11 to two bedroom properties and condition no. 8 (retention of garages for housing motor vehicles) on planning permission 17/0471

This application has been submitted to amend the above conditions under Section 73 of the Town and Country Planning Act 1990. The effect of an application under this section is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended

### **Principle of development**

The principle of the development of this site for 4 dwellings has already been established by the granting of the planning permission in 2017 under application no. 17/0471, and the implementation of that permission through the construction of the foundations to these dwellings.

Given that the issues in respect of the erection of the dwellings on the site has previously been examined and agreed, they will not be revisited in this report. The issues therefore, for consideration in this application are the design and relationship implications of the change in housetype, and the parking implications.

### **Condition no. 2 - changes to approved plans**

Whilst the planning permission relates to 4 dwellings, this proposal is to revise three of these with Plot 12 unaffected.

### ***Appearance of the revised house types***

The proposed design of the dwellings whilst being unique and less traditional than others in the village reflects elements of the recently constructed dwellings on the wider site. The eaves gables reflect the eaves dormers of the dwelling on plot 12 and those recently completed dwellings to the west of the site, and the gable element picks up on the design on the terrace of three dwellings on Plots 6-8. In addition the mix of brick and render is consistent with the use of materials on neighbouring properties and the use of timber highlights that on the adjacent timber buildings forming part of Smithy Farm which this site backs onto.

As a consequence it is considered that the development will have a positive visual impact by utilising a style and range of materials that are sensitive to the local site circumstances. The scheme is in accordance with Policy GD7 of the Local Plan in that respect.

### ***Scale of dwellings***

The predominant scale of property in the village is two storey accommodation, albeit there are differences so the heights of this accommodation as the dwellings have been developed over a wide timespan and so reflect the changing styles. This proposal reduces the accommodation from a full two storey to a 1.5 storey dwelling with a ridge of 7m and eaves at less than 3.5m. This is less than the approved dwellings, but not significantly so that they would appear out of character. This reduced scale will assist in the setting of the development as a whole on the edge of the village and accords with Policy GD7 in that regard.

### *Impact on residential amenity*

The layout of the three dwellings proposed in this application is that of those approved under 19/0471 and reflects the same spacing distances. There are no windows above fence height on the side elevations of the dwellings and so no loss of privacy will be incurred by the occupiers of the dwellings from the neighbouring property. As such the proposal complies with Policy GD7 in this regard.

### Condition no. 8 – revised parking arrangements

This application also seeks the removal of condition no. 8 of application no. 19/0471 which states:

*Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.*

The reason for this condition was to ensure that the garages were retained and available for parking vehicles due to the limited availability of off street parking on the site and the need to provide sufficient parking spaces for the 4/5 bed dwellings that were proposed.

Treales Parish Council opine that the proposal does not comply with Policy GD7 as the proposal reduces the overall parking provision. They have then referred to the Northern Ireland car parking standards to support their position, but in advance of the council preparing a SPD to confirm its own standards it is the standards of the Joint Lancashire Structure Plan that should provide the parking standards to be used in the assessment of developments in Fylde borough at present.

These advise that for a dwelling-house with 4+ bedrooms a total of 3 off street parking spaces are expected to be provided, hence the requirement for three spaces for the dwelling types previously approved in application no. 17/0471. These spaces were set out in the single garage with two further spaces provided externally on the driveway in that scheme.

For dwellings with 2-3 bedrooms the Joint Lancashire Structure Plan standards advise that two spaces are required. As this application now proposes two bedroom dwellings on each plot, two spaces are required to serve each dwelling. These spaces are indicated on the drive to the front of each of the dwellings proposed in this application, and so are provided 'in curtilage' to an appropriate length and width.

Therefore, as the number of bedrooms proposed in this scheme have been reduced, it is possible to accept a reduced number of parking spaces to each dwelling. The scheme is acceptable and complies with the requirements of the Lancashire Structure Plan and Policy GD7 of the FLP32.

Furthermore LCC Highway Engineers have been consulted on this application and have not objected to the scheme but have commented on the internal highway layout and future maintenance of the roads. However, the internal road layout of the site has not altered since the Reserved Matters approved under 16/0217 and no objections were raised by LCC at that time.

### Other matters

The Parish Council also refer to the loss of a storage facility by the proposed change of house type shown in this application which does not include an integral garage.

The amount of storage required by the occupiers is not a planning matter and is therefore not required to be shown on the floor plans. This would be a matter for the individual house owner who may wish to erect a shed or provide another form of external storage facility or store domestic items within the dwelling.

Treales Parish Council make reference to the phrase 'lifetime home' which is expressed in the applicant's Design and Access Statement. The meaning of 'lifetime home' refers to a set of criteria designed to maximise independence and quality of living within the home. The proposed dwellings include level access, provision of a 'wet room' on the ground floor and space for lifts. These facilities are welcome additions to a modern dwelling.

The Parish Council challenge the sustainability of the site for residential development, but as this has already been established by the implementation of the previous permissions on this site this is not relevant for an application to revise the house types within the development.

### Conclusions

This application seeks approval for a variation to condition no.s 2 and 8 imposed on application 17/0471 which granted permission for the erection of 4 new dwellings, the condition relate to the approved plans and the retention of the garages.

The proposed amendments refer to changes to the design and type of dwellings originally approved from two storey dwellings to one and half storeys incorporating the floor area approved for garages into the floor area of the proposed new design. The changes are acceptable and will not result in any harm to the visual amenity or character of the area and will not harm the amenity of neighbours. Accordingly the proposal complies with the above policies of the local plan and the aims of the NPPF.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:
  - Proposed Site Plan - Drawing no.2116-05 REV. B
  - Proposed floor & elevation plan Plot 9 - Drawing no. 2116-20 REV. A
  - Proposed floor & elevation plan Plot 10 - Drawing no. 2116-21 REV. A
  - Proposed floor & elevation plan Plot 11 - Drawing no. 2116-22 REV. A

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

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

2. 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 application form and / or approved plans listed in condition 1 to this planning permission.

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 Policy GD7 of the Fylde Local Plan to 2032.

3. The drainage of the site shall be carried out in accordance with that indicated on drawing no. C-50 REV. A and approved under Discharge of Conditions application no. 18/0035, in order to ensure adequate surface water drainage of the development approved under application no. 17/0471.

Reason: To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site. In accordance with Policies GD7, CL1 and CL2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. The drainage of the site shall be carried out in accordance with that indicated on drawing no. C-50 REV. A and approved under Discharge of Conditions application no. 18/0035, in order to ensure adequate foul water drainage of the development approved under application no. 17/0471.

Reason: To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site. In accordance with Policies GD7, CL1 and CL2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

5. The development hereby approved shall be carried out in accordance with the Construction Management Plan approved under application no. 18/0035 (Discharge of Conditions application).

Reason: To ensure that the development is implemented whilst minimising the opportunities for safety and nuisance issues to be caused to neighbouring dwellings and the wider highway network in accordance with Policy GD7 of the Fylde Local Plan to 2032.

6. Prior to first occupation of the dwellings hereby approved details of the proposed arrangements for future management and maintenance of the streets and other communal areas within the development have been submitted to and approved in writing by the local planning authority. These areas shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure a safe and satisfactory on-going appearance of the development in accordance with Policies T5 and GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

7. Prior to first occupation of the dwellings hereby approved full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies T5 and GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

8. The development hereby approved shall be carried out in accordance with the information

contained within drawing no. 51(g) master plan and drawing H16 elevational detail indicating the proposed fencing for use in the development as approved under application no. 18/0035 (Discharge of conditions application).

