



Agenda

Planning Committee

Date:	Wednesday, 9 December 2020 at 10:00 am
Venue:	Remote meeting via Zoom
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Please Note: This meeting is being held remotely via Zoom. To access the meeting please click on the link below.

Join Zoom Meeting <https://us02web.zoom.us/j/89672792578?pwd=cnlBaEhBc0JFc0xqTTVyRUhuMVBZQT09>
 Meeting ID: 896 7279 2578
 Passcode: 949536

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 11 November 2020 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3-109
	INFORMATION ITEMS:	
5	List of Appeals Decided	110-116

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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09 December 2020

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Background Papers

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 Local Government Act 1972:

- 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 online at www.fylde.gov.uk/resident/planning

Planning Committee Schedule

09 December 2020

Item Number: 1 **Committee Date:** 09 December 2020

Application Reference:	20/0316	Type of Application:	Full Planning Permission
Applicant:	Homebird St Annes Ltd & RCA Developments Ltd	Agent :	DC & MG Associates Ltd
Location:	FORMER PUBLIC OFFICE AND T&L BUILDING, 288-294 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8 1LH		
Proposal:	MIXED USE DEVELOPMENT INVOLVING: 1) CHANGE OF USE OF THE PUBLIC OFFICES BUILDING (292-294 CLIFTON DRIVE SOUTH) FROM OFFICE USE (CLASS B1) TO RETAIL (CLASS A1) WITH ANCILLARY CAFE (CLASS A3) INCLUDING DECKING AREA TO REAR, ELEVATIONAL CHANGES TO THIS BUILDING, AND DEMOLITION OF OUTBUILDING TO REAR; 2) DEMOLITION OF FORMER COUNCIL OFFICE BUILDING (288-290 CLIFTON DRIVE SOUTH) AND ERECTION OF 4 STOREY BUILDING PROVIDING 23 No. ONE AND TWO BEDROOM APARTMENTS; AND 3) ALTERATIONS TO EXISTING VEHICULAR ACCESS TO THE SITE, CAR PARKING AND LANDSCAPING		
Ward:	CENTRAL	Parish:	St Anne's on the Sea
Weeks on Hand:	28	Case Officer:	Andrew Stell
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is the former council offices on Clifton Drive South in St Annes which comprise the Public Offices building and the former Tourism and Leisure (the T&L) buildings. The Public Offices building is Grade II listed and the whole site is within the St Annes Conservation Area and the designated town centre and features a mix of commercial and residential uses around it.

The proposal is to change the use of the Public Office building to a retail use with ancillary café element to the rear outrigger, and to demolish the T&L building and erect a 4 storey L-shaped building in its place providing 23 residential flats for market sale/rent. Parking and other ancillary works are provided around the buildings including cycle and refuse stores and a raised decking to the rear of the public offices for the café element.

The location of the site within the defined town centre ensures that the principle of both proposed land uses is an acceptable one, with the main areas for consideration being the details of the scheme. In particular these relate to the scale and design of the residential element, the extent of works required to the public offices to facilitate its retail use, and the compliance with local and national planning policies with regards to the delivery of

affordable housing.

As with the decision on all planning applications there is a planning balance to be made. In this case there are clear harms arising from the scheme in the loss of the T&L building, the loss of the parking area for the town centre, and a significant harm to the amenity of the occupiers of 2 flats in the property alongside the replacement to the T&L building.

Set against that there are clear benefits in the provision of a replacement to the tired looking T&L building with a high quality replacement, the delivery of a significant number of residential flats in a highly accessible and sustainable location, and the sensitive conversion of the Public Offices to a retail use that will contribute positively to the attractiveness of St Annes as a retail destination.

The scheme also complies with policy (or is capable of doing so) in regards to the key matters that are associated with a scheme of this nature with the access being safe, the levels of parking being adequate, the occupier amenity being appropriate, there being no ecology harms, and the proposal to tie the delivery of this scheme with another on the agenda for the development of a supported affordable housing project on the former railway platform in St Annes that permits compliance with Local Plan obligations regarding affordable housing provision.

Taking these matters together the planning balance is in favour of granting planning permission for the development with the scheme being in accordance with the relevant policies of the local plan including GD1, GD7, H2, H4 and ENV5. There is also no identified conflict with any of the obligations of the St Annes Neighbourhood Plan.

With the scheme being heavily reliant on the acceptability of the affordable housing project on the railway platform site, with which there remain a number of unresolved issues, it is not appropriate to grant planning permission for this application at this time. As such the officer recommendation is to delegate the authority to make the decision to the Head of Planning and Housing. That authority should allow for the planning permission to be granted subject to the satisfactory resolution of the issues at the railway platform site, the completion of a legal agreement that links the developments, and a series of planning conditions. The authority should also allow for this application to be refused in the event that these issues are not resolved as the scheme here would then conflict with policies relating to affordable housing provision, albeit positive discussions are continuing with the applicant's representatives so it is not expected that this eventuality will arise.

Reason for Reporting to Committee

The application site is land that is owned by Fylde Council and the proposal involves 'major development'. As such it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is a generally rectangular area located within the settlement area of St Annes that currently contains a pair of two-storey buildings that have been used by Fylde Council but are now vacant. The site also includes the access and parking areas for these buildings which includes an area of parking to the rear that is used for parking by staff working in the Town Hall and for

general town centre parking.

The site has dimensions of circa 50m wide x circa 60m deep and is located within the defined town centre area of St Annes, and in the Town Centre Conservation Area. There is a central vehicle / pedestrian access point to Clifton Drive South broadly opposite its junction with Wood Street and an exit point to the west.

One of the building is known as the 'Public Offices' and is Grade II listed, with the other known as the 'Former T&L (Tourism and Leisure) building' and is not listed. Both buildings are internally divided into a series of rooms with the Public Offices featuring a series of modern internal alterations to the ground floor to support its most recent use as the customer contact centre for the council where face-to-face customer advice was provided in a front office section and calls were handled in a back office section. This use ceased in 2017 when all staff and services were transferred to the Town Hall as part of a rationalisation of the council's accommodation and a refurbishment of that building. The Former T&L building has been unused for over 10 years apart from some storage associated with council activities.

There are a mix of neighbouring land uses. To the western side is a property that serves as office accommodation at the ground floor with residential above and to the rear, to the east is a former nursing home now in use as residential flats, to the rear is the St Ives Hotel which fronts onto South Promenade, and to the opposite side of Clifton Drive South is a 4 storey building provided retail and other commercial uses at ground floor (including the Marks and Spencer's Food premises, with a Travelodge occupying its upper floors.

Details of Proposal

The application involves a change of use and new built development across the whole site. The Public Office building is to see a change of use to allow a retail use associated with a homewares business. This includes some external and internal changes to support that use, including the removal of some recent and original internal walls. The Former T&L building is to be demolished and an L shaped building erected in its place providing 23 residential apartments over 4 floors of accommodation. Externally a single storey outbuilding on the rear boundary of the site is to be removed and the area utilised for parking which will be split between the two uses with some landscaping to the frontage. The central vehicle access to the site will be retained and widened to provide the sole access/egress point with the existing egress to the west closed up.

The Public Office proposals involve a change of use of the whole building to a Class A1 retail use, which is intended to be operated by a home wares and furnishings outlet. To facilitate that use elements of the internal office partitions to the building at ground floor will be removed to provide a more 'showroom' arrangement, with lesser alterations at first floor to improve the flow of the building for its intended retail use. A café is to be provided at the rear in the outrigger element with a timber decking area provided alongside that externally. The building is not to be extended but there are some minor changes to window and door opening and the construction of detached bin and cycle stores.

The residential apartment building is positioned in generally the same position as the existing T&L building on the site, but at 22.7m is around 1.7m wider with this achieved by reducing the separation to the side boundary whilst maintaining the existing width of the central access point to the rear parking area. It has an L shaped footprint with the main frontage section around 2.6m deeper than the existing building and then a rear outrigger added along the 'outside' of the site which reaches to a point which is short of the rear site boundary so that access around can be

achieved. This element has a width of 11m and so is around half the width of the building.

There are different design approaches to the two parts of this building with the front section adopting a gabled appearance with projecting bays and balconies with a brick and slate construction and render and steel detailing. The rear section is a simpler flat roofed form with a largely rendered finish but with some projecting bay detailing included. The main pedestrian access point to this building is at the rear junction of the two parts to the building. Internally the residential building provides 4 x 1 bedroomed flats and 19 x 2 bedroomed flats. It is intended that these are all to be available for market sale/rent with no affordable provision on site. Instead it is proposed that this planning policy obligation is met by provision elsewhere in the town, with application 20/0587 on this agenda providing an option for that.

The application was submitted following some extensive pre-application discussion and has been revised during its consideration to address issues raised by consultees. There is an extensive suite of supporting information provided including planning and heritage statements, a flood risk assessment and ecological surveys.

Given that the Public Office building is Grade II listed and the site forms its curtilage an application for listed building consent has been submitted under reference 20/0317 and this is presented on this agenda also.

Relevant Planning History

Application No.	Development	Decision	Date
10/0682	LISTED BUILDING CONSENT FOR DEMOLITION WORKS, THE ERECTION OF NEW BUILDINGS AND A CHANGE OF USE TO FORM 285m2 OF A2 FLOORSPACE, 420m2 OF A2/A3 FLOORSPACE AND 14 RESIDENTIAL UNITS (APARTMENTS)	Withdrawn by Applicant	20/08/2015
10/0681	DEMOLITION WORKS, THE ERECTION OF NEW BUILDINGS AND A CHANGE OF USE TO FORM 285m2 OF A2 FLOORSPACE, 420m2 OF A2/A3 FLOORSPACE AND 14 RESIDENTIAL UNITS (APARTMENTS)	Withdrawn by Applicant	20/08/2015
09/0672	DEMOLITION WORKS, THE ERECTION OF NEW BUILDINGS AND A CHANGE OF USE TO FORM 285m2 OF A2 FLOORSPACE, 420m2 OF A2/A3 FLOORSPACE AND 14 RESIDENTIAL UNITS (APARTMENTS)	Withdrawn by Applicant	30/04/2010
09/0673	LISTED BUILDING CONSENT FOR DEMOLITION WORKS, THE ERECTION OF NEW BUILDINGS AND A CHANGE OF USE TO FORM 285m2 OF A2 FLOORSPACE, 420m2 OF A2/A3 FLOORSPACE AND 14 RESIDENTIAL UNITS (APARTMENTS)	Withdrawn by Applicant	30/04/2010
05/0652	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT INCORPORATING THE MAJORITY OF THE DEVELOPMENT FOR AFFORDABLE PURPOSES	Withdrawn by Applicant	05/08/2005
03/0737	CONSERVATION AREA CONSENT TO DEMOLISH PART OF BUILDING	Withdrawn by Applicant	23/01/2007
03/0442	PROPOSED PART REFURBISHMENT OF OFFICES	Withdrawn by	26/09/2006

WITH DEMOLITION OF REMAINING BUILDINGS. Applicant
ERECTION OF 25 NO. 2 BEDROOM FLATS AND 2
NO. 1 BEDROOM FLATS, TOGETHER WITH 30
NO. CAR PARKING SPACES. (4NO DISABLED
BAYS), EXTERNAL WORKS AND LANDSCAPE.

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 02 June 2020 and comment:

"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.

The developers have had talks and pre app advice from Fylde Planning Officers and have made the flats a storey lower than first proposed.

It is a Brownfield site and has previously been unsuccessfully marketed. It is also in a prime position, so redeveloping the site would be beneficial. A vast improvement on the derelict offices currently in place. The scheme supports town centre regeneration and brings high quality living accommodation to town centre.

Historic England advises consulting conservation specialists. The Victorian society object due to insufficient information and justification in supplied documents. The Council for British Archaeology does not believe that the application provides sufficient information to justify the proposed level of change to the Grade II listed Public Offices.

This proposal contributes to the housing supply and "benefits" outweigh harm.