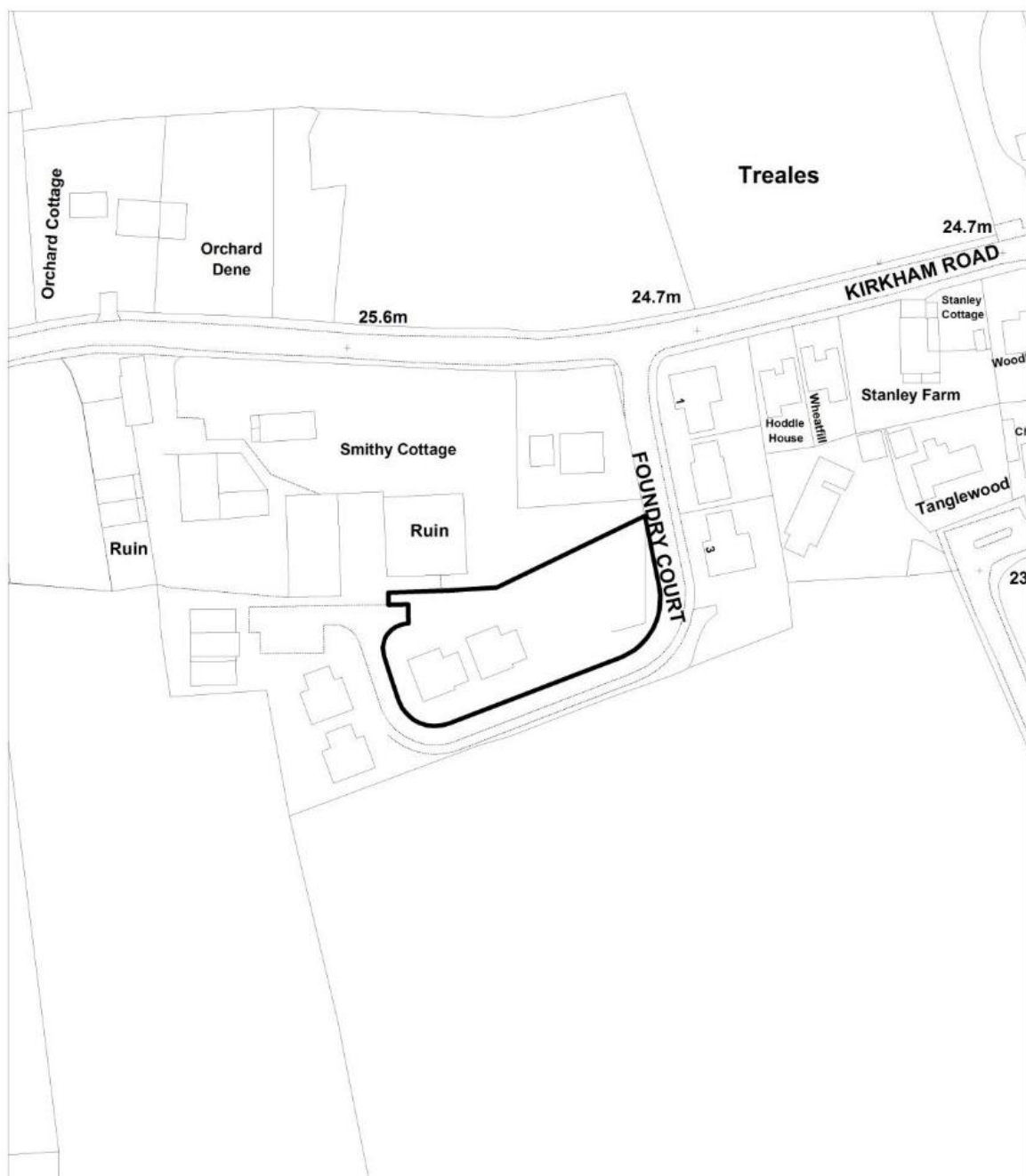
Reason: To protect the visual amenities of the area in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



9. The development hereby approved shall be carried out in accordance with the information contained within drawing no.ADS001 (dated 19.03.18) indicating the proposed landscaping and incorporating ecological habitat creation as approved under application no. 18/0035 (Discharge of conditions application).

Reason: To enhance the quality of the development in the interests of the amenities of the locality and in the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981, Policies ENV1 and ENV2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

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

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981, Policy ENV2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0783	Address Foundry Yard, Kirkham Road, Treales	Grid Ref. E.3440 : N.4328	Scale 0 6 12 18 24 m 

**Item Number:** 6

**Committee Date:** 18 December 2019

<b>Application Reference:</b>	19/0803	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Fieldfisher Solicitors	<b>Agent :</b>	Cubic Architectural Services limited
<b>Location:</b>	BRYNING FERN NURSERIES, BRYNING FERN LANE, KIRKHAM, PRESTON, PR4 2BQ		
<b>Proposal:</b>	SINGLE STOREY SIDE EXTENSION TO FORM CARPORT, ALTERATIONS TO GROUND FLOOR WINDOW ARRANGEMENT, FORMATION OF RAMPS TO FRONT AND REAR, AND ERECTION OF 900MM HIGH BRICK WALL (PART WITH FENCING ABOVE TO 1.4M), AND 1.4M HIGH GATES TO FRONT BOUNDARY		
<b>Ward:</b>	KIRKHAM SOUTH	<b>Parish:</b>	Kirkham
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Celine Houghton
<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/@53.7805952,-2.8824541,168m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

Bryning Fern Nurseries, is a detached house that is located on Bryning Fern Lane within the settlement Area of Kirkham. Notwithstanding the name of the property there is no nursery activity undertake at the site and it is entirely surrounded by other residential properties with the access to the Willows Social Club to one side. This relatively-contemporary dwelling is symmetrical in form with white-rendering, a pitched Rosemary-tiled slate roof and hatched windows.

This application is proposing a series of works to Bryning Fern Nurseries which are associated with making the home more suitable for the current occupant and his carer. These include: the erection of a carport to allow a vehicle to be accessed from the property under shelter; alterations to the ground floor front elevation window and the removal of a ground floor side elevation window; and the erection of a brick wall with elements of fencing and gates close to the front boundary of the property. The proposals necessitate the removal of two trees on the frontage, one that is covered by a preservation order.

The physical extension works and alterations are of an acceptable scale and design and so accord with Policy GD7 of the Fylde Local Plan to 2032 and other relevant development plan policies. Whilst the Town Council have objected to the application on the basis of the loss of the trees, the application is supported with the tree survey that confirms these are now in poor condition and the council's tree officer concludes that their loss an appropriate replacement is acceptable in this case. Accordingly, the application is recommended for approval subject to a series of conditions including for the replacement of the trees.

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

The application is subject to an objection from the Town Council and so as the officer recommendation is for approval it is necessary for the decision to be made at Planning Committee to comply with the Scheme of Delegation.

### **Site Description and Location**

The application property, Bryning Fern Nurseries, is a large detached house located within Bryning Fern Lane within the Settlement Area of Kirkham as designated by the Fylde Local Plan to 2032. The dwelling is symmetrical in form with white-rendering, a pitched Rosemary-tiled slate roof and hatched windows. At present, the house is comprised of a canopy, hall, lounge, dining room, breakfast room, morning room, kitchen, pantry, utility room and pantry on the ground floor. The first floor of the property has a large master bedroom with an en-suite, four more bedrooms, a bathroom and a study. The second floor of the property has a fifth and sixth bedroom, one of which has an en-suite. There is also a detached garage on the rear west-side of the property at the end of a long driveway. Houses on Bryning Fern Lane are typically comprised of large, two-to-three storey detached dwellings set within spacious curtilages. Despite the notable degree of diversity along the street with regards to age, scale and building form, properties on this cul-de-sac follow a distinct building line which affords a garden-fronted aspect to the street that are often left open or bounded by set-back dwarf walls or hedges.

### **Details of Proposal**

This application is proposing a series of works to Bryning Fern Nurseries which are associated with making the home more suitable for the current occupant and his carer and in summary include: the erection of a carport; alterations to the ground floor front elevation window and the removal of a ground floor side elevation window; the removal of two trees (one of which is subject to a tree protection order) from the front garden; and the erection of a brick wall with fencing and gates close to the front boundary of the property.

The proposals would be constructed using materials and finishes to match the existing property including: brickwork, painted render and cast stone walls; concrete interlocking roof tiles; and white UPVC windows. The changes at ground-floor level would include the creation of the following: a sloped disabled access at the front entrance of the dwelling; a sloped disabled access at the rear of the dwelling leading to the rear outbuilding; a carer's bedsit being formed in a ground floor room; and a larger ground floor bedroom with a new ensuite. The garage window would be replaced with bi-folding doors. The proposals for the first floor of the property would involve replacing three of the existing bedrooms with a single large therapy room. The new car port would be an extension on the north-west side of the property and is designed to enable a vehicle to be accessed under shelter. The car port would be constructed with a brick and tiled roof finish to form a logical solid extension to the property.

There are also proposals to erect a brick wall close to the front boundary of the property in addition to pedestrian and vehicle gates. The brick wall would measure 0.9 metres in height and would be set back from the footway boundary of the property by a 0.6-metre-wide planter between the wall and the footway. In order to build the wall, a mature tree, which is subject to a Tree Protection Order and situated along the front boundary of the property, would be removed. The sliding vehicle gate and the personnel gate would measure 1.4 metres in height and would be set back from the front boundary of the site by approximately 1 metre. The proposal indicates the planting of a new UK-native sampling near the frontage of the boundary, which would have a minimum girth of 16

centimetres, and is intended to act as a replacement for the removed tree.

### **Relevant Planning History**

Application No.	Development	Decision	Date
97/0201	REPLACEMENT DWELLING AND GARAGE	Granted	21/05/1997

### **Relevant Planning Appeals History**

None

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

Kirkham Town Council notified on 04 October 2019 and comment:

*“Kirkham town Council object to this application as it will necessitate the removal of two trees with preservation orders.”*

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

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

The council’s initial description of the application indicated that two protected trees were to be removed. In fact there is just a single protected tree on the site which is a Silver Birch protected under TPO 1997 No. 9 (Kirkham). This is proposed for removal in the application and so the views of the Tree Officer have been sought and are as follows:

*I am not opposed to the removal of the TPO tree to accommodate the development if there is to be a replacement tree of similar species being replanted in as close as proximity as the original tree. This is for the continuity of the tree preservation order and will have full protection when it is planted in the ground. Tree planting should be done between November to early March following the completion of development. I would like to be made aware when this will be, so I can see if the planting has taken place. Tree size should be at least extra heavy standard 14-16 centimetres girth approximately 3.5 metres tall.*

### **Neighbour Observations**

Neighbours notified: 04 October 2019  
Number of Responses: None

### **Relevant Planning Policy**

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

ENV1	Landscape
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

#### **Other Relevant Guidance:**

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

## **Site Constraints**

### **Tree Preservation Order**

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Principle**

The application site is located within the settlement area under Policy GD1 of the Fylde Local Plan to 2032. In these areas the application is to be assessed against the requirements of Policy GD7 of the Plan which relates to the general design principles of development, and so is documented in the following sections of this report. This also includes an assessment of the impact on protected trees.

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

The extension and wall would be constructed using materials and finishes to match the existing property including: brickwork, painted render and cast stone walls, concrete interlocking tiles; and white UPVC doors and windows. As such, all of the proposed materials are considered to be acceptable on the basis that they are compatible with the host dwelling.

The proposed car port would be attached to the north-west-side of the dwelling, at the end of the property's driveway. The design of the car port is in accordance with the Extending Your Home SPD's Design Guidance 2: Single Storey Side Extensions. It is considered that the car port would be compatible with the host property given that it would have a pitched roof and would be constructed using the same materials and finishes as the existing dwelling. Further to this, it is of a modest scale that ensures it will be subservient relative to the size of the host property. While the car port would be visible from the street, it would be set back from the footway at the end of the property's driveway, which helps to mitigate any possible overbearing appearance within the street scene.

The original proposal was to erect a dwarf wall with fence above to provide a 1.4m high boundary treatment across the whole of the property frontage. This was felt to be an inappropriate solution in this area where boundaries are generally open and so has been revised at officer request. The scheme now proposed is for a 900mm high brick wall across the frontage of the property with elements of taller fencing and gates at the entrance to a 1.4m overall height with the whole wall set back from the footway by 0.6 metres.

In order to build the wall, a mature Silver Birch tree, which is subject to a Tree Protection Order and situated along the front boundary of the property, would be removed. The tree was protected in 1997 when the current property was built. Since then it appears to have deteriorated and is now categorised as a 'C' class tree which is the poorest class of tree that is worthy of retention. The proposal is to remove this to facilitate the revisions to the access and boundary arrangements associated with this project and plant a replacement. It is considered that the planting of a UK-native sapling, situated close to the position of the existing tree, would act as a sufficient replacement of the removed tree and would provide protected tree cover in the area moving

forward as the existing tree has a relatively limited life expectancy.

The 0.9 metres high wall would be softened by being set back by a 0.6 metre planted 'verge' between the footway and the wall. With regards to the impact of the wall, the design and appearance of the wall is assessed in relation to other boundary treatments on Bryning Fern Lane. Houses on Bryning Fern Lane are a mix of older, smaller two-storey dwellings and more contemporary, larger three-storey dwellings similar to the application property. Many of the smaller houses are bounded by set-back dwarf walls or hedges, whereas the frontages of the larger houses, including the application property's frontage, are left open, with their front garden exposed to the street. While the proposed boundary treatment would therefore be in contrast to the pattern of other properties with boundary treatments on the street, it is considered that the application property would be considered as an acceptable exception. Given that the property is located on its own, away from the group of other larger properties on the street (situated on the opposite, south end of Bryning Fern Lane), and many of the smaller immediate-neighbouring properties (on this north end of Bryning Fern Lane) have low boundary treatments close to the front footway boundary of their curtilages, it is considered that the proposed wall would integrate with the character of this part of the street scene when seen alongside these other low, stepped-back front boundaries. Further to this, it is noted that the hard appearance of the wall would be softened by the proposed soft landscaping located in front of this boundary, and the low height of the wall is proportionate to this site, property and its setting in the surrounding street scene.

All of the other changes proposed within this application would either be largely, or entirely, concealed from the street and it is considered that they are also acceptable in terms of their design and appearance.

Taken together, the design and scale of the extension accord with the requirements of criteria b), d), h) and i) of Policy GD7.

#### Relationship to Neighbours

The application property has one immediate side neighbour to the south, named Verona. The north side of the site is bounded by an access road leading west to behind the rear of the application site towards The Willows Catholic Club. Separated by this access road, to the north of the property, is the back of a row of terraced properties accessed via Ribby Road which is a street perpendicular to the cul-de-sac of Bryning Fern Lane.

The rear neighbour, The Willows Club, is separated from any of the proposals by over 30 metres and it is considered that the developments would not have any undue impacts on this neighbour. Similarly, the terraced properties to the north of the site are separated by the proposed developments by their rear gardens and the side access road by approximately 20 metres and it is considered that these neighbours would not be impacted by the developments in terms of loss of light, outlook or privacy. The proposed front garden wall would be built to reach the shared boundary between the application site and its immediate south-side neighbour, Verona. The dwellinghouse of this neighbour follows the same building line as the application property, and is also separated from the location of the proposed wall by its driveway. As such, it is considered that this neighbour would not be impacted by the wall in terms of loss of outlook or overshadowing as the wall would only measure 0.9 metres in height, and Verona's dwellinghouse would be sufficiently separated from the development. It is also considered that this neighbour would not be harmfully impacted by any of the other elements of the proposals.

As such, the proposal has an acceptable relationship to its neighbours in all regards and complies



with criteria c), d) and h) of Policy GD7.

#### Parking and Access Arrangements

The driveway on the north-side of the property would be retained, but the development would involve the creation of a new vehicle gate at the front of the existing driveway. Additionally, the application is proposing a new car port, which would be attached to the dwellinghouse and situated at the end of the driveway. In accordance with the guidance outlined in the Extending Your Home SPD's Design Note 2: Single Storey Side Extensions vi), the property would retain more than the minimum 5.5 metres length of parking space between the garage and the highway. For this reason, it is considered that the proposal would allow the property to retain an appropriate level and location of parking for the site and would not compromise access of highway safety, and it complies with criteria j) and q) of Policy GD7.

#### Other Matters

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

#### Conclusion

The application relates to a series of proposals which include the erection of a car port, alterations to windows, the removal of two trees in the front garden of the property, and the erection of a brick wall and gates to the front of the property at Bryning Fern Nurseries in the Settlement Area of Kirkham. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy GD7 of the Fylde Local Plan to 2032 and other relevant development plan policies, in addition to the guidance in the House Extensions SPD. Accordingly, the application is recommended for approval.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 0619/100
- Proposed Site Plan - Drawing no. 0619/200 Rev D
- Proposed Ground Floor Plans - Drawing no. 0619/210
- Proposed First and Second Floor Plans - Drawing no. 0619/211
- Proposed Elevations - Drawing no. 0619/220 Rev D

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

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

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



Reason: In order to ensure a satisfactory relationship with the character of the host dwelling and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

4. Details of the species and specimen size of the replacement tree proposed shown on the proposed site plan 0619/200 Rev D shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the commencement of the construction of any part of the development hereby approved. The tree which is hereby approved shall then be planted during the first available planting season of between November and March.

For avoidance of doubt the replacement tree size should, at least, be extra heavy standard 14-16cm girth, and approximately 3.5 metres tall, with the replacement tree must be of a similar species to the removed and must be replanted in as close proximity to the original tree as is possible.

Reason: To safeguard the continued provision of appropriate tree cover to this property to maintain its positive contribution to the wider streetscene as required by Policy GD7 of the Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0803	Address Bryning Fern Nurseries, Bryning Fern Lane, Kirkham	Grid Ref. E.3418 : N.4319	Scale 0 6 12 18 24 m 

**Item Number:** 7

**Committee Date:** 18 December 2019

<b>Application Reference:</b>	19/0807	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr S Wilson-Mills	<b>Agent :</b>	
<b>Location:</b>	LAND ADJACENT TO WHITE HALL, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
<b>Proposal:</b>	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLINGHOUSE		
<b>Ward:</b>	NEWTON WITH TREALES	<b>Parish:</b>	Treales, Roseacre and Wharles
<b>Weeks on Hand:</b>	9	<b>Case Officer:</b>	Matthew Taylor
<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/@53.7888591,-2.8548373,168m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application relates to a rectangular parcel of land located on the south side of Kirkham Road between Primrose House and White Hall, Treales. Outline planning permission was granted at appeal on 25.11.16 for the erection of a detached dwelling on the site following the Council's refusal of application 16/0087. This application is identical to that allowed at appeal in 2016 and seeks outline permission (with all matters reserved) for the erection of a single dwelling on the site.

The site is located between existing dwellings to the east (Primrose House) and west (White Hall), is heavily contained by surrounding roadside development flanking the southern frontage of Kirkham Road and is separated and distinct from adjoining agricultural fields to the south. The scale and density of the development and its relationship with surrounding dwellings would ensure that the proposal appears as minor infill development within a relatively small gap between existing buildings. Therefore, the scheme satisfies the exception in Fylde Local Plan to 2032 policy GD4 f) where development can be permitted in the countryside and, in turn, the principle of development is in accordance with the provisions of the development plan.