The Planning Statement 4.11 refers to 10% affordable housing or 106 contributions or a Community Infrastructure Levy. 6.10 commutes a sum for provision to improve open space. The Town Council would like to see conditions attached for provision to be made to improve nearby railway land infrastructure."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

The initial comments from the local highway authority raised objection to the application on a number of grounds including: the design of the access for vehicles to Clifton Drive South, the provision of pedestrian routes around the site, the provision of cycle parking facilities, and the internal turning facilities available for refuse vehicles.

The scheme was revised in an effort to address those concerns and further consultation undertaken with LCC. The most recent comments of 2 October 2020 are set out here and relate to the proposal that is currently under consideration.

Summary

The Highways comments below considers the principle of the development; capacity and

safety impact on local highway network; sustainability of the site; safety at the site access and the internal highway proposals for the site. Highways do not have any objections to the proposed mixed-use development and are of the opinion the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Introduction

The highway officer describes the scheme, the site and the surrounding highway network. Reference is made to the speed limit on the highway, its status as the A584, the position of junctions and a speed camera, and the lawful use of the site for office development.

Highway Capacity

They concur with the findings of the applicant's highway engineer regarding the level of traffic generation. This concludes that when compared to the operational use of the site for offices the development will generate an estimated 11 fewer trips in the morning peak period, but will generate an estimated 12 additional vehicle movements during the evening periods. As a consequence of this they conclude that *"Highways are of the opinion that the proposed mixed-use development will not have a severe impact on highway capacity in the immediate vicinity of the site."*

Site Access

The officer has reviewed the accident figures which indicate a single accident in the vicinity of the access over the last 5 years which was attributed to driver judgement. As such he concludes that the network has a good accident record with no underlying issues that the proposed development could exacerbate providing a safe access can be provided.

He refers to the sight lines shown on the submitted drawings as being appropriate and achievable over the adopted highway, and so concludes that *"the proposed site access is now to acceptable prescribed design standards for this scale of development for all users."*

He then highlights the need for Highways Act agreements to be utilised to undertake some changes to the off-site carriageway (lighting, markings, footway changes, etc).

Sustainable Links and Facilities

He confirms that the internal footpath routes and cycle storage facilities are now appropriate for the development.

Sustainable transport and s106 contributions

Confirms that no requests are made from this development.

Vehicle Charging Points

Highlights the NPPF support for such facilities and indicates that a condition is appropriate to ensure delivery.

Internal Highway Network

Confirms that the highway layout and car parking conforms with the current guidelines, but that it is not suitable for adoption.

Conditions

A series of conditions are suggested, including ones to secure the agreement of a construction management plan, one to secure the appropriate closing off of the second access point and reinstatement of its kerbs/footway, provision of appropriate paving and lighting at the retained access, the provision of the internal layout and parking as shown on the plans, and the provision of the secure cycle storage facilities.

Historic England

They offer no objections stating:

"On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant."

The Victorian Society

They have been consulted as they are one of the 'amenity societies' that are to be consulted on any proposal that impacts on listed buildings. Their comments raise objection to the proposal as follows:

Public Offices

They advise that insufficient information has been provided to allow an independent assessment of the harm that will be caused to the significance of the listed building. They refer to this harm being caused by the change of use of the building from its original purpose as a civic building, and by virtue of the alterations that are proposed to the fabric of the building in some areas. In their view the application does not provide sufficient details over the extent of these works and so it is not possible for a reasonable assessment to be made of the level of harm that this will involve.

Given that there is to be some harm caused by the proposal they would expect to see a coherent justification for this harm. They explain that whilst a more open aspect to the Public Offices building may well be helpful for sales and stock moving purposes, they do not believe that the necessity for this open aspect has been proven.

288-290 Clifton Drive South

They object to the demolition of this building which they describe as part of a cohesive group of buildings which are within the Conservation Area. They explain that the loss of the building and its replacement with a modern apartment block will cause harm to the significance of the conservation area by affecting the consistence of its special character. They explain that the prominence in views along Wood Street exacerbates its importance as a key building in that grouping.

They see that the replacement of the building is hard to justify and that alternatives such as its conversion or extension should have been further explored. They also highlight that there is no evidence to justify the works on this part of the site to support the costs in re-purposing the public offices and any benefits that accrue from retaining that with an appropriate on-going use. They see that the clear and convincing justification that is required by national policy is not provided in the current application and so ask that consent should not be granted for this scheme.

(Officer Note: Further information was provided by the applicant that attempts to justify the works to the public offices. This was sent to this consultee but no further

comments were received).

Environment Agency

No comments have been received, but the site is not in an area that is at risk of flooding so there is unlikely to be any concerns raised in that respect.

Council for British Archaeology

They are a statutory consultee where work is proposed to a listed building that involves demolition. They initially raised objection to the scheme with specific reference to the extent of works that were proposed to the interior of the Public Offices building. In an attempt to address those concerns the applicant's agent has provided further clarification to them regarding the internal condition of that building and particularly the modifications that had been made to the original ground floor layout as a consequence of its need to function as the council's customer service centre. Their most recent comments are set out here

"Thank you for the additional information you have provided to help the Council for British Archaeology (CBA) assess the above case.

We have concerns about the quantity of historic fabric which the proposal intended to remove from this Grade II listed late Victorian building. Specifically, we are concerned about the removal of internal walls and decorative details, such as original high-quality wood panelling. However, we appreciate that these changes may be necessary to ensure an economically viable future for the building.

Although we would prefer an adaptive reuse which would require less internal alteration, the additional information you have provided demonstrates that the applicants intend to retain some elements of the historic floor plan and interior decorative features, which will help to ensure that the building's character remains legible. We therefore withdraw our objection to this application.

We recommend that a full photographic record is made of the building's historic interiors and deposited with your local Historic Environment Record prior to the commencement of any work.

Strategic Housing

The Housing Manager highlights that the location of the property in the town centre ensures that it is suitable for affordable housing provision due to the ready availability of access to employment, education, transport and other such opportunities. However, she recognises that the relatively limited size of the flats being proposed, and the management complexities involved in the provision of affordable housing within a block that contains market housing are such that an alternative approach can be considered.

Environmental Protection (Pollution)

Do not raise any objections to the application, but highlight the need to impose suitable conditions to ensure that the extraction equipment associated with the café and other air conditioning elements of the commercial use is designed to avoid any disturbance to the residential properties within the scheme and in the immediate surroundings of the site. They also request conditions to ensure that the residential properties are designed to provide their occupiers with a level of noise insulation that satisfied the requirements of WHO guidelines due to the proximity to road and other commercial

noise sources in the area. Finally, they request that a construction management plan is agreed that ensure that the site provides appropriate controls over potential disturbance, amenity and other highway safety considerations.

Fylde and Wyre Care Commissioning Group

No comments have been received.

Lancashire CC Education Authority

They have reviewed the application against the methodology set out in their education capacity paper, the availability of school places in the area around the site, and the expected demand for those places from existing population changes and the new development commitments.

With regards to primary school places they calculate that the development will yield 1 primary school aged child and that there is a surplus of capacity available around the site to meet the education needs of that child.

With regards to secondary school places they calculate that the development will yield also 1 secondary school aged child but that there is a shortfall of capacity around the site and so they request that the development provides a contribution to assist in the provision of that additional school place. Their contribution document indicates that this amount to £25,090.60.

Lytham St Annes Civic Society

It is sad to see the derelict state of the former Tourism and Leisure Offices (288 – 290 Clifton Drive).

They are part of the series of distinctive villas which marked the entrance into St Annes on the Sea in the late nineteenth century. In our view they are a fine pair of houses and should have been maintained as such. Their poor state now will lead to their demolition and replacement by the inevitable block of flats.

This is a sensitive site where there are plenty of fine buildings, and within the Conservation Area. We see the design as inappropriate for the situation.

Four storeys is too high and the building is bland, out of scale with its neighbours and the materials used do not reflect the Public Offices or the Arts & Crafts house on the other side. They will look dwarfed alongside it. We can only hope that there will be room on the rather overdeveloped site for enough trees to hide it.

Taking the site as a whole it very much seems as though our council is looking to maximise its immediate profit from while sacrificing the careful town planning which the founding fathers of St Annes held so dear. It is not a good site for a retail development when we see so many empty units in the town centre and the large apartment building will appear as an unfortunate intrusion.

Lancashire County Council Archaeology Service

“The above site has been subject to a number of previous planning applications and it has been noted that the present buildings appear to be the first on the site, with nos 288-290 having been constructed by 1893 (probably as a pair of semi-detached houses) and nos 292-294 being a slightly later purpose-built municipal office building. Before the

development of the town, the site appears to have been part of the coastal sand dunes along this part of the coast.

We would defer to the council's conservation staff regarding the impact of the proposals on the townscape and conservation area, but would recommend that the buildings be recorded prior to demolition or conversion. This would take the form of a detailed photographic record. Consequently should Listed Building consent or planning permission be granted, LCAS would recommend that the aforementioned work should be secured by means of the following condition:

They then suggest a standard archaeology watching brief condition

Neighbour Observations

Neighbours notified:	02 June 2020
Amended plans notified:	
Site Notice Date:	02 June 2020
Press Notice Date:	04 June 2020
Number of Responses	1
Summary of Comments	The comments are from the operators of nearby commercial premises to the site who explain that they have no objections to the proposal in general, but query whether the development provide an appropriate level of parking to meet the needs of the commercial customers that are expected to visit. They refer to the situation that occurs at the M&S site on the opposite side of Clifton Drive South where they believe that the parking levels are inadequate and so lead to queuing vehicles on the highway and agitated drivers. They explain that this situation impacts on the through traffic in the area and so there needs to be enough parking in the proposal to meet the needs of the commercial customers to ensure this does not exacerbate that situation.

Relevant Planning Policy

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
S1	The Proposed Settlement Hierarchy
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
GD8	Demonstrating Viability
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
EC5	Vibrant Town, District and Local Centres
ENV2	Biodiversity
ENV4	Provision of New Open Space
ENV5	Historic Environment
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
STANP	St Annes on Sea Neighbourhood Plan

Site Constraints

Listed Building
Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The Fylde Local Plan to 2032 is the adopted development plan for the borough. This was adopted in October 2018 and contains policies that apply to the determination of applications across the borough. With the varied nature of this proposal there are a range of policies that are relevant, but the key ones are:

- Policy S1/Policy DLPF1 – These set out the development strategy for the borough which is to concentrate the majority of development in four Strategic Locations for Development. Lytham St Annes is one of these and so it is an area where new development is supported subject to the compliance with other Plan policies. Policy GD1 defines the extent of the settlement and includes this application site with that area
- Policy EC5 – This defines the town, district and local centres in the borough and sets out the approach to following the assessment of applications that are within those areas. This site is within a defined town centre and includes an element of commercial and an element of residential use, making an assessment of the acceptability of those land uses against this policy obligation a key assessment in the determination of this application.
- Policy ENV5 – This deals with heritage matters and with the site being located in a conservation area and the Public Offices being Grade I listed it is critical that a thorough assessment against this policy is undertaken to ensure that the heritage value of the site as a designated heritage asset is safeguarded.
- Policy GD7 – This deals with the general design and amenity considerations of development. The proposal includes a new building and change to the characteristics of the site and so it is important that an assessment against the criteria of this policy is undertaken.

There are other policies of this Plan which are of relevance and these will also be assessed in the consideration of the application as set out in the following sections of this report.

With the site being located in St Annes, the St Annes Neighbourhood Plan is of relevance as that also forms a part of the development plan. The Neighbourhood Plan does not impose any additional allocations to the site over those set out in the Fylde Local Plan to 2032 but does include a series of policies that guide how development is to be undertaken in the St Annes area and so this proposal is also assessed against the obligations of that Plan. Key policies include Policy DH1 which relates to the need for new development to be designed to be sympathetic to the character of the town, Policy E1 which promotes town centre uses in town centre locations such as this, and Policies EN2 and EN4 which relate to the landscaping of development.