The proposed dwelling would follow the established pattern of roadside development along the southern frontage of Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings. The development would be contained within existing boundaries that distinguish it from adjoining agricultural land to the south and the proposed roadside dwelling would not appear as a harmful or erosive addition to the surrounding landscape in this context. While the proposal would result in the loss of some existing trees and hedging, the specimens to be lost are of limited value, no trees protected by a Tree Preservation Order would be removed and new planting could be introduced as part of the development to compensate for any loss of existing vegetation.

The scheme 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 the site's development for housing. A safe and suitable means of access would be provided for the development and the addition of a single dwelling would not have any severe impact on network capacity. The development would not give rise to any other adverse effects in terms of ecology or flood risk. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

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

Treales, Roseacre and Wharles Parish Council have objected to the application and the officer recommendation is for approval.

### **Site Description and Location**

The application relates a rectangular parcel of land measuring approximately 700 square metres in area to the south side of Kirkham Road, Treales. The site is located between Primrose House – a two storey dwelling in the latter stages of construction pursuant to planning permission 18/0593 – to the east, and a collection of six dwellings at White Hall to the west. A narrow strip of greenspace flanks the site's western boundary and separates it from a private access road that branches in a southerly direction off Kirkham Road to serve the group of dwellings at White Hall.

The site falls within the Countryside Area as defined on the Fylde Local Plan to 2032 Policies Map. Outline planning permission 16/0087 was granted at appeal (reference APP/M2325/W/16/3157346) on 25.11.16 for the erection of one dwelling on the site. As no application for approval of reserved matters has been submitted pursuant to the outline, that permission has now expired.

The site comprises an area of unmaintained grassland which runs parallel with the access road serving dwellings at White Hall. The land is enclosed by a combination of post-and-rail fencing and hedging to its perimeter, with a group of taller trees flanking Kirkham Road along its northern boundary. Tree Preservation Order (TPO) 1989 no. 12 indicates that one of these trees – a beech referred to as 'T4' – is protected by a TPO, though there is no evidence of this tree at the site. Additional trees are located alongside the site's eastern and western boundaries, and to the southeast corner where the plot backs onto a large expanse of open farmland to the south. An unenclosed strip of maintained grassland containing smaller trees and a bench forms a buffer between the site and the access road to White Hall and is not included within the development site.

Dwellings at White Hall to the west run in a north-south direction flanking, but set back from, the private access road. Five of these dwellings have been created following the conversion of existing barns on the site in the early 21<sup>st</sup> century pursuant to planning permission 99/0356 (the exception to this being the original 'White Hall' dwelling located to the southern end of the group). Four of the dwellings are orientated with their front elevations facing in an easterly direction towards the site (though the northern dwellings are offset in relation to it) and fall a minimum of *circa* 23m from the western site boundary. All dwellings facing the site are two storeys in height. Two detached properties (Birch House and Whitegarth) lie a minimum of approximately 31m to the north of the site on the opposite side of Kirkham Road. The newly constructed dwelling at Primrose House follows a broadly square footprint with its west-facing (side) elevation running parallel to the eastern perimeter of the application site and offset by a minimum of approximately 4m from the boundary line.

### **Details of Proposal**

The application is submitted in outline, with all matters reserved, and seeks permission for the erection of one dwelling on the site. An illustrative plan has been submitted as part of the proposal (drawing no. SWM/2016/01), which is identical to the plan provided with application 16/0087.

The illustrative plan shows a detached, two-storey dwellinghouse occupying a central location within the site with an independent access to the northeast corner from Kirkham Road. The construction of the access would necessitate the removal of two trees and a short section of hedgerow within the group flanking the northern boundary, and the removal of three other trees within the central areas of the site (none of which are protected by TPO). Remaining trees on the site are shown to be retained, with new hedge planting indicated alongside the western perimeter.

As the application does not seek approval for any of the five reserved matters (access, layout, scale, external appearance and landscaping), all details shown on the illustrative plan are purely indicative and are not for detailed consideration at this stage. The application seeks only to establish the principle of residential development for a single dwelling on the site.

### **Relevant Planning History**

Application No.	Development	Decision	Date
<b>16/0087</b> - OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLINGHOUSE - Refused 27.05.16 for the following reason:			

*The application relates to a narrow parcel of land occupying a prominent, roadside location fronting onto Kirkham Road, Treales. The site is located within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map and makes a substantial contribution to the character, appearance and rural setting of the area by providing a landscaped green buffer between buildings. The proposed infill property would result in a narrowing of the space available between buildings and a cramped form of development which would detract from the spacious aspect to this stretch of Kirkham Road, and the character of the outer edge of the village. This impact would be exacerbated through the removal of trees and hedgerow along the roadside and trees within the site in order to provide a suitable means of access from Kirkham Road and a developable plot. Therefore, the proposed development would have an erosive effect on rural character and fails to respect the intrinsic character and beauty of the countryside in conflict with the requirements of Fylde Borough Local Plan policies SP2, HL2, EP11 and EP12, and paragraph 17 of the National Planning Policy Framework..*

07/0839	REVISED ELEVATIONAL DETAILS TO BARNs 2, 3 AND 4. PREVIOUS APPROVAL ON APPLICATION 5/99/0356	Granted	09/11/2007
06/0732	ERECTION OF ONE BLOCK COMPRISING OF 3 SEPARATE GARAGES FOR DOMESTIC USE	Granted	16/10/2006
05/0761	TWO STOREY AND SINGLE STOREY EXTENSIONS AND GARAGE	Granted	23/09/2005
99/0356	AMENDMENT TO PREVIOUSLY APPROVED SCHEME 5/96/476 - CONVERSION OF REDUNDANT BARNs INTO 5 DWELLINGS	Granted	11/08/1999
96/0476	CONVERSION OF REDUNDANT FARM BUILDINGS INTO 5 NO. DWELLINGS AND GARAGE BLOCK	Granted	06/11/1996

98/0682	AMENDMENTS TO DESIGN OF CONVERTED BARNs APPROVED UNDER CONSENT 5/96/0476	Refused	27/01/1999
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### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0087	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLINGHOUSE	Allowed	25/11/2016

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

***Treales, Roseacre and Wharles Parish Council*** – notified of the application on 16.10.19. The Parish Council object to the application on the following grounds:

- The proposal does not comply with GD4 a) to e) inclusive.
- The proposal is not a “minor infill development” (GD4 f)) because the cumulative recent development along the south side of Kirkham Road has created urbanised ribbon development where there used to be open countryside bounded on the roadside by hedgerows and trees. The ribbon development on the south side of Kirkham Road has destroyed these hedge rows and trees and has adversely changed the rural character of this rural village in this area.
- The proposal seeks to destroy a rural area which is now a critical unique and very necessary break in the urbanised ribbon development which has been historically recognised and has resulted in the planting of oak, holly, ash and beech trees that enjoy recognition are subject to Tree Preservation Order (TPO), TPO 1989/0012 (Treales) refers. The Parish Council note that this application and the previous planning appeal did not take into account or recognise the presence of this rich and diverse natural asset and the Parish Council request that this lack of recognition should no longer prevail.
- The development proposes to remove at least one and in all probability three of the trees (see the two trees to the east of the proposed dwelling) on this site. In addition, the development will adversely affect the extensive root system of the four trees subject to the TPO mentioned in 4 above and therefore their long-term viability.
- This is an unnecessary development in the countryside which is unsustainable not just because Treales does not have acceptable access to any public services as assessed by FBC, but also because it avoidably adds to the destruction of the vital natural environment and the attractive rural character of this village and the parish Council urge you to reject this application.

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

***Greater Manchester Ecology Unit (GMEU)*** – No objections. Comments as follows:

- The information submitted with the application includes an ecology assessment. The assessment found the site to have some limited ecological value. The site supports trees and scrub that may be used by nesting birds, some of which will be lost should the development go ahead. As all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended) we would recommend that the following condition be attached to any permission, should it be granted:
- No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

- We would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. We would therefore recommend that a scheme for biodiversity enhancement measures should be submitted with any reserved matters application and a condition to this effect be attached to any permission.

*Local Highway Authority (LHA) – No objections. Comments as follows:*

- There are no highway objections to the scheme. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- The applicant should make provision off the highway for construction and contractor vehicles and all deliveries and storage of materials should take place off the highway.
- The applicant will need to enter into a s184 agreement for the formation of the vehicle crossing across the adopted highway.
- Conditions are recommended with respect to: (i) the construction of car parking and manoeuvring areas; (ii) the provision of a suitable turning area so that vehicles can enter and exit the site onto the highway in forward gear; (iii) the first 5m of the access extending into the site from the public highway must be paved in a suitable surface that does not allow loose material to be trailed onto the highway; (iv) any gates shall be positioned at least 5m behind the back edge of the footway; (v) visibility splays measuring 2.4m x 43m shall be provided in both directions at the junction of the site access with Kirkham Road. The visibility splays should be maintained free from any obstruction over 1m in height.

*Tree Officer:*

- The Tree Preservation Order, TPO 1989/0012 (Treales), which the Parish Council refers to is for the following trees: Ash (T1), Holly (T2), Oak (T3) and Beech (T4). On my visit to the site I was unable to locate T2 and T4. T1 is in decline due to poor form and showing signs of decay. T3 is however showing good vitality and its location is approx. 15m away from the proposed development site. Any ground works from this development will be outside the Root Protection Area (RPA) which is outlined in the BS5837:2012 Trees in relation to design demolition and construction- Recommendations. Therefore, it is highly unlikely that the development will adversely affect the root systems of TPO trees.
- As mentioned by the Parish Council the development will impact on at least three trees. One Ash and one Horse chestnut on the East side and one Horse chestnut on the West side. If these trees are securely fenced off to protect the RPA as per the BS5837:2012 it will be impossible to carry out the development and so they will need to be removed. However, as noted by the Tree Officer during the consideration of application 16/0087, the group of ash and sycamore inside the hedge on the northern boundary are heavily suppressed with ivy and do not present an appealing form. One large sycamore is dead; others are misshapen and feature asymmetric canopies. These aren't trees for which I could justify making a tree preservation order, because even allowing for collective value rather than as individuals, I doubt they score well. This group of trees also conflicts with overhead phone lines and a street lamp. With respect to the Horse Chestnut that is situated on the West boundary, this species is currently out of favour because of the advance of horse chestnut canker. The tree is also set back from the road which would score low on public amenity value. Therefore, none of the existing specimens on the site are considered to be worthy of protection by a TPO.
- If this development is allowed there will be a significant loss of trees overall from: (1) Removal of trees for the site entrance and drive; (2) The remaining trees at the North of the site next to the access point; (3) One Ash and one Horse chestnut on the East side and one Horse chestnut on the West side of the development (that will be in close proximity to the dwelling); and (4) Removal of hedge. The loss of these trees and hedge will impact on the green corridor and



habitat that they provide and if the application is approved, I would like to see a landscaping condition secured to help maintain the green corridor through Treales on Kirkham Road. Trees that are planted as part of the planning conditions are also protected for the long-term by a preservation order under section 197 Town and Country Planning Act 1990.

- The tree survey provided with application 16/0087 has been re-submitted without being updated. Due to the time that has elapsed since the original tree survey it would normally be expected for this to have been updated to reflect current circumstances.

#### *United Utilities:*

- The site should be drained on separate systems for foul and surface water disposal. Foul water should drain to the public sewer and surface water should drain in the most sustainable way in accordance with the hierarchy in the NPPG – into the ground (infiltration); to a surface water body; to a surface water sewer; and finally, to a combined sewer.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	16.10.19
<b>Site notice posted:</b>	18.10.19
<b>Press notice:</b>	N/A
<b>Amended plans notified:</b>	N/A
<b>No. Of Responses Received:</b>	None
<b>Nature of comments made:</b>	N/A

The appropriate neighbouring properties were notified of the application by letter on 16.10.19 and a site notice posted on 18.10.19. No representations have been received in response to this publicity.

#### **Relevant Planning Policy**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

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

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
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
INF1	Service Accessibility and Infrastructure
T5	Parking Standards
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

**Other Relevant Policy:**

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

**Site Constraints**

Tree Preservation Order

**Environmental Impact Assessment**

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

**Comment and Analysis****Policy context and main issues:**

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

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

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the nature of the development proposed, the designations applicable to the site and the responses received in respect of the application, the main issues in this case are considered to be:

- The principle of development, including whether it represents an appropriate form of development within the countryside.
- The development’s effects on the character and appearance of the area.
- The scheme’s impact on the amenity of surrounding occupiers.
- The development’s effects on the surrounding highway network.
- Other matters relevant to the decision, including those relating to trees, ecology and flood risk.

**Principle of development:**

***Local Plan designation and policy position concerning proposed land use:***

FLP policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8715 new homes in locations that accord with the Development Strategy, which follows the four-tier settlement hierarchy set out in policy S1. FLP policy INF1 a) states that, in order to protect and create sustainable communities, proposals for development should “make the most of existing infrastructure by focusing on sustainable locations with the best infrastructure capacity”.

The application site falls within the Countryside Area outside any of the settlements defined in FLP policy S1. Treales is not identified as a settlement in FLP policy S1. The closest settlement identified in FLP policy S1 is Kirkham, the defined boundary of which is located approximately 0.75km to the southwest, further along Carr Lane. The town centre of Kirkham (identified as a Strategic Location for Development in FLP policy DLF1) is *circa* 1.6km away.

Although the site does not form part of any settlement identified in policy S1, it is not the case that residential development cannot be permitted within the countryside area beyond settlement boundaries. In particular, FLP policy S1 indicates that, within the rural areas, “development will be restricted to the Tier 1: and Tier 2: Larger and Smaller Rural Settlements, **except where [it] is allowed by Policy GD2, GD3 or GD4 as applicable**” (emphasis added). In addition, the “windfalls” section of FLP policy DLF1 indicates that “small housing sites (amounting to between 1 and 9 homes) are not allocated; **they can occur throughout the borough where compliant with the other policies of the plan**” (emphasis added). Accordingly, the development strategy in FLP policy DLF1 does not confine development to the settlements identified in policy S1, nor does it restrict it to the strategic/non-strategic locations for development set out in policy DLF1, as long as it complies with other policies of the plan.

As the site is located within the Countryside Area, the provisions of policy GD4 are applicable in this case. FLP policy GD4 states that development in the countryside will be limited to that falling within the following categories:

- a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development;
- b) the re-use or rehabilitation of existing permanent and substantial buildings;
- c) extensions to existing dwellings and other buildings in accordance with Policy H7;
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6;
- f) minor infill development.

Criteria a) – d) of policy GD4 are not applicable to the type of development proposed in this case. Accordingly, the development could only be permitted in accordance with the provisions of policy GD4 if it was found to fall properly within the categories indicated in criteria e) or f).

While the site is within the countryside, it is bordered by existing dwellings to both sides and closely related to the existing cluster of buildings to the western end of Treales. Accordingly, and having regard to the principles established by the *Braintree District Council v Secretary of State for*

*Communities and Local Government & Others [2017]* judgement – which determined that the term ‘isolated’ should be given its ordinary objective meaning of “far away from other places, buildings or people; remote” – it is not considered that the proposed development would involve the creation of an isolated home in the countryside for the purposes of FLP policy H6. Therefore, the exception in criterion e) of FLP policy GD4 is not applicable in this case. For the same reasons, the site is not considered to be an unsuitable location for residential development by virtue of its accessibility to shops, services and public transport opportunities and so there is no conflict with FLP policy INF2 a) in this regard.

Criterion f) of FLP policy GD4 includes an allowance for “minor infill development” within the countryside. Paragraph 7.15 of the FLP states that “minor infill development will be of a scale and use that does not have a material impact on the rural character of the area and does not conflict with the provisions of policy ENV3.” While the FLP does not include a specific definition for “minor infill development” the two fundamental tests of GD4 f) require that development must be both “minor” and “infill” in order to satisfy this exception. Reference to the term “minor” in GD4 f) is distinct from any of the definitions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and so is not reliant on a specific quantum of development (or a maximum number of dwellings). Instead, the test is whether it could be considered “minor” in relation to its site-specific context and the character of its surroundings. The term “infill” should be taken as a requirement to ‘fill a gap’ between sites that are already developed. For example, the glossary to the Planning Portal defines “infill development” as “the development of a relatively small gap between existing buildings”.

The site is a relatively narrow, elongated plot of land falling between a new dwelling at Primrose House to the east and a collection of houses at White Hall to the west. The site is physically separated and distinct, in both its character and use, from adjoining agricultural land to the south and is located opposite two dwellings on the north side of Kirkham Road. Accordingly, it is largely contained by existing development and seen amongst the collection of buildings flanking the southern side of Kirkham Road which form a linear ribbon of development between its junctions with Carr Lane and Moss Lane West. Similar characteristics were observed by the Inspector in allowing appeal 3157346, with paragraph 8 of that decision reading as follows: *“Given the enclosed nature of the site resulting from the boundary treatments and its relationship with existing residential development the proposal would be seen very much in the context of that existing form of development rather than as part of its agricultural surroundings. Its character is very different from the nearby open agricultural land and from my site visit I observed that it has the character of a self-contained small parcel of ancillary land with little function. It makes a very limited contribution to the character, appearance and rural setting of the area.”*

Given the site’s shape, size and its integration with the pattern of existing roadside development along the southern frontage of Kirkham Road, the introduction of a single dwelling would appear as “minor” in both its immediate surroundings and the wider context of Treales village. Furthermore, the site is seen as being contained between existing buildings in close proximity to the east and west, and is distinct from the adjoining parcel of agricultural land that lies beyond its southern boundary. Owing to the site’s relationship with existing buildings surrounding it, the proposed dwelling would have the appearance of filling a relatively small gap between buildings and, accordingly, also represents “infill” development. The site is not part of any allocated “Existing Open Space” for the purposes of FLP policy ENV3 and, given its “very limited contribution to the character, appearance and rural setting of the area” observed by the Inspector in appeal 3157346, the proposed development is not considered to be of a scale and use that would have a material impact on the rural character of the area for the purposes of FLP paragraph 7.15.