Principle of Commercial Use of Public Offices

The site is in the area defined as a 'Town Centre' in the Fylde Local Plan to 2032. Along with Lytham and Kirkham this is the highest tier of retail centres in the hierarchy across the borough. In such areas Policy EC5 states: *"In the town centres, as defined on the Policies Map including Inset Plans, retail and other main town centre uses, including the following uses, will be encouraged within the defined town centres: Retail (A1), Financial and Professional Services (A2), Restaurants and Cafes (A3), Drinking Establishments (A4), Hot Food Takeaways (A5), Business (B1), Hotels (C1), Non-residential Institutions (D1) and Assembly and Leisure (D2)."*

The current lawful use of this building is as an office, which would fall within Use Class B1a (albeit this use class has been replaced for new developments following a recent change in legislation). This change has removed many of the use classes that are stated in the policy from legislation, but the proposal to use the building for a retail use is clearly consistent with the wording of this policy and so is acceptable in principle.

The St Annes Neighbourhood Plan also confirms that the site is located in the town centre and also promotes the use of sites in such areas for retail uses and so there are no policy objections to this aspect of the development.

Principle of Residential Development

The Fylde Local Plan to 2032 sets the borough's housing requirement and allocates land to meet that allocation in a number of sites across the borough. The development strategy that is at the heart of the Local Plan envisages that around 90% of the development in the borough will come forward in the four Strategic Locations for Development, with some of that met through allocations and the remainder met through windfall sites that come forward during the plan period.

The performance against the annual housing requirement is a matter that Fylde Council is dealing with through the submission of an Annual Position Statement to confirm that the delivery of housing is such that it is maintaining a 5 year housing supply. This most recent Annual Position Statement was submitted to the Planning Inspectorate for assessment in July 2020 who have reported to confirm that this position is acceptable and so confirms that the council has a 5 year housing supply until 31 October 2021. This means that the housing delivery policies of the Local Plan retain full development plan status and so the 'tilted balance' in favour of housing delivery is not engaged. Irrespective of this, the application site here is located within the settlement and so as a windfall site the residential development is acceptable in principle subject to compliance with other policies of the Plan.

The key one of these is the designation in the town centre under Policy EC5. As set out above this supports a range of uses that are appropriate for a town centre. Whilst residential use is not specifically listed in this policy, there is a general national and local support for the provision of residential development in accessible locations and for the redevelopment of underused sites to provide for residential development. In this case the T&L building has been vacant for many years and its consequentially deteriorating condition is a harmful presence on the approach to the town centre. Setting aside the heritage implications of the proposal as are assessed later, the removal of this building and the residential redevelopment of the site must be considered to be acceptable in principle.

Clearly the scheme raises a range of other issues, not least over the design, access, scale and form of the residential development that is proposed, and these will be assessed elsewhere in this report. However, the principle of the residential use of an under-used office site in a town centre location

must be considered to be acceptable.

Loss of T&L Building

The one key proviso to the acceptability of a residential development on the site of the T&L building is that the building remains in place and is part of a designated heritage asset given its association with the listed Public Office building and its position within the St Annes Town Centre Conservation Area.

This is a matter that is covered in the NPPF and Policy ENV5 of the FLP32. The NPPF guidance is set out in paras 194 and 195 and requires that an assessment is first made of the significance of the heritage asset (or the contribution that a particular feature makes to the asset), whether the proposal leads to substantial or less-than-substantial harm to that significance, and then whether there are any public benefits that outweigh that harm. Policy ENV5 follows the legislation and requires that proposals are assessed as to whether they conserve or enhance those elements of a conservation area that make a positive contribution to their special character and setting. The Policy then sets out a series of criteria for the assessment of a proposal to assist in reaching that judgement.

In this case the T&L building serves two benefits on the site. Firstly it is a positive contributor to the character of the conservation area as a building that is reflective of the scale, proportions, materials, fenestration, detailing, etc of the buildings that were built in St Annes at that time and which are largely retained in that part of the Conservation Area. As such it makes a positive contribution to the conservation area as a whole, with this exacerbated by its prominent siting at the head of Wood Street so it is seen in views along that road. Secondly it serves as a subservient building to the listed public offices building and so has a group value with that building as part of the public administration offices in the town.

The building has not been in any productive use for some years and as a result has unfortunately become degraded in its appearance, although it outwardly appears to be structurally sound. Nevertheless this lack of a current, and seemingly viable future, use does provoke the question of whether a more effective use could be found for that part of the whole site.

This application clearly proposes that through the demolition of the building and provision of a block of apartments in its place. The merits of the new building are assessed elsewhere in this report, but that assessment concludes that the scale, design and materials are appropriate for the conservation area. The scheme also proposes residential development in a sustainable town centre location so that inevitably brings a public benefit of significant value.

The reported comments of the various heritage societies that have commented on the application question whether the balance reached in assessing the quality of the replacement and the delivery of housing over the loss of the existing building is such that the scheme should be resisted. That is not a view shared by your officers who conclude that the development provides an opportunity to bring a new and suitable use to the site which has lain vacant and unproductive for many years despite active marketing. The building is not individually of any significant heritage value and so its loss is not an aspect that can justify the refusal of this application.

Returning to the policy framework for this assessment, the loss of the T&L building will bring a substantial harm to the significance of the conservation area as a designated heritage asset, but this will bring substantial public benefits in the development of the site for housing in a well-conceived development. This is a public benefit that is so substantial that it outweighs the loss of the building and so accords with the guidance as set out in para 195 d) of the NPPF. This conclusion on the

public benefits of the replacement building also ensures compliance with Policy ENV5 of the FLP32.

Design Changes to Public Offices

This is a Grade II listed building and so the alterations to the buildings internal and external appearance will require assessment against the requirement of the listed building legislation through an application for listed building consent which accompanies this application on this agenda (ref: 20/0317). The principal changes to the building are internal and so will be assessed through the report on that application.

The policy framework for these is again Policy ENV5 of the FLP32. With regards to the NPPF para 196 is of most relevance as it relates to those proposals which lead to a less than substantial harm to the significance of the designated heritage asset, and allows these works where they are lead to public benefits including finding an optimum viable use for the building.

Externally, the works are very limited. The frontage of the building is unaffected, as is the side elevations to the main building. To the rear of the main building a small fire escape addition is to be removed and a window reinserted into the opening that currently provides a door, and on the outrigger a window is to be revised to a door. This door is to provide access from the proposed café element to an external decking area that is to be elevated above the ground level and provides additional space for that facility. The drawings indicate signage to the side and rear of the building which would be further assessed through an application for advertisement consent.

These works are very minor in their scale and have no impact on the listed buildings significance overall as the openings that are altered are existing and the element that is removed is a later addition that is functional in its placement and design.

Internally the building is currently very compartmentalised by virtue of relatively recent changes introduced to support its function as the main customer facing contact centre for the council. This resulted in a series of partitions to form public counter and back office facilities along with supporting office and rest facilities. This scheme essentially removes all those partitions with the aim of opening the space out to provide a more inviting sales floor arrangement associated with the proposed retail use. The ground floor of the main part of the building retains the central front door but is then opened up to provide different room areas that can be accessed from the entrance, and a view through to the stairs to the upper floor. Access to the outrigger element is opened by removing some of the original rear wall to lead to a further sales area and then café facility beyond. At first floor there is less modern partitioning, but that which was in place is removed to again provide more sales floor space in the main building and outrigger.

Perhaps the most significant internal change is to the 'Council Chamber' room which lies to the front centre of the building at first floor. This is the largest room in the building and has oak panelling around with decorative carvings and a large grand fireplace to one wall. A part of the rear wall is to be removed to provide a more inviting entrance to this room, with a currently blocked up doorway leading from it to a side room also re-established. The opening up from the stairs was a key aspect that the applicant was keen to see introduced and is a change that the heritage societies have questioned. As part of the pre-application discussions a careful assessment was made of how to most sensitively bring this room into best use as it is clearly the finest part of the building. The solution which is proposed will provide an opening leading into this building from the top of the stairs which will draw customers in and so will make best use of the room. The opening is to be provided by retaining and re-using the removed timber panelling to form a frame around the opening, and so will not be overly harmful to the integrity of the room whilst bringing it into the most productive use.

Given that the majority of the changes that are proposed to the public office building are simply to remove the later additions that have facilitated its functional use as modern council offices, it is not considered that there is any more than a 'less-than-substantial' harm being caused. Indeed, the removal of these features allows the structure and flow of the original building to be better appreciated and does not create any concerns in design terms. Conditions are required to ensure that the details of this are properly delivered, particularly those internal changes to the layout of the building. With the imposition of those conditions this aspect of the proposal will comply with the requirements of Policy ENV5 relating to listed buildings, and guidance in para 196 of the NPPF as a consequence of the retail use bringing both public benefits and the optimal viable use of the building.

Scale and Design of T&L replacement

Ensuring that new development is of a high standard of design is a key requirement of national and local planning policy and guidance. As the main aspect of new development on the site it is critical that the residential flats are to be of the highest design quality. The importance of this is emphasised further by the site being within a conservation area and part of the site of a listed building as these factors require that the loss of the existing T&L building would not be acceptable were the public benefits of its replacement not of compelling benefit. The conservation area location and listed building setting establish key features for the scale and design of the building to respect. This goes beyond the site itself with there being a need to respect the prominent siting in Wood Street vistas and the scale of the buildings elsewhere on this part of Clifton Drive South. These aspects have led to considerable pre-application discussions with the applicant prior to the submission of this application, and numerous iterations of the design prior to the submission.

The scheme that has been submitted is for a 4 storey L-shaped building with two distinct elements. The frontage element is overall of a split height to provide a stagger between the taller building to the south and the lower Public Offices building to the north. It provides forward projecting gables to each end and centrally on the building to echo the style found elsewhere in the area, and features dominant eaves levels that overhang well below the gable features to accentuate the height of the roof structure. Dorners are incorporated into the roof structure, but are designed to be limited in scale and recessive in design by being set well behind the gables so that they are not prominent in side views.

The front elevation is staggered with a series of recesses to highlight the gable features with these provided with full height glazing to provide a strong vertical emphasis as is found in the larger Victorian / Edwardian buildings throughout the town. The detailing to these gables is carried through to the side elevations also as these will be seen in approaches to the building and so it is considered important that they reflect the design quality of the frontage. Essentially the design of the building is intended to be a contemporary interpretation of a more traditional architectural form as is found elsewhere in the conservation area.

The rear section is much more contemporary and simple in its design and form as it has a flat roof and provides accommodation fully across the 4 floors of the building. This is all front facing to the car park area with the rear elevation simply providing the access corridor to the flats. The front is punctuated by a series of vertically aligned windows to the building in an ordered arrangement. The top floor is elevated in a lighter cladding material to ensure it appears more recessive than the brick to be used on the lower floors. This element is deliberately simple in its design yet retains subtle queues from the front building with the window styling and slight projection to the vertical sections within it. The junction of the two elements provides the lift enclosure which allows a clean vertical break between the two design elements.

The proposed building is undoubtedly much larger and will be much more imposing than the structure that it replaces. The key factor in assessing the acceptability of this though is to ensure that this increased scale is delivered in a manner that is sympathetic to the site and is visually interesting. The officer view on this is that the submitted scheme achieves that goal successfully and allows a high-quality modern residential development to be brought forward that will itself provide a visual focal point without competing harmfully with the lower public offices building that it sits alongside.

The key policy tests are Policy ENV5 relating to conservation areas and Policy GD7 relating to general design. The key element of Policy ENV5 began the requirement for proposals to '*a) be appropriate to their context including setting, scale, density and physical characteristics*', and '*f) Reinforce distinctiveness of the area, reflecting the local pallet of materials and local building styles*'. The building is clearly very different to the existing structure, but retains appropriate references to that structure and its surroundings that it complies with these. Similarly, Policy GD7 makes multiple reference so the need for buildings to be well designed, and this such is considered to comply with them.

Access Arrangements

The existing access arrangements involve a central vehicle access point to the site which leads to the rear car park, a car parking area to the front of the T&L building, and an exit to the front of the Public offices. Signage is in place to enforce this circulatory movement system. There is currently no separate pedestrian access point to the front although an informal route exists to the rear of the site which leads to the Town Hall and has largely been used by council staff as a link between the two buildings and the parking area.