The Parish Council opine that the proposal cannot constitute minor infill development because “the cumulative recent development along the south side of Kirkham Road has created urbanised ribbon development where there used to be open countryside bounded on the roadside by hedgerows and trees”. As observed by the Parish Council, recent development along the southern frontage of Kirkham Road has created a largely continuous and consolidated ribbon of roadside buildings through the village. It is against this context (i.e. the situation as it now stands ‘on the ground’ rather than what pre-existed those developments) that the application must be judged. In this case, the site is closely contained by the new dwelling at Primrose House to the east and the collection of buildings at White Hall to the west – with no other notable buffer occurring between them – in order that it would readily appear as the development of a relatively small gap between existing buildings and, in turn, satisfy the exception in FLP policy GD4 f)

For the reasons given above, the proposal is considered to satisfy all the tests in FLP policy GD4 f) relating to “minor infill development”. Therefore, it meets one of the limitations where development can be permitted in the countryside by policy GD4 and, in turn, is in accordance with the development strategy set out FLP policies S1 and DLF1. As result, the proposed development accords with the provisions of the development plan and the presumption in favour of sustainable development set out in paragraph 11 c) of the NPPF is engaged.

***Comparison with application 16/0087 and appeal APP/M2325/W/16/3157346:***

The current application is identical to that allowed at appeal following the Council’s refusal of application 16/0087. Appeal 3157346 was determined on 25.11.16 under the policies of the Fylde Borough Local Plan (As Altered) 2005 (FBLP), and so pre-dated the adoption of the FLP. In addition, paragraph 3 of the Inspector’s decision makes clear that the Council was “unable to demonstrate a five year supply of housing land” at the time of the appeal.

Paragraph 5 of the appeal decision makes clear that the lack of a five year housing supply resulted in the Inspector attaching little weight to FBLP policy SP2 because that policy was considered out-of-date. However, FBLP policy SP2 also took a more restrictive approach to development in the countryside in comparison to FLP policy GD4. In particular the permissible categories in policy SP2 did not, unlike policy GD4, make any allowance for schemes involving “minor infill development”.

The Council’s latest annual position statement (dated June 2019 – which has been submitted to the Planning Inspectorate for consideration, but with a response still awaited) indicates that, based on the annual housing target of 415 net homes per annum and calculation methodology set out in FLP policy H1, the Council is able to demonstrate a supply of deliverable housing sites equivalent to 5.3 years (including a 10% buffer). In addition, the results of the housing delivery test published by government in 2018 shows the rate of housing delivery in Fylde at 172% of the housing requirement over the previous three years. As none of the circumstances in footnote 7 of the NPPF are applicable, it follows that policies in the FLP relating to the supply of housing are not out-of-date and, furthermore, that the ‘tilted balance’ in paragraph 11 d) of the NPPF is not engaged in this case. In spite of that, providing that the scheme represents minor infill development (which is the case here for the reasons given above), it accords with the allowance in FLP policy GD4 f) and is, therefore, an appropriate form of development within the countryside as a matter of principle. As a result, the outcome of the application should not turn on matters relating to housing land supply because the proposal has been found to accord with the development plan regardless of that.

Paragraph 4 of the Inspector’s decision makes clear that the main issue in the appeal related to “the effect of the proposal on the character and appearance of the area”. Paragraphs 7-11 of the Inspector’s decision set out the reasons why he considers that the development would not have a harmful impact on the character and appearance of the area, and paragraphs 13 and 14 set out why

the proposal would not undermine any potential use of the land for agriculture or adversely affect highway safety respectively. While the FBLP has now been replaced by the FLP, the equivalent policies of the FLP do not contain any markedly different requirements which fundamentally alter the approach that should be taken in respect of these matters. There is, therefore, no reason to take an alternative view to that expressed by the Inspector.

#### Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design by taking account of the character and appearance of the local area in accordance with 15 guiding principles. Criteria b), d), g), h), i) and m) of the policy are of greatest relevance in this case as follows:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- Applying Secured by Design principles to all new developments.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context.
- Protecting existing landscape features and natural assets as an integral part of the development.

FLP policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated. Criteria a) – e) of the policy require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. In addition, paragraph 170 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

Application 16/0087 was refused for a single reason which concerned the development’s effects on the character and appearance of the area. In particular, the reason refers to the “substantial contribution [that the site makes] to the character, appearance and rural setting of the area by providing a landscaped green buffer between buildings”. The reason for refusal also refers to the development giving rise to a “narrowing of the space available between buildings and a cramped form of development which would detract from the spacious aspect to this stretch of Kirkham Road”, opining that these effects would be “exacerbated through the removal of trees and hedgerow along the roadside and trees within the site in order to provide a suitable means of access from Kirkham Road”. In summary, the reason for refusal concludes that “the proposed development would have an erosive effect on rural character and fails to respect the intrinsic character and beauty of the countryside”.

Each of the matters cited in the Council’s reason for the refusal of application 16/0087 are addressed in paragraphs 7-11 of the Inspector’s decision for appeal 3157346 as follows:

7. *"The site is a narrow strip of land situated between the group of buildings at White Hall and Primrose Farm. Its boundaries are mainly formed of a mix of trees and hedgerows and the boundary opposite White Hall is a timber post and rail fence. It is largely screened from the surrounding area. However, there are some passing glimpse views of the site through the landscaping. Nonetheless, the site is not a clearly defined open space which forms an obvious or significant landscape buffer between existing buildings.*
8. *Given the enclosed nature of the site resulting from the boundary treatments and its relationship with existing residential development the proposal would be seen very much in the context of that existing form of development rather than as part of its agricultural surroundings. Its character is very different from the nearby open agricultural land and from my site visit I observed that it has the character of a self-contained small parcel of ancillary land with little function. It makes a very limited contribution to the character, appearance and rural setting of the area.*
9. *Although building a house on the site would inevitably lead to narrowing the space between existing buildings in the area the form of development would not necessarily be cramped or harm the quality of the landscape at the edge of the village.*
10. *The proposal would result in the loss of some trees. However, it is clear from the tree survey submitted with the planning application that those which would be lost are of limited value. Adequate compensatory planting could be provided through suitably worded landscape conditions in order to compensate for the loss. Remaining trees could also be protected through a condition. The retention of the site's remaining boundaries would ensure that the residential development is not exposed to the surrounding agricultural landscape.*
11. *I therefore conclude that the proposal would not be harmful to the character and appearance of the area and would be in accordance with Policies HL2 EP11 and EP12 of the LP and the Framework."*

There has been no notable physical change to the site's characteristics since the appeal. In particular, all trees that were in place at the time of application 16/0087 still appear to be present on the site (though some have increased in size) without any notable added tree coverage having developed, and there is no reason to suggest that the site makes any markedly different contribution to the rural character of the area in comparison to the situation at the time of the appeal.

The main change that has occurred since the appeal was allowed involves the construction of a detached dwelling (Primrose House) on adjoining land to the east of the site. There was, however, an extant permission (15/0367) for a single dwelling on that same site at the time of the appeal and so, contrary to the comments made by the Parish Council, there is no reason why the application site should now be considered especially important in providing a "very necessary break in the urbanised ribbon development" between the new dwelling at Primrose House and the existing collection of buildings at White Hall (as noted in paragraphs 7-9 of the Inspector's decision).

The northern boundary of the site fronts onto the footway of Kirkham Road and is marked by a collection of mature trees and hedgerow. While this group, historically, included a protected Beech tree to the northwest corner (T4 of TPO 1989, no. 12), the Council's Tree Officer indicates that this specimen is no longer in place at the site. Based on the tree survey submitted with application 16/0087 (which has been resubmitted here), this was also the case at the time of the previous scheme. Three other trees surrounding the access to nos. 1-3 White Hall (T1-T3) are also protected under the same TPO (1989 no. 12), though T2 (an Oak) is also absent from the site. All existing trees within the site are unprotected, and while they make a general contribution to the 'leafy' character of the site, the Council's Tree Officer considers that none of these specimens have a level of public amenity value that would make them worthy of specific protection by TPO. Moreover, they are not features that are prominently in view to passers-by on Kirkham Road or an integral part of the wider

landscape.

The Parish Council refer to “TPO 1989/0012” in opining that “the previous planning appeal did not take into account or recognise the presence of this rich and diverse natural asset” and “the development will adversely affect the extensive root system of the four trees subject to the TPO and therefore their long-term viability.” Despite the comments of the Parish Council, paragraph 10 of the Inspector’s decision makes specific reference to the value of existing trees on the site. In particular, the Inspector acknowledges that “the proposal would result in the loss of some trees. However, it is clear from the tree survey submitted with the planning application that those which would be lost are of limited value. Adequate compensatory planting could be provided through suitably worded landscape conditions in order to compensate for the loss. Remaining trees could also be protected through a condition.” There have been no significant changes in the physical characteristics of trees on the site to indicate that an alternative approach should be taken in this case. The lack of any change to tree assemblage at the site since application 16/0087 also means that a revised tree survey is not critical as there has been no significant change in circumstances since the previous report was prepared. As with the Inspector’s approach (and as advised by the Council’s Tree Officer), an appropriate condition can be imposed requiring further details of retained and additional landscaping to be provided as part of an application for approval of reserved matters to ensure that adequate compensation is made for existing trees lost as part of the scheme.

The Parish Council consider that the development will adversely affect the root systems of TPO trees to the west of the site access. That is not, however, a view shared by the Council’s Tree Officer and the submitted tree survey shows that the only Root Protection Areas crossing the site are those of the trees within the land itself. Given the degree of separation between the site and the two TPO trees outside its boundaries (T1 and T3), combined with the presence of intervening driveways and other areas of hardstanding between those specimens and the site (which will already have impacted on these root protection areas), the development should have no adverse effects on TPO trees outside the site. An appropriate condition regarding tree protection measures for those specimens within the site which are to be retained can be imposed on any permission granted to ensure the implementation of adequate mitigation measures during the construction period.

The site’s southern boundary aligns with the rear garden of Primrose House and is separated from the field beyond by a low post-and-rail fence backed by tree and hedge planting. The level of containment afforded by existing boundary treatments, combined with the site’s location between existing buildings to both sides, means that it is seen in the context of existing ribbon development fronting Kirkham Road and does not encroach onto the agricultural land beyond.

Although the application is accompanied by an indicative plan, as all matters are reserved at this stage detailed consideration is not to be given to the layout, scale or appearance of the dwelling shown on the submitted plan. Nevertheless, the plan demonstrates that a dwelling of appropriate scale and layout can be accommodated on the site without appearing unduly cramped and in a manner that respects the spacious plot size and prevailing pattern of roadside development to the southern flank of Kirkham Road.

Given the above, the proposed development would not have a harmful impact on the character and appearance of the area and accords with the provisions of FLP policies ENV1, GD7 and the NPPF.

#### Effects on surrounding occupiers:

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



- That amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- All new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.

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

As detailed matters of scale, layout and appearance are not applied for at this stage, specific spacing distances and window positions in relation to neighbouring dwellings are not before the Council for consideration. Nevertheless, the illustrative masterplan – which shows a central position for a detached dwelling offset broadly equidistant from both side boundaries – indicates that a minimum spacing of approximately 25m would be achieved with the front elevations of neighbouring dwellings at White Hall to the west.

To the east, Primrose House is set *circa* 4m away from the shared boundary at its closest point. The illustrative plan shows a 1.5m gap between the east side of the indicative dwelling and, in turn, a 5.5m spacing with the western elevation of Primrose House. The approved plans for Primrose House (18/0593) show three windows at ground floor serving a study and kitchen (both secondary windows to those rooms) and utility room. A first floor window to a walk-in-wardrobe is shown to the west side of an outrigger set further away from the boundary to the southeast corner. None of the windows on the western elevation of Primrose House provide openings to main habitable rooms.

The illustrative layout shows a ‘side-to-side’ aspect between the indicative dwelling (which includes a doorway and window to a utility in the flank elevation) and Primrose House to the east, with a level of spacing that would avoid any undue effects on the amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking. The illustrative layout also demonstrates that an appropriate degree of spacing can be achieved with neighbouring properties at White House located to the west. Accordingly, the density and spacing of the development in relation to neighbouring buildings would be compatible with the character of surrounding development and would afford a high standard of amenity for existing and future occupiers.

#### Effects on the highway network:

Criterion q) of FLP policy GD7 requires that:

- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).

Paragraph 108 of the NPPF indicates that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

FLP policy T5 relates to parking standards. The policy indicates that car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. The policy also states that a flexible approach to the level of car parking provision will be applied, dependent on the location of the development. Paragraph 11.61 of the FLP stipulates that the Council will prepare an SPD on parking standards which will set out local minimum standards which will need to be applied to all new developments in Fylde. This SPD is, however, yet to be adopted.

Although access is not a detailed matter applied for at this stage the illustrative plan shows a single dedicated access point for the dwellinghouse off Kirkham Road, with an associated turning area. Kirkham Road is a lightly trafficked route subject to a 30mph speed limit. The Local Highway Authority (LHA) consider that the proposed means of access into the site is acceptable providing that visibility splays of 2.4m x 43m can be achieved at the junction of the site access with Kirkham Road and that sufficient turning space can be provided within the site in order that vehicles can enter and exit in forward gear.

The illustrative layout demonstrates that visibility splays of 2.4m x 43m can be achieved in both directions at the junction of the site access with Kirkham Road. A turning area is also shown to the front of the property to demonstrate that vehicles would be able to enter the site, turn around and exit in forward gear. Appropriate conditions have been recommended to ensure that these visibility splays and turning areas are provided as part of any application for approval of reserved matters in accordance with the recommendations of the LHA. Similar access arrangements are also evident at numerous other properties fronting onto Kirkham Road. The driveway to the front of the dwellinghouse is capable of providing off-street parking for a minimum of 2 vehicles. An integral garage is shown on the elevations of the dwellinghouse which could provide additional parking if required (though this would be determined at reserved matters stage).

The level of traffic and number of vehicle movements generated by one dwelling would not have any perceptible impact on network capacity and the provision of suitable visibility splays, vehicle turning areas and off-road parking would ensure that the development would not have an adverse impact on highway safety.

#### Other matters:

#### ***Effects on best and most versatile agricultural land (BMV):***

The site is designated as grade 2 (very good quality) agricultural land on the Agricultural Land Classification Map. Accordingly, it constitutes the BMV agricultural land for the purposes of the definition in the NPPF. Paragraph 170 b) of the Framework indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. This map is not sufficiently accurate for use in the assessment of individual sites. In this case, the Grade 2 classification covers the whole of Treales.

The application site measures approximately 700 square metres in area and is separated from the wider expanse of worked agricultural land to the south by existing boundary treatments. It has an inherently different character and lacks any agricultural form or function. Given the small size of the plot, that it is physically separated from open farmland to the south without any direct access between the two and in the absence of any evidence of recent agricultural use, the proposed development is not considered to represent an essential component in the viability of an agricultural holding. Accordingly, any loss of BMV is not an overriding consideration against the development. The same issue is addressed in paragraph 13 of the Inspector's decision which identifies that "the appeal site is not part of an existing agricultural holding. Therefore, it cannot be considered to be important for agricultural purposes and this matter is not a significant consideration in assessing the proposal."

### ***Ecology:***

The land does not form part of any designated nature conservation site, nor are there any nearby. The application is accompanied by an ecological survey which includes the following conclusions:

- The plant species assemblages recorded at the site are all common in the local area and are considered to be of low ecological value. Domestic gardens and sympathetically landscaped open space is considered to offer habitat of equal or greater ecological value.
- None of the hedgerows around the site perimeter are considered important under the Hedgerow Regulations (1997).
- Birds are likely to utilise hedgerows, scattered trees and scrub on site for nesting between March and September. Any vegetation clearance should therefore be undertaken outside this period.
- No other notable or protected species were recorded on the site during the 9<sup>th</sup> September 2019 visit.

GMEU have been consulted on the application. The ecology unit have not raised any objections to the application on ecology grounds, with the site considered to have limited ecological value. Conditions are, however, recommended to avoid any clearance of vegetation during the bird breeding season and requiring any application for approval of reserved matters to include a scheme for the provision of biodiversity enhancement measures. Appropriate conditions have been imposed in this regard in order to ensure compliance with FLP policy ENV2 and paragraph 170 d) of the NPPF.

### ***Flood risk:***

The site falls within Flood Zone 1 as indicated on the Flood Map for Planning and is, therefore, within the area at lowest risk from fluvial and tidal flooding. The proposed development represents an appropriate use of land within flood zone 1 and suitable measures for the disposal of foul and surface water can be secured through the imposition of an appropriate condition as recommended by United Utilities in order to ensure compliance with the requirements of FLP policy CL2.

### **Conclusions**

The application relates to a rectangular parcel of land located on the south side of Kirkham Road between Primrose House and White Hall, Treales. Outline planning permission was granted at appeal on 25.11.16 for the erection of a detached dwelling on the site following the Council's refusal of application 16/0087. This application is identical to that allowed at appeal in 2016 and seeks outline permission (with all matters reserved) for the erection of a single dwelling on the site.