The proposal involves the modification of the existing exit point so that it provides a 2m wide pedestrian / cycle access to the site which will be primarily aimed at customers to the retail unit in the Public Offices building. Modifications to the front boundary treatment are made to extend this and finish the entrance with relocated gateposts and landscaping provide to the rear around the trees that are retained in this area.

The existing access point is widened to accommodate all vehicle movements to the site. The alterations provide it with a width of 5.7m, 6m radii and revised pavement treatments to improve pedestrian awareness of the access point. The gatepost features will be retained and relocated and the front boundary wall modified and extended to provide a continuous treatment to the front of the site. Alongside this a pedestrian gate is to be provided which will serve the residential flats with an identified route running from this gate to the entrance to the building which is to the rear. The existing route through from the public office site to the Town Hall is to be closed off with an extension of the existing boundary wall in this area.

The access arrangements have been modified to this position to reflect comments provided by LCC as local highway authority. They raise no objection to the scheme in this form subject to conditions that relate to the proper construction of these access points and a series of relatively minor off-site works associated with the provision of a single dual-direction access and the reinstatement of the existing second access and alteration of footways to suit. A condition is appropriate to ensure that these works are completed prior to the first use of either element of the use.

Subject to the implementation of these works the scheme has an acceptable access arrangements and so complies with Policy GD7 in that regard.

Parking Provision

The proposal retains parking in broadly the same locations as at present, with small parking areas to the front of both buildings and the main parking areas to the rear. Each of the two uses has its own parking arrangements with the parking areas segregated by a fenced area around the parking for the residential element.

The retail element is provided with 14 spaces for staff and customers to the rear, 2 mobility standard spaces to the front of the building, and a secure cycle shelter for staff to the rear. The parking for the residential element features 23 standard spaces, 2 mobility spaces and a covered cycle parking facility to the rear.

It is unusual for a retail unit in a town centre location to be provided with any parking and so the level of parking proposed here is acceptable for the unit, and it is probably appropriate that some parking is provided given that the intended initial occupiers trade in home wares and so at least some of the products sold from the store are likely to be bulky and so the ready access to parking areas will be beneficial.

With regards the residential element the parking levels indicated are 1 per unit and this is considered to be an acceptable level in a town centre location.

The parking levels shown are therefore considered to be sufficient to satisfy the overall levels required in the parking standards, and with the site being in a defined town centre location with good access to shops, services, employment facilities, bus routes, trains services, etc. it is considered that the levels provided are appropriate.

The management of the parking spaces creates some concerns as the proposal features a gate and railings to the front and rear of the building which serves to separate the parking areas for the residential flats from that for the retail unit. With the location of the site being one that effectively prevents off-site parking on Clifton Drive South in times peak visits to the retail store it seems that this is missing an opportunity to make more effective use of the parking that is available. The demand for parking for the retail unit is likely to be greatest during the daytime hours with that time being when the demand for the parking for the residential unit is likely to be reduced. In the evenings the position is likely to be reversed with a greater residential parking demand and little if any retail demand. As such it seems logical to allow more flexible dual use of the parking areas. This is not feasible in the scheme that is currently with the council as a gate to the parking for the residential units prevents that. This gate also introduces an element of social exclusion to the development. This is an aspect that has been raised with the applicant but unfortunately they have been resistant to improving their scheme through the removal of this feature and so this must be a negative factor in the planning balance on the scheme, albeit not a factor that alone could justify a refusal of the application given that each element provides at least the minimum level of parking needed for its use.

In policy terms the FLP32 has a policy relating to parking standards in Policy T5 but this simply requires that they are set at a level that is in a SPD which has yet to be commenced. In advance of any meaningful work having been undertaken on its own Parking Standards SPD the council nominally applies the standards set out in the County Council's SPD to the Joint Lancashire Structure Plan from 2005. The proposed level and layout of the satisfies the requirements of that document and so is considered to be acceptable.

There is also reference to the provision and design of parking arrangements in Policy GD7. In comparison to the existing situation the scheme provides a slightly more 'car dominated' frontage

than the current situation due to the loss of some greenery from the front of the T&L site. However, there are elements of landscaping provided in that element, and the trees are retained in their setting to the public offices element. As a result the overall view taken is that the frontage has an acceptable appearance given the town centre location of the site.

Loss of Car Parking

In addition to housing the two buildings the public offices site has provided for a public car parking facility. This has a capacity for around 35 vehicles although this is slightly compromised as the lines are barely visible so that users have difficulty identifying the spaces. This has been utilised overnight and on weekends when the use of the area to support the operational needs of the council's use of the site has not been required. This operates on a 'Pay and Display' basis and so has benefits in providing a location for visitors to the town centre to use to support their visits, and in generating an income stream for the landowner. Both of these will be lost as a consequence of the development as the replacement parking that is provided will be solely for the use of the retail and residential uses that will be on site.

The revenue loss implication is clearly an issue for the landowner to consider in their deliberations over whether to proceed with the development deal should planning permission be granted, and so is not a planning issue. The loss of parking to the town as a whole is a planning issue as it has potential economic implications for the health of the town centre as a destination for visitors. This loss must be considered as a negative factor in the planning balance as a whole, but is not a significant one given that it has not been raised by the local highway authority or the Town Council. There are many other on-street and off-street parking opportunities available in and around the town centre and whilst there are localised hotspots of congestions, such as around the M&S site as highlighted by the neighbour representation, as a whole there is not considered to be an overriding shortage of parking that could justify the refusal of this scheme to retain its parking facility. It is also the case that the office use of the site ensures that the parking it offers is only available for limited times of the week.

Loss of Office Accommodation

Both buildings within the application site have a lawful use as offices, specifically relating to the civic function of Fylde Borough Council and its predecessor authorities. The proposal here will lead to the loss of these buildings from that function and so there is a need to consider if that raises any planning objections, irrespective of the fact that the buildings are both presently unused.

The first aspect of this is the loss of employment opportunities. Whilst the buildings are available for office use they are not specifically protected for that use by any local plan designation, and it is considered that the up-to-date nature of the FLP32 provides for alternative office accommodation to be provided across the borough to meet the identified local employment needs. The site has been marketed for a number of years and so could have been taken up by an office occupier, but that market testing has proved that there is no realistic demand for their office use. As such the loss of the buildings from that use is not of any concern.

The second aspect is that the site has historically provided the location for the civic presence in St Annes with this being Fylde Borough Council since 1974 and other authorities before that. The importance of this is indicated by the 'Public Offices' notification in the stone façade of the building. There is a heritage implication of this loss, as will be covered in the assessment of the listed building consent application on this agenda. However in terms of the civic office base it has long been a 'satellite' office for Fylde Council which has its main operational base in the Town Hall building that is located close to the site. The Town Hall is a conveniently located civic building that has been refurbished and adapted to serve as a modern council business that is accessible to residents and

staff in the main settlement in the borough. As such the loss of the Public Office building from providing a civic function is not of any logistical concern.

Neighbour Amenity

The public offices building is not being altered externally in a way that would alter its relationship with its neighbours. It is also going from one form of commercial use to another, and is alongside commercial neighbours. This ensures that there is no potential impact on neighbouring amenity as a consequence of the development proposals to that building.

The replacement for the T&L building is a larger building in both height and footprint and so does create potential impacts that need to be assessed. The building faces onto commercial properties on the opposite side of Clifton Drive South and also along Wood Street, and with the commercial properties being over 50m distant there is no impact on them from the development.

To the rear of the site is the St Ives Hotel with its car parking and garage areas across the rear boundary. Beyond those is a flat roofed three storey element to the building that features some windows that will face the end gable of the outrigger to the proposed flat building. The light available to the lower floor windows in this building is currently restricted by the high boundary wall in this area, but the new outrigger will create some impacts to the upper floors due to its four storey height and its proximity, which is separated by around 14m. Whilst that relationship would cause concerns in the event that the windows to the neighbouring land use were in a residential use, that is not the case with hotel accommodation as the occupiers of the building are more transient and so not expected to be offered the same level of amenity within the rooms that would be required in a residential setting. There are no windows in the gable to the proposed residential building and so no opportunities for any direct privacy loss, although acutely angled views from its front elevation windows may be possible. Having assessed this relationship it is considered that it is an acceptable one in terms of the amenity of users of the hotel site.

The other neighbouring property that could be affected is 286 Clifton Drive South which is a detached three storey building that sits alongside the T&L building. This was presumably constructed around the time of the other traditional buildings in St Annes Town Centre and has a scale and design that reflects that character. It was in use as a hotel but then was used as the Ravenscourt Rest Home from mid-1970s and because of this it appears that a two-storey brick outbuilding was constructed to the rear alongside the boundary with the public offices site. It seems that this rest home use ceased, and the property was underutilised for some years, although recently planning permission was granted in 2018 to convert it to a series of flats. This permission included a small extension to the rear which has been constructed and so this residential use is now the lawful use of this property.

The building sits alongside the T&L building and so is influenced to a degree by that building. The consequence of this application is to replace that with a larger building that is slightly closer to the boundary and is for almost the full depth of the site at a point that is around 2.5m inside the boundary. This creates a significant potential impact on the amenity of the occupiers of this property. The flats are laid out so that most of the windows face to the front and so are unaffected, or to the rear and so are only affected to a limited degree. However, there are a couple of flats with side facing windows onto this site which will be significantly impacted by the development. The ground floor flat on this side provides two bedrooms with one in the side elevations of the building and served by a single window that will face the proposed 4 storey outrigger at a separation of around 5m. The first floor flat above it has two bedrooms that face the proposed residential building at the same close relationship.

It is undeniable that the occupiers of these flats will suffer considerably degraded amenity levels in those rooms as a consequence of the development, with that being to a level that is such that it would require a refusal of the proposal development in many cases. However, there are some mitigating circumstances to assess in this matter. Firstly, the affected accommodation is flats within an urban environment and so it is a form of accommodation where reduced standards of amenity are generally accepted by their occupiers. Secondly, the layout of the neighbouring building is taking advantage of side facing windows that are very close to the site boundary and seek to utilise of adjoining land for acceptable levels of amenity. The proposed building is no closer to the site boundary than the affected flats and so simply repeats the relationship. Finally, the scheme that is proposed brings forward wider public benefits through the provision of the residential units which would not be feasible without some significantly development in this location. This relationship is one that has been the subject of discussions during the pre-application process and whilst it has been eased slightly in the submitted plans, it remains the case that the proposed building is quite dominating to these two flats and so this has to count as a significantly negative factor in the overall planning balance.

The facing elevation of the outrigger does not feature any habitable windows as it merely serves as the access corridor to the flats and so whilst there are windows to provide natural light these can be obscurely glazed to ensure that there is no overlooking impact caused.

Having undertaken this assessment the officer conclusion is that there is a significant harm resulting from the development to the amenity of the occupiers of the side facing ground and first floor flats in 286 Clifton Drive South by virtue of the building of a four storey building across their bedroom windows. However, on balance this level of harm is not considered enough in the overall assessment of this aspect to justify a refusal of the scheme. Accordingly, there is no conflict with the requirements of criterion c) of Policy GD7 of the FLP32 which relates to amenity levels for existing and future residents.

Occupier Amenity

There are three key areas of this: the availability of appropriate levels of indoor and outdoor space for the occupiers, protection of the occupier from disturbance, and the availability of natural light without any undue overlooking.

With regards to the indoor space the government produced guidance on the minimum internal floor area that should be provided in dwellings through the '*Technical housing standards – nationally described space standard – March 2015*', which sets out a size that should be provided dependent on the number of persons that the flat is designed to accommodate. This scheme provides 4 x 1 bedroom flats which each provide 56-59m² and so exceeds the 50m² minimum size for a 1 bedroomed / 2 person flat. This scheme provides 19 x 2 bedroom flats which each provide 67-77m² and so exceeds the 61m² minimum size for a 2 bedroomed / 3 person flat. As such in terms of exceeding the minimum requirements for habitable space within the flats the scheme is acceptable.

With regards the outdoor space the flats do not provide any space that is available for residents' use. However, the site is located in close proximity to a range of outdoor spaces included the beach and associated attractions on the promenade gardens, and the play areas and open space in Ashton Gardens. This is appropriate to meet the needs of occupiers, albeit there is a policy requirement for all developments that do not provide space within the scheme to contribute financially towards an enhancement of the available facilities in the area. This is generally set at a level of £1,000 per residential unit and will be secured through a s106 agreement to ensure compliance with Policy ENV3 and INF2 of the Fylde Local Plan.

The mixed use of the site and the wider area brings the potential for noise to be generated by neighbouring uses that could cause disturbance to the occupiers of the flats. There is a need to ensure that they are provided with appropriate protection from this and so a condition is to be imposed which ensures that the flats are constructed to meet the minimum acoustic protection measures set out in the World Health Organisation guidelines.

With regards to the availability of natural light, all of the flats are provided with clear windows to all of their habitable rooms, and all are provided with an open outlook either to the front or rear of the main elevations of the building, or the side overlooking the car park on the outrigger part. This ensures that they have appropriate access to light without compromising the privacy of any neighbouring land use in those directions.

Having undertaken the assessment above it is accepted that the scheme provides an appropriate level of amenity for the future occupiers of the residential element, and so accords with the requirement of criterion c) of Policy GD7.

Drainage

No details of the proposed drainage arrangements are provided, other than an intention to connect to the existing public sewer for both foul and surface water. With the application site containing two existing buildings and extensive areas of hardstanding it is expected that such connections already exist, and with the similarity in the extent of the area of the site that is covered by hardstanding, it is expected that the surface water run-off will be at a similar volume and rate. The foul water discharges will probably also be similar due to the comparable occupancy between a pair of fully staffed office buildings as existing and a retail unit and the residential flats as proposed.

No views have been received from United Utilities on the application, and as they review all applications that are submitted it is assumed that this is due to them being comfortable that the foul and surface water discharges can be accommodated within their sewer network. Irrespective of this there will be a need for the development to secure a technical approval to address its drainage arrangements in the event that planning permission is granted, with a planning condition an appropriate safeguard to ensure these are well conceived.

Ecology

Given the previously developed nature of the site and the urban environment that surrounds it there are limited ecological implications from the development. The application is supported by an Ecological Appraisal that has been provided by a local ecology consultant. They have undertaken a desktop and walkover site survey to prepare their report which presents findings on all key matters of ecological interest. This concludes that subject to several relatively straightforward mitigation measures being incorporated into the development then there are no ecological issues arising from the development. The appraisal has been assessed and it is accepted that the surveys are appropriate in their extent and the findings are sound.

The key areas of interest are:

- Habitat – The trees to the front of the public offices should be protected during the development works as they have good habitat potential, with native species used in the additional planting that is to be undertaken as part of the development
- Bats – there is no anticipated risk of bats being disturbed during the works, but roosting opportunities should be built into the new development
- Birds – There are various nesting sites on the buildings and around the site, and whilst some are

related to pigeon use not all are. The works should be timed to avoid the breeding season to prevent loss of active nests, with new nesting opportunities for swallows and swifts incorporated, with native planting used to encourage other informal nesting opportunities

- Invertebrates – The vegetation could include night flowering plants to ensure the site is attractive to these also.

These matters can all be addressed by standard conditions and so there are no concerns that the development not comply with the requirements of Policy ENV2 of the FLP32 regarding ecological protection.

Affordable Housing

Policy H4 of the FLP32 requires that all schemes of 10 dwellings or more provide 30% of that development as affordable housing, with the general approach being that this is to be provided on site. The exception to that being where the council is satisfied that an alternative form of off-site affordable housing would be preferable, although in such cases a provision of 43% affordable housing is required to ensure that the affordable obligations of the off-site site are also met in that provision.

This scheme does not propose that any affordable housing is provided within the development itself, and so there is a clear conflict with Policy H4 if the scheme were to be considered alone. However, the developer has presented a second proposal which is for consideration on this agenda and relates to application 20/0587 on land of St Annes Road East and Glen Eldon Road which was formerly the second railway station platform. This application proposes the erection of a building to provide 7 flats, and whilst this is numerically less than the 43% required by Policy H4, which would equate to 10 dwellings, the developer is proposing that the scheme delivers 'first home' accommodation. This is specifically targeted at those who have never lived independently before and so is limited in its size and is expected to include the funding for a support officer who will be employed by the Registered Provider to help the residents with the educational, housing, employment, social, etc. implications of independent life. If the view is taken that this collective package of the affordable flats and the funding for the support officer is sufficient to offset the numerical shortfall in the affordable housing provision on that site, then this would be an appropriate alternative to providing the affordable housing on the public offices site.

Subject to the scheme presented on the platform site being supported and so planning permission granted a s106 agreement will be needed to secure its operation and the associated support worker funding. This will also need to ensure that developments are phased so that the affordable units are delivered alongside the market dwellings in this scheme. This would then enable the requirements of Policy H4 to be satisfied.

Should that not be the case any reason such as planning permission not being granted for that scheme or the developer failing to enter into the s106 agreement to link the developments then the public offices scheme would be deficient in affordable housing. Unless an alternative scheme is proposed then the absence of any affordable housing offer in this application creates a clear and significant policy conflict that must constitute a reason for the refusal of this application.

To ensure that these matters are coordinated appropriately the ultimate decision on this application should be delegated to the Head of Planning and Housing for issue on completion of the legal agreement necessary to tie these developments together, and to ensure that the affordable housing is provided as such. That delegation should also enable the public offices application to be refused on that basis in the event that agreement on this key issue is not reached.

Infrastructure

In addition to the affordable housing obligations, a development of this nature creates a demand for a range of infrastructure enhancements to ensure that the increased population in the area that would be inherent from a new residential development is supported by available facilities. These are assessed in this section of the report.

Public Open Space

As set out above the scheme does not provide any open space for the residents of the development. This is not uncommon with flatted developments in town centre sites and so the relevant FLP32 policy, which is Policy ENV4, makes an allowance for this whereby funding can be provided to secure enhancements in the provision of open space in the vicinity of the site. This funding is secured through Policy INF2 which relates to a wide range of infrastructure obligations. Policy ENV4 refers to the contributions being based on the value of the land that would otherwise have been made available for open space and the cost of laying it out, and the cost of 10 years' maintenance. This has proved to be an unwieldy approach that is difficult to quantify in practice and so a figure of £1000 per dwelling is generally applied in such circumstances.

This would be secured through a clause in the s106 agreement and so providing it is included would address these policy obligations. As with affordable housing above, a failure to reach agreement to contribute this funding ensures that the proposal is in conflict with Policy ENV4 and so should constitute a reason for refusal of the application.

Public Realm

The development of prominent sites is usually accompanied by some form of enhancement to the streetscene around those sites so that they contribute wider benefits to the overall appearance of the town for the new residents of the development and the existing residents and visitors. The application under consideration here does not provide any such enhancements directly, but by virtue of the intended link to the scheme at the railway platform there is a potential for a meaningful enhancement to the public realm on that site. At the time of writing this report the actual scheme of works that were to be proposed for this was not finalised, but discussions with the council's Regeneration Team on this are progressing and it is expected that a positive improvement to that area will be delivered.

There are references in Policy GD7 and Policy ENV5 for new public realm developments to be appropriately designed and managed to ensure that these areas reflect, and enhance, the quality of an area. The linking of this scheme with the proposed development on the platform site will therefore provide an opportunity for that public realm enhancement to be delivered and so is a positive benefit in the overall planning balance on this application.

Health Capacity

A consultation was undertaken with the Fylde and Wyre Care Commissioning Group to establish their views on the adequacy of the existing GP and other services to meet the increased population. They have not offered any comments in return and so it is assumed that the development will not highlight any shortfalls in capacity in the vicinity of the site, otherwise a request for a contribution towards increasing health care capacity in the area would have been forthcoming.

Education

The local education authority has assessed the application as set out in the consultation section of this report. In doing so they look at the expected yield of school aged children from a development of this scale and type, the available places to meet that need in the area, and the expected change in

demand for school places from other sources such as changing population trends and other developments. The result of their assessment is that there is a single primary and secondary school place expected to be needed, and that whilst there is capacity for the primary school place, the secondary school place would compound an existing shortfall.

In such circumstances they request that a financial contribution is made to LCC to help them address that shortfall in line with a formula that is set out in their adopted contributions document. This is a figure of £25,080.90 per place. Policy INF2 of the FLP32 enables contributions to be sought from developments to meet a range of infrastructure shortfalls, with education included in that policy. Accordingly, it is appropriate that the payment of this contribution be included as a clause within a s106 agreement to ensure that the development complies with this policy.

As with affordable housing and public open space, a failure to agree this contribution would render the scheme deficient in policy terms and so would justify a reason for the refusal of the application.

St Annes Neighbourhood Plan

The Neighbourhood Plan forms a part of the development plan and so has to be considered as a key document in the assessment and determination of this application. Having said that the policies it contains that are relevant to the consideration of this application generally mirror either the requirements of the FLP32 policies, or the requirements of national legislation.

The FLP32 policy obligations ensure that the scheme is provided with an appropriate scale, design and relationship to neighbours and the streetscene, that the access and parking provision are appropriate, and that the retail and residential uses involved in the scheme are appropriate for a site in a town centre location such as this. The proposal complies with the requirements of the FLP32 and so is also in accordance with the policies of the Neighbourhood Plan in that regard.

The national legislation involved is primarily that associated with the obligations of the heritage legislation. This requires that an identification of the scale of the harm that is involved in the scheme to the Public offices as a listed building, and to the conservation area from the loss of the T&L building, and then an assessment as to whether this level of harm is outweighed by the public benefits that come from the scheme.

The assessment in this report has focussed on, and referenced, the policies of the FLP32 but this does not ignore the relevance of the Neighbourhood Plan which apply to the relevant matters being assessed.

Other Matters

Phasing

Whilst this is a single application there are two distinct parts of it in the retail use of the public offices site and the residential replacement to the T&L building. The works to the T&L site are clearly more extensive than to the public office site and so will involve a longer construction period than the largely internal works to then public offices. A condition is appropriate to ensure that the works are appropriately phased to ensure that the implications of the works for each part of the site and then surrounding highway network and area are minimised.

A control over phasing is also needed to ensure that the works to the public offices are undertaken in a timely manner. As a listed building it is important that building had a viable and productive use to ensure that it is maintained and not allowed to degrade. This scheme obviously provides that and so is helpful, but with the split nature of the scheme there is the possibility that the flats could be constructed and no work undertaken on the Public Office conversion. To avoid that situation

from arising, and so leading to concerns over the future integrity of the Public Offices as a listed building, the phasing condition should require the completion of the conversion works prior to the first occupation of any residential flats.

Construction

The site is located in a town centre position where there are clearly potentials for the construction to create issues of disturbance and through access and parking of construction vehicles. It is therefore appropriate that a condition is imposed to agree a plan of how these will be controlled to mitigate these impacts as much as is feasible and to ensure that this is enforceable on the developer.

Building Recording

With the age of the buildings and their historic importance to the development of St Annes it is appropriate that the suggestion of the County Archaeologist and historic amenity societies regarding a record being kept of the buildings is taken up. This is a standard approach where the re-development of such sites is proposed and allows any matters of historic interest to be recorded and preserved for future interest. A condition can be imposed to secure this and so satisfy the requirements of Policy ENV5 and NPPF para 189.

Trees

Whilst there are no specifically protected trees on the site, there are a pair of trees to the front of the Public Offices building that make an important positive contribution to its setting and to the conservation area within which it sits. These are given protection as a result of that as they are within the curtilage of the listed building and the conservation area. To ensure that these are protected from any possible damage during construction work a tree protection condition will be appropriate to require that these are fenced off for the duration of those works to ensure that there is no access into the Root Protection Areas.

Following the completion of the works these will stand within an extended lawn area to the front of the retail building which will be enhanced through a greater level of landscaping than is currently the case due to the removal of the car part exit route that runs through it.

Conclusions

The application site is the former council offices on Clifton Drive South in St Annes which comprise the Public Offices building and the former Tourism and Leisure (the T&L) buildings. The Public Offices building is Grade II listed and the whole site is within the St Annes Conservation Area and the designated town centre and features a mix of commercial and residential uses around it.