The site is located between existing dwellings to the east (Primrose House) and west (White Hall), is heavily contained by surrounding roadside development flanking the southern frontage of Kirkham Road and is separated and distinct from adjoining agricultural fields to the south. The scale and density of the development and its relationship with surrounding dwellings would ensure that the proposal appears as minor infill development within a relatively small gap between existing buildings. Therefore, the scheme satisfies the exception in Fylde Local Plan to 2032 policy GD4 f) where development can be permitted in the countryside and, in turn, the principle of development is in accordance with the provisions of the development plan.

The proposed dwelling would follow the established pattern of roadside development along the southern frontage of Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings. The development would be contained within existing boundaries that distinguish it from adjoining agricultural land to the south and the proposed roadside dwelling would not appear as a harmful or erosive addition to the surrounding landscape in this context. While the proposal would result in the loss of some existing trees and hedging, the specimens to be lost are of limited value, no trees protected by a Tree Preservation Order would be removed and new planting could be introduced as part of the development to compensate for any loss of existing vegetation.

The scheme 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 the site's development for housing. A safe and suitable means of access would be provided for the development and the addition of a single dwelling would not have any severe impact on network capacity. The development would not give rise to any other adverse effects in terms of ecology or flood risk. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

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

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

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

4. This permission relates to the following plans:

- Scale 1:1250 Location Plan.
- Drawing no. SWM/2016/01 – Location plan and indicative site plan, floor plans and elevations.

Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the details shown on the approved plans insofar as it relates to the site area, the area or areas where access points to the development will be situated and shall not exceed the maximum number of dwellings applied for.

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

5. No above ground works shall take place until full details of the finished levels, above ordnance datum, for the proposed buildings and external areas of the site in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the dwellinghouse and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

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

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

The protective fencing required by (i) shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. The details in (ii) and (iii) shall be implemented in accordance with the duly approved scheme.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction commences in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1.

7. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a landscaping scheme that provides details of:

- a) any trees, hedgerows and any other vegetation on the site to be retained;

- b) compensatory planting to replace any trees or hedgerows to be removed;
- c) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
- d) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; 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 suitable retention and strengthening of existing landscaping on the site in the interests of visual amenity and to secure appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1, and the National Planning Policy Framework.

8. Any application which seeks approval for the reserved matter of access pursuant to condition 1 of this permission shall include details of:
- a) The layout, design and construction of the site access which shall make provision for minimum visibility splays of 2.4 metres x 43 metres (measured along the centre line of the proposed new driveway from the continuation of the nearer edge of the existing carriageway of Kirkham Road) in both directions at its junction with Kirkham Road.
  - b) The layout, design and construction of a turning area to be provided within the site which will allow vehicles to enter and exit the site in forward gear.
  - c) Provisions for that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site to be appropriately paved in tarmac, concrete, block pavements, or other approved materials.
  - d) Provisions for any gates erected across the access to be positioned at least 5 metres behind the back edge of the footway and for the gates to open away from the highway.

The site access, turning area and any associated gates shall be constructed in accordance with the duly approved details and made available for use before the dwelling hereby approved is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay in (i) shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.

Reason: To ensure a suitable and safe means of access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

9. Site preparation, delivery of materials and construction works shall only take place between 08:00 hours and 18:00 hours Monday to Friday and between 08:00 hours and 13:00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance at unsocial hours in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

10. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1st March and 31st August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season 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 duly approved scheme.

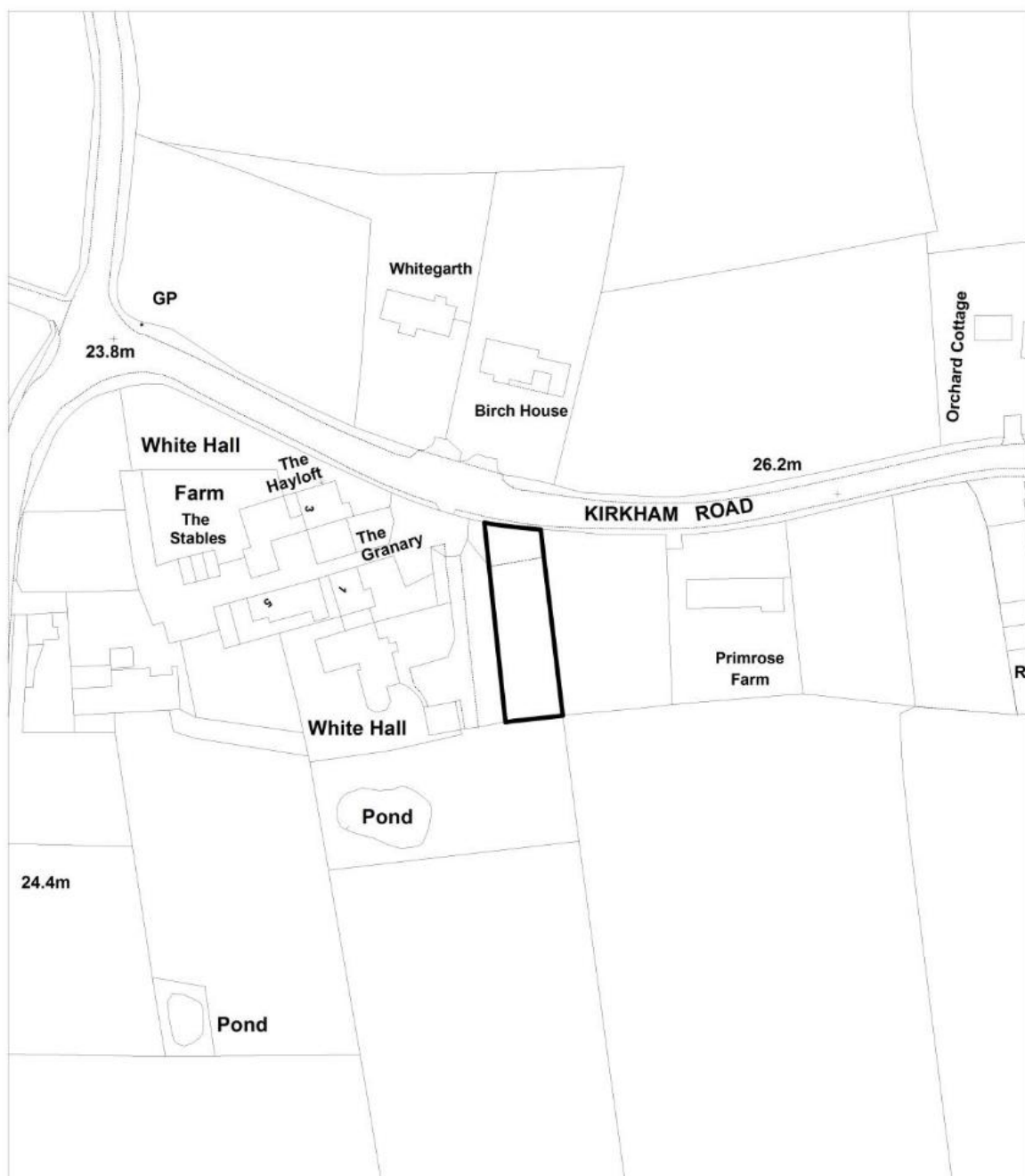
Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

11. No above ground works shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (i) an investigation of surface water drainage options which follow the hierarchy set out in the Planning Practice Guidance, including evidence of an assessment of ground conditions and the potential for surface water to be disposed of through infiltration;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (including an appropriate allowance for climate change);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- (iv) details of how the scheme will be maintained and managed after completion.

The duly approved scheme shall be implemented before the dwelling is first occupied and shall be managed and maintained as such thereafter.

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 Local Plan to 2032 policies CL1 and CL2 and the National Planning Policy Framework.



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Ordnance Survey (100006084).

Application No.  
5/19/0807

Address  
Land adjacent to White Hall, Kirkham Road,  
Treales

Grid Ref.  
E.3437 : N.4328

Scale  
0 6 12 18 24 m



# Appeal Decisions

The council received decisions on the following appeals between the dates of 25 October 2019 and 6 December 2019. The decision notices are appended to this report.

Rec No: 1  
29 March 2019      18/0476      32-34 ST ALBANS ROAD, LYTHAM ST ANNES, FY8 1TH      Written  
Representations  
Case Officer: RT  
OUTLINE APPLICATION FOR ERECTION OF A TWO  
STOREY BUILDING PROVIDING TWO APARTMENTS (USE  
CLASS C3) WITH ASSOCIATED PARKING (ACCESS,  
LAYOUT AND SCALE APPLIED FOR WITH ALL OTHER  
MATTERS RESERVED)

Fylde Dec. Level      DEL  
Appeal Decision:      Dismiss: 05 November 2019

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Rec No: 2  
29 March 2019      18/0760      2A GROSVENOR STREET, LYTHAM ST ANNES, FY8 5HB      Written  
Representations  
Case Officer: RT  
EXTENSION AND ROOF LIFT TO GARAGE TO FACILITATE  
CONVERSION TO RESIDENTIAL DWELLING

Fylde Dec. Level      DEL  
Appeal Decision:      Dismiss: 19 November 2019

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