The proposal is to change the use of the Public Office building to a retail use with ancillary café element to the rear outrigger, and to demolish the T&L building and erect a 4 storey L-shaped building in its place providing 23 residential flats for market sale/rent. Parking and other ancillary works are provided around the buildings including cycle and refuse stores and a raised decking to the rear of the public offices for the café element.

The location of the site within the defined town centre ensures that the principle of both proposed land uses is an acceptable one, with the main areas for consideration being the details of the scheme. In particular these relate to the scale and design of the residential element, the extent of works required to the public offices to facilitate its retail use, and the compliance with local and national planning policies with regards to the delivery of affordable housing.

As with the decision on all planning applications there is a planning balance to be made. In this

case there are clear harms arising from the scheme in the loss of the T&L building, the loss of the parking area for the town centre, and a significant harm to the amenity of the occupiers of 2 flats in the property alongside the replacement to the T&L building.

Set against that there are clear benefits in the provision of a replacement to the tired looking T&L building with a high quality replacement, the delivery of a significant number of residential flats in a highly accessible and sustainable location, and the sensitive conversion of the Public Offices to a retail use that will contribute positively to the attractiveness of St Annes as a retail destination.

The scheme also complies with policy (or is capable of doing so) in regards to the key matters that are associated with a scheme of this nature with the access being safe, the levels of parking being adequate, the occupier amenity being appropriate, there being no ecology harms, and the proposal to tie the delivery of this scheme with another on the agenda for the development of a supported affordable housing project on the former railway platform in St Annes that permits compliance with Local Plan obligations regarding affordable housing provision.

Taking these matters together the planning balance is in favour of granting planning permission for the development with the scheme being in accordance with the relevant policies of the local plan including GD1, GD7, H2, H4 and ENV5. There is also no identified conflict with any of the obligations of the St Annes Neighbourhood Plan.

With the scheme being heavily reliant on the acceptability of the affordable housing project on the railway platform site, with which there remain a number of unresolved issues, it is not appropriate to grant planning permission for this application at this time. As such the officer recommendation is to delegate the authority to make the decision to the Head of Planning and Housing. That authority should allow for the planning permission to be granted subject to the satisfactory resolution of the issues at the railway platform site, the completion of a legal agreement that links the developments, and a series of planning conditions. The authority should also allow for this application to be refused in the event that these issues are not resolved as the scheme here would then conflict with policies relating to affordable housing provision, albeit positive discussions are continuing with the applicant's representatives so it is not expected that this eventuality will arise.

Recommendation

That the decision on the application be delegated to the Head of Planning and Housing, with that decision being to GRANT Planning Permission subject to the completion of the matters below, with the delegated authority also permitting a refusal of the application for reasons which the Head of Planning and Housing considers appropriate in the event that agreement is not reached on the outstanding matters within a reasonable timescale.

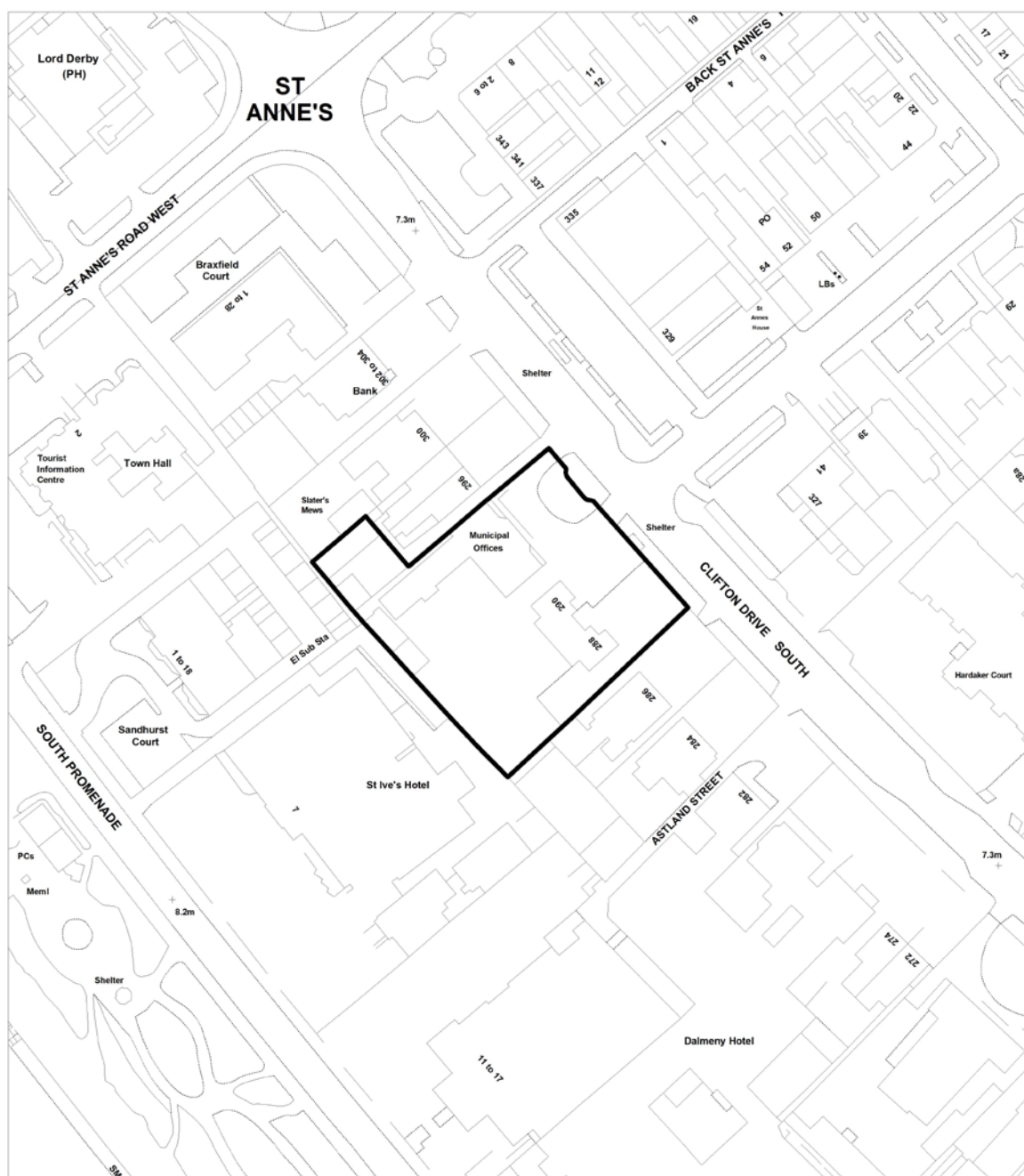
The outstanding issues are:


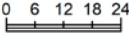
1. The completion of a s106 agreement to secure:
 - a) The appropriately phased delivery of an affordable housing scheme elsewhere within St Annes that provides a level and quality of affordable housing to accord with the obligations of Policy H4 of the Fylde Local Plan to 2032.
 - b) a financial contribution of £23,000 (and the phasing of the payment of this contribution) to Fylde Borough Council in lieu of the provision of any on-site public open space in accordance with the requirements of Policies ENV4 and INF2 of the Fylde Local Plan to 203, with that money to be used by the council to enhance public open space facilities in the vicinity of the application site

- c) a financial contribution of £25,090.60 (and the phasing of the payment of this contribution) to Lancashire County Council towards the improvement of secondary education capacity in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the Fylde Local Plan to 2032, with that money to be used by the council to enhance public open space facilities in the vicinity of the application site
- d) a financial contribution of £300 per clause (and the phasing of the payment of this contribution) towards 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. In the event that agreement is not reached on this legal agreement then the application is to be refused for being in conflict with the relevant

2. A Schedule of Planning Conditions to ensure that the development is appropriately brought forward and controlled, with these including matters such as (but not limited to):
 - a) The timelimit for the commencement of the development
 - b) The approved plans
 - c) Phasing of development so that the conversion works to the retail building are completed to ensure this is available for use prior to the first occupation of any flat
 - d) Approved materials for the residential element
 - e) Approved materials for the external works to the public offices
 - f) Approved materials for the decking area
 - g) Approved materials to front wall and boundary treatments
 - h) The provision of appropriate fencing to the frontage trees
 - i) Provision of off-site highway works (closing of second access and reinstatement, provision of pedestrian facilities to access, any relocation of streetlight/bus shelter, revised road markings)
 - j) Widening of access to site with replacement of existing gate post features
 - k) Provision and retention of mobility and general use parking spaces, electric vehicle charging points and cycle storage (separate condition for each element)
 - l) Details of design and operation of gate and fence to separate flats from rest of site
 - m) Details of arrangements for closing off existing link through from site to Town Hall
 - n) The provision of a refuse storage facility
 - o) The levels of construction of the development (separate condition for each building)
 - p) The foul and surface water drainage arrangements (separate condition for each building)
 - q) The provision and implementation of a Construction Management Plan including access route and delivery times and working times and contractor parking
 - r) Implementation of archaeological watching brief
 - s) The provision of ecological / biodiversity enhancements to the site as part of the development (avoid bird nesting, provide bat roosts, provide bird nesting opportunities)
 - t) The timing of works to avoid bird breeding, and phasing to avoid possible bat impacts
 - u) Maintenance of landscaping around flats
 - v) Maintenance of landscaping in community area
 - w) Obscured glazing where required to flats – access corridor to rear
 - x) Flats to be provided with acoustic protection measures to ensure compliance with WHO guidelines
 - y) Control of use of retail premises to be retail and any controls over hours of operation
 - z) Watching brief for possible contamination during construction



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Application No. 5/20/0316 & 0317	Address Former Public Office and T & L Building, 288-294 Clifton Drive South, Lytham St Annes	Grid Ref. E.3320 : N.4286	Scale 0 6 12 18 24 m 

tem Number: 2

Committee Date: 09 December 2020

Application Reference: 20/0317		Type of Application: Listed Building Consent	
Applicant: Homebird St Annes Ltd & RCA Developments Ltd		Agent : DC & MG Associates Ltd	
Location: FORMER PUBLIC OFFICE AND T&L BUILDING, 288-294 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8 1LH			
Proposal: LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH CHANGE OF USE OF FORMER PUBLIC OFFICES TO RETAIL INCLUDING REMOVAL OF INTERNAL PARTITION WALLS AND OTHER INTERNAL ALTERATIONS, FORMATION OF DECKING AREA TO REAR, ALTERATIONS TO ACCESS AND CAR PARKING ARRANGEMENTS, AND DEMOLITION OF OUTBUILDING TO REAR			
Ward:	CENTRAL	Parish:	St Anne's on the Sea
Weeks on Hand:	28	Case Officer:	Andrew Stell
Reason for Delay: Need to determine at Committee			
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to Listed Building Consent for the works that are proposed to the Public Offices building in St Annes associated with its conversion to a retail unit as proposed under planning application 20/0316. That report is for consideration on this agenda and so sets out the details of the location and the wider scheme in detail.

This listed building consent application relates to the assessment of the works to the building itself and is required due to its listed status. These works are relatively modest externally with the removal of a fire escape feature, the alteration of two doors and windows, and the construction of an external timber decking to the rear associated with an ancillary café element to the retail premises. Internally the works are more extensive and relate to opening the flow of the building to make it more receptive to a modern retail environment.

The internal works fall into two categories. Most of the works relate to the removal of the internal partitions and other fixtures that have been added to the building over more recent years to facilitate its use as the customer contact and other office base of Fylde Borough Council. Secondly there are some alterations to the internal structure of the original building to remove some wall elements and so assist the flow around the building. The one that has the greatest heritage implications is a proposal to remove a section of the wall to the 'Council Chamber' room which is located on the front of the building at first floor over the entrance door. This section of wall has decorative and original oak panelling and so forms a coherent part of that room. The proposed alteration takes part of this panelling away whilst retaining the supporting beam and roof truss details at either side, and then reuses

most of the oak panelling detail in the reveal to the opening. This ensures that the works are undertaken in a sensitive manner that is acceptable in heritage terms.

The policy position with regard an application for listed building consent is that an assessment of the significance of the building is to be made, then an assessment of whether the works will cause harm to that significance. In this case it is considered that the works do not cause anything more than a limited 'less than significant' level of harm which is itself outweighed by the other positive elements of the works that are proposed.

The building is no longer required for its original use as a civic office building and following an extensive period of marketing no other office user has come forward with interest in purchasing it. The works that are proposed in this application represent modest alterations that will allow it to have a viable and useful purpose moving forward and so ensure that it will be maintained. This is the most effective way of retaining the building as a heritage asset and so this application for listed building consent should be supported. It is in accordance with guidance in para 196 of NPPF and Policy ENV5 of the FLP32 and should be supported to allow for the building to be sensitively re-purposed for the use intended under planning application 20/0316.

To ensure that the decision on the application can be issued alongside that for planning permission for the development of the site it is appropriate to delegate the decision to the Head of Planning and Housing, along with the authority to draft appropriate conditions to control the scope of the works approved, and to accept any appropriate revisions that arise from any further evolution of the scheme.

Reason for Reporting to Committee

The application site is land that is owned by Fylde Council and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

As report 20/0316 on this agenda.

Details of Proposal

This application is submitted for Listed Building Consent and is closely associated with the works that are proposed under application 20/0316 which is under consideration on this agenda. Whilst there is some duplication in the scope of control between a planning application and an application for listed building consent, the works to be considered under this application are specifically limited to those which involve alterations to the appearance and fabric of the Public Offices as it is a Grade II listed building.

The external works involved are as described in the report to 20/0316 but are relatively modest. The internal works are more comprehensive as they involve the removal of all of the more recent internal subdivisions that are associated with the Fylde Council use, and some alterations to the original fabric of the building to enhance its 'flow' as a retail showroom.

Following comments received criticising the level of information supplied originally from a couple of the heritage consultees the applicant has provided a more thorough documentation of this. There

is a specific focus on the Council Chamber which is located centrally at first floor in the building and is to see a new opening provided in the rear wall to open access from the stairs, and to see a door reinstated into a former doorway that has been blocked and used a bookcase for some years. Other documentation is provided for the remainder of the building that indicates the various elements that are to be removed and altered in clearer detail.

Relevant Planning History

Application No.	Development	Decision	Date
10/0682	LISTED BUILDING CONSENT FOR DEMOLITION WORKS, THE ERECTION OF NEW BUILDINGS AND A CHANGE OF USE TO FORM 285m2 OF A2 FLOORSPEACE, 420m2 OF A2/A3 FLOORSPEACE AND 14 RESIDENTIAL UNITS (APARTMENTS)	Withdrawn by Applicant	20/08/2015
10/0681	DEMOLITION WORKS, THE ERECTION OF NEW BUILDINGS AND A CHANGE OF USE TO FORM 285m2 OF A2 FLOORSPEACE, 420m2 OF A2/A3 FLOORSPEACE AND 14 RESIDENTIAL UNITS (APARTMENTS)	Withdrawn by Applicant	20/08/2015
09/0672	DEMOLITION WORKS, THE ERECTION OF NEW BUILDINGS AND A CHANGE OF USE TO FORM 285m2 OF A2 FLOORSPEACE, 420m2 OF A2/A3 FLOORSPEACE AND 14 RESIDENTIAL UNITS (APARTMENTS)	Withdrawn by Applicant	30/04/2010
09/0673	LISTED BUILDING CONSENT FOR DEMOLITION WORKS, THE ERECTION OF NEW BUILDINGS AND A CHANGE OF USE TO FORM 285m2 OF A2 FLOORSPEACE, 420m2 OF A2/A3 FLOORSPEACE AND 14 RESIDENTIAL UNITS (APARTMENTS)	Withdrawn by Applicant	30/04/2010
05/0652	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT INCORPORATING THE MAJORITY OF THE DEVELOPMENT FOR AFFORDABLE PURPOSES	Withdrawn by Applicant	05/08/2005
03/0737	CONSERVATION AREA CONSENT TO DEMOLISH PART OF BUILDING	Withdrawn by Applicant	23/01/2007
03/0442	PROPOSED PART REFURBISHMENT OF OFFICES WITH DEMOLITION OF REMAINING BUILDINGS. ERECTION OF 25 NO. 2 BEDROOM FLATS AND 2 NO. 1 BEDROOM FLATS, TOGETHER WITH 30 NO. CAR PARKING SPACES. (4NO DISABLED BAYS), EXTERNAL WORKS AND LANDSCAPE.	Withdrawn by Applicant	26/09/2006

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 02 June 2020 and comment:

“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.

The developers have had talks and pre app advice from Fylde Planning Officers and have made the flats a storey lower than first proposed. It is a Brownfield site and has previously been unsuccessfully marketed. It is also in a prime position, so redeveloping the site would be beneficial.

A vast improvement on the derelict offices currently in place. The scheme supports town centre regeneration and brings high quality living accommodation to town centre.

Historic England advises consulting conservation specialists. The Victorian society object due to insufficient information and justification in supplied documents. The Council for British Archaeology does not believe that the application provides sufficient information to justify the proposed level of change to the Grade II listed Public Offices.

This proposal contributes to the housing supply and "benefits" outweigh harm. The Planning Statement 4.11 refers to 10% affordable housing or 106 contributions or a Community Infrastructure Levy. 6.10 commutes a sum for provision to improve open space. The Town Council would like to see conditions attached for provision to be made to improve nearby railway land infrastructure."

Statutory Consultees and Observations of Other Interested Parties

Lytham St Annes Civic Society

We are sorry to see the Public Offices go out of community use. Generally speaking – and in terms of thoughtful forward planning - this is not a good position for a retail development considering the several empty units in St Annes Square.

The Public Offices is a building to be proud of with high quality fittings inside and out. All we can say here is that we hope as many of these as is possible are preserved. The character of the building needs to be retained in all its period details, Features such as fireplaces, architraves, doors, windows, plasterwork, staircases, built in cupboards, should all be retained and respected.

We understand that a new use has to be found for this fine building and hope that the new owner will respect and care for it as we would all wish.

Historic England

Thank you for your letter of 2nd June 2020 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

Council for British Archaeology

They made initial comments on the application in June 2020 that raised an objection and then further comments in September 2020 following receipt of additional information. Their September comments withdraw that objection, but as both letters provide helpful context to the building and this decision their text is provided in full here.

Comments of June 2020

Summary

The CBA does not believe that this application provides sufficient information to justify

the proposed level of change to the Grade II listed Public Offices. We recommend that the applicant provides additional information in order to justify these proposals, or alternatively that the proposal is revised if the application does not provide clear and convincing justification for harm caused to the significance of the heritage asset.

Significance

The former Public Offices are a Grade II listed late Victorian public building in a central position within Lytham St Anne's. The building is a good example of late nineteenth and early twentieth century municipal architecture, with a striking façade. It makes a positive contribution to the character and appearance of the St Anne's on Sea Conservation Area, which is focused on the centre of the carefully planned late nineteenth century seaside resort, featuring high quality Victorian and Edwardian buildings. The Public Offices' significance is drawn from its historic, architectural, evidential and communal value, as a listed building of national importance and a formerly public building which is a central feature of the designed town centre.

Comments

The CBA supports the adaptation of historic buildings to allow their reuse. However, any changes to the building required for such adaptive reuse must be balanced against the need to conserve and enhance the building's significance. In this case, the removal of internal walls represents the loss of historic building fabric and plan form, which would harm the evidential and historic value of the Public Offices and therefore result in a high level of harm to the Public Offices' significance.

The floor plans of historic buildings have evidential value because they provide information about the original use of the building and the intentions of the architect. Internal walls also have historic and evidential value due to their historic fabric. The application states that some of the internal walls which are intended to be removed are later additions to the building, which would mean that they have less historic and evidential value. However, the heritage statement does not provide sufficient information about the historic uses and development of the building to support this statement. Paragraph 189 of the NPPF requires that applicants 'describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance'. For a Grade II listed building of national importance, the Heritage Statement does not provide sufficient information about the building's significance and historic development to allow us to assess the impacts of the proposed changes.

The NPPF also requires that, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance' (paragraph 193). The CBA do not feel that this application demonstrates sufficient understanding of the significance of the Public Offices, and therefore it is not able to demonstrate that 'great weight' has been placed on its conservation. Although the Heritage Statement states that "reversibility is the key to the design" for the proposed changes to the Public Offices (p.5), the removal of internal walls comprises a permanent and major change to the listed building which would cause harm to the building's significance. Paragraph 194 of the NPPF requires that any harm that proposals would cause to a listed building's significance should have 'clear and convincing justification', which the CBA do not believe this application achieves.

It is the CBA's view that development proposals for listed buildings should begin with an understanding of the building's constituent values that make up its significance so as to avoid unnecessary harm; therefore the application should consider and describe the historical, evidential, aesthetic and communal values of the application site, in order to gauge its significance, using the outcome to inform design proposals.

Recommendation

The CBA recommends that the Local Planning Authority work with its conservation advisors to secure an appropriate Heritage Statement that fully addresses the significance of each part of the Grade II listed building and its setting that are affected by the proposals, and ensure that any adverse impacts are minimised, as required in paragraph 189 of the NPPF. We are particularly concerned that the significance of the internal walls which the proposal intends to remove is fully assessed, and that any impacts on the building's significance resulting from the proposed changes have the 'clear and convincing justification' required by paragraph 194 of the NPPF. If additional information cannot demonstrate that 'great weight' has been placed on the conservation of the building's significance, as required by paragraph 193 of the NPPF, we recommend that the application be revised.

It is important that the National Amenity Societies and others can fully appreciate the significance of heritage assets and any potential impacts on significance so that we might better advise and comment. Because our remit is national we are generally unable to carry out site visits or hold pre-application discussions with owners or Conservation Officers. We therefore largely rely on desk based assessments via Local Planning Authority on-line resources to guide our comments and fulfil our Statutory responsibilities.

Comments of September 2020

Thank you for the additional information you have provided to help the Council for British Archaeology (CBA) assess the above case.

We have concerns about the quantity of historic fabric which the proposal intended to remove from this Grade II listed late Victorian building. Specifically, we are concerned about the removal of internal walls and decorative details, such as original high-quality wood panelling. However, we appreciate that these changes may be necessary to ensure an economically viable future for the building.

Although we would prefer an adaptive reuse which would require less internal alteration, the additional information you have provided demonstrates that the applicants intend to retain some elements of the historic floor plan and interior decorative features, which will help to ensure that the building's character remains legible. We therefore withdraw our objection to this application.

We recommend that a full photographic record is made of the building's historic interiors and deposited with your local Historic Environment Record prior to the commencement of any work.

The Victorian Society

They initially raised objection to the proposal, and have been provided with the same additional information that was provided the CBA. No further comments were

received and so their comments are reproduced in full here for context.

Public Offices

Our objection has two parts. First, with respect to the proposals for the Public Offices building, we judge both that insufficient information has been provided to allow an independent assessment, in detail, of all the harm that will be caused to significance, and that, where the proposals are clearly harmful, insufficient justification is offered.

The Public Offices building is a handsome early 20th-century civic building which retains both its external character and many internal features relatively intact. The list description explicitly describes it as ‘a little-altered example of a significant late C19/early C20 municipal building type.’ The Public Offices have been used until recently for their intended civic function, which continuous use forms part of their significance. The change of use to retail with ancillary café will hence itself cause harm to the significance of the building by divorcing, for the first time, the building’s intended and architecturally expressed function from its current use.

In addition, this change of use will entail some alterations to the fabric of the building, including the demolition of some internal walls and the associated loss of decorative features. The submitted plans show that the demolition, whilst not comprehensive, will nonetheless be extensive, and will change the character of the interior by altering its plan form. The existing cellular plan form is partly the result of later alterations (especially on the ground floor), but at least some of the internal walls to be demolished are likely to be original. Removing these walls will further compromise the surviving plan form, thus harming significance. Further, the loss of these walls will entail loss of decorative plasterwork and joinery, where it survives. In the council chamber it is explicitly proposed to remove some fine intact decorative panelling in order to accommodate a large new opening between the existing doors; on the ground floor some of the doorways to be removed are very likely to be original, and may well contain original doors and frames. The list description explicitly notes the ‘ground floor doorways with moulded surrounds, panelled doors and wide multi-pane overlights’ as well as ‘other items of original joinery’, and it seems overwhelmingly likely that the proposed alterations will result in the loss of some of these elements. Any such loss would harm the significance of the building by reducing its intactness.

Assessing the harm that will be caused by these internal alterations is impossible, however, as not enough information has been provided about the existing fabric to judge the precise degree of loss. The NPPF states at paragraph 189 that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected,’ and goes on to specify that ‘the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.’ The current application clearly fails to meet these requirements, and on this ground alone we advise your authority to withhold consent and seek further information. A room by room gazetteer of historically important elements, along with adequate information about what is proposed, should be requested. We suggest that drawing 18 0748 P903 (Public Offices – Proposed Works) is used as a base, and marked up so that it offers comprehensive coverage of the building.

Once the extent of the proposed loss of historic fabric has been clearly established and the impact assessed, the harm that will be caused must be justified. Paragraph 194 of the

NPPF states that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.’ The current application fails to meet this requirement, both where the impact is unclear and where it is obvious. The removal of the panelling in the Council Chamber to facilitate a new opening in the wall, for instance, will clearly cause harm to the significance of the building. An original, intact, high quality, and prominent element of a high-status room is proposed to be removed entirely and reused in an unspecified way in an unspecified new location: significance will be harmed both through loss of fabric and disruption of the decorative scheme. This harm is nowhere justified in the application. We understand the applicant’s desire for a more open-plan space for sales, and perhaps for the movement of stock, but we remain entirely unconvinced of the necessity of the intervention. Similarly with the removal of original walls on the ground floor: the harm that will be caused by the erosion of the surviving plan form must be clearly and convincingly justified.

288–90 Clifton Drive South

The second part of our objection concerns the demolition of 288–90 Clifton Drive South and the erection of a new apartment building. The existing building is unlisted, but it is part of the St Anne’s on Sea (Town Centre) Conservation Area. It is one in a prominent row of late 19th- and early 20th-century domestic buildings on Clifton Drive South which form a varied but cohesive group between nos. 272 and 300. The demolition of this building and its replacement with a modern apartment block will cause harm to the significance of the conservation area by affecting the consistency of its special character, which is substantially late-Victorian and Edwardian. Given the prominence of the location at the end of Wood Street and the strength of the group value of the row of buildings, this harm will be disproportionately severe; it is nowhere addressed in the application documents and remains entirely unjustified. We have no objection in principle to the return of the site to residential use, or to the extension of the existing building to make use of the extensive area to the rear of the site. We judge, however, that the harm that will be caused to the significance of the conservation area by simply replacing the existing building is hard to justify. No evidence has been offered that the existing building is beyond repair or impossible to adapt, or that the new development is required to make the adaptation of the former Public Offices financially viable; no evidence has been offered that the construction of the new apartment building is necessary to secure public benefits that cannot be secured elsewhere, or in a less harmful way. In short, the clear and convincing justification for harm that is required by national policy is not provided in the current application, and we therefore advise your authority to withhold consent and seek revisions to the plans.

We would be grateful if you could inform us of your decision in due course and consult us again if amendments are made to the proposals.

Neighbour Observations

Neighbours notified:	02 June 2020
Site Notice Date:	02 June 2020
Press Notice Date:	04 June 2020
Number of Responses	None relevant to this application

Relevant Planning Policy

Fylde Local Plan to 2032:

GD7	Achieving Good Design in Development
ENV5	Historic Environment

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
STANP	St Annes on Sea Neighbourhood Plan

Site Constraints

Listed Building
Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

Legislation and Policy Guidance

An application for listed building consent is required by virtue of s8 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and is required for the alteration or extension of a listed building. As the Public Offices building is Grade II listed then there is a requirement for this application. For the development to proceed it will be necessary for the developer to obtain planning permission and Listed Building Consent, with the latter being the decision to be made under this application.

The NPPF provides guidance on this in the 'Conserving and enhancing the historic environment' section, with the general approach being set out in para 190 which requires that "*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal*", and then para 192 which requires that:

"In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

The key to this is an assessment of the significance of the level of any harm that is caused. Para 195 says consent should be refused where there is a substantial harm to a heritage asset unless there are overriding benefits from that harm. More importantly to this proposal, para 196 states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The Fylde Local Plan to 2032 policy test for these works is set out in Policy ENV5 which follows the NPPF guidance in that it requires an assessment of the significance of the heritage asset, an assessment of the level of any harm caused by the works, and then looks for mitigations and other factors that could justify works which create harm. The Policy expands on national legislation by requiring an assessment of works that affect the setting of a listed building, with that assessment made in this case as part of the planning application consideration in the report to 20/0316 on this agenda.

External Works

Externally, the works are very limited. The frontage of the building is unaffected, as are the side elevations to the main building. To the rear of the main building a small fire escape addition is to be removed and a window reinserted into the opening that currently provides a door to that fire escape. On the outrigger a window is to be revised to a door which is to provide access from the proposed café element to an external decking area that is to be elevated above the ground level and provides additional space for that facility. The drawings indicate signage to the side and rear of the building which would be further assessed through an application for advertisement consent, but the indicated arrangements are sympathetic to the building as a listed structure.

These alterations are very minor in their scale and have no impact on the listed buildings significance overall as the openings that are altered are existing and the fire escape element that is removed is a later addition that is functional in its placement and design.

The decking element that is proposed to the rear will connect to the outrigger access steps that are currently in place and is a timber construction that will sit on the existing tarmac surfaced car park area that is to the rear of the building. As a feature this is not affecting the character of the host building other than the minor change to alter a window to form a door and will retain its width and framing.

It is therefore considered that the external works that are proposed are a minor evolution of the building and so create no harm to its significance as a heritage asset.

Internal Works

Internally the building is currently very compartmentalised, with this largely due to various features introduced over time to support its function as the main customer-facing contact centre for the council. This resulted in a series of partitions to form public counter and back office facilities along with supporting office and rest facilities.

As a consequence of the state of the existing internal layout and the intended future use of the building the internal works that are proposed to the building are more significant than the external ones and fall into two categories. Most of the works relate to the removal of the internal partitions and other fixtures that have been added to the building over more recent years to facilitate its use as the customer contact and other office base of Fylde Borough Council. This scheme essentially removes all those partitions with the aim of opening the space out to provide a more inviting sales floor arrangement associated with the proposed retail use. The ground floor of the main part of the building retains the central front door but is then opened up to provide different room areas that can be accessed from the entrance, and a view through to the stairs to the upper floor. The outrigger element is also opened by removing the internal partitions that have been installed to support recent council use and so provide a single larger area that is to function as a café facility with the external decking area provided to the side of this as explained above. At first floor there is less modern partitioning, but that which was in place is removed to again provide more sales floor space in the main building and outrigger.

These changes do not affect the historic integrity of the building and simply remove a series of functional and unsympathetic elements of the building that have been required to support its recent use.

Secondly there are some alterations to the internal structure of the original building to remove some wall elements and so assist the flow around the building. Perhaps the most significant of these is to the 'Council Chamber' room which lies to the front centre of the building at first floor. This is the largest room in the building and has oak panelling around with decorative carvings and a large grand fireplace to one wall as well as other attractive original features. Above the fireplace is a large carved timber crest bearing the badge and inscription of 'St Annes-on-the-sea Urban District Council'.

The room is currently accessible via doors located in each corner of the rear wall. These are to be retained but disused with access provided instead through the removal of part of the rear wall to the Chamber. This is to be removed to provide a wider and more inviting entrance to this room that is visible from the top of the stairs, with a currently blocked up doorway leading from the Chamber to a side room also re-established. The opening up from the stairs was a key aspect that the applicant was keen to see introduced and is a change that the heritage societies have questioned.

As part of the pre-application discussions a careful assessment was made of how best to bring this room into best use as it is clearly the finest part of the building. The solution which is proposed will provide an opening leading into this building from the top of the stairs which will draw customers in and so will make best use of the room. The supporting timber work and roof truss details at either side are retained and then most of the oak panelling detail is repositioned in the reveal to the opening. This ensures that the works are undertaken in a sensitive manner that is acceptable in heritage terms and is not be overly harmful to the integrity of the room whilst bringing it into the most productive use.

Given that the majority of the changes that are proposed to the public office building are simply to remove the later additions that have facilitated its functional use as modern council offices, it is not considered that there is any more than a 'less-than-substantial' harm being caused. Indeed, the removal of these features allows the structure and flow of the original building to be better appreciated and does not create any concerns in design terms. Conditions are required to ensure that the details of this are properly delivered, particularly those internal changes to the layout of the building. With the imposition of those conditions this aspect of the proposal will comply with the requirements of Policy ENV5 relating to listed buildings, and guidance in para 196 of the NPPF as a consequence of the retail use bringing both public benefits and the optimal viable use of the building.

Comments of Consultees

With the specialist nature of the application under consideration here it is particularly important that the views of the specialist consultees are considered, with the relevant legislation placing an obligation on the local planning authority to consult a series of national amenity societies. That publicity has been undertaken. This allowed those consultees to view the submitted details on the council's website with that including the supporting plans and reports. These include a Heritage Assessment which is a specific requirement of para 189 of the NPPF and is intended to allow the applicant to describe the significance of the heritage asset that is affected, and then to justify the works proposed in that context.

The information provided in this application included such as Assessment, although it was perhaps

a little sparse in its analysis. As a result, a couple of the amenity societies raised initial objection to the application in their comments, which have been made without the benefit of a site visit. After the receipt of those comments the applicant provided some more visual information over the scope of the works that are proposed, with the result that the one organisation that offered further comments was able to withdraw their objection.

The most important of these consultees is Historic England who are the national body responsible for the designation of listed buildings and for looking after the historic environment of the country. It is important to note that they do not object to the proposals. They defer to the council's heritage advisors. The Council's Regeneration Manager has been involved in the pre-application discussions in advance of the submission of this application.

Two of the national amenity societies offer comments, with these being extensive and referencing the historic and architectural importance of the Public Office building both as a civic building and as a piece of historic architecture. They also make wider comments on the merits of the development of the site which are not relevant to the narrow considerations under this Listed Building Consent application. They both raise initial objection to the works based on concerns over the extent of the works and the seeming lack of justification the information that was initially available. However, the Council for British Archaeology, who are the only one to have offered further comments when additional information as provided, have removed their objection on receipt of that information. The request that recording of the building is undertaken, and that is an aspect that would form part of a condition to be attached to any decision.

The local Lytham St Annes Civic Society have also commented. It is understood that members of that society are familiar with the internal and external arrangement of the building, and so their comments over the benefits of retaining elements of the internal fixtures and fittings are made with knowledge of the quality of these features. For the most part the scheme does include their retention, and so whilst their desire to see the building remain in a civic function role will not be met, their comments regarding the retention of the best internal features will. A condition is to be imposed to this decision to ensure that the full specification for these works around the building is agreed prior to the implementation of these works to ensure that is the case.

Summary of Heritage Implications

Whilst this aspect is criticised by the amenity societies, their view is provided without the benefit of visiting the site and is based on the limited information in the submission. The scheme has been subject to extensive preapplication discussions which set out the importance of preserving and enhancing the best aspects of the building. Of these the most important was the external appearance of the building should not be altered to anything more than the most limited way. The second most important element was that the Council Chamber should be retained as it was, or it should be enhanced. This was due to it being the most important internal element of the building in its hierarchy/functional aspect, that it was the part of the building that was best preserved in its original state, and that it was the part of the building that has the best features including the oak panelling, fireplace and surround, doors, exposed roof trusses and radiators. Thirdly the internal flow of the building should be preserved to ensure that its legibility as a building with a central door leading to a central grand staircase, leading to the council chamber with rooms off it, should be maintained.

The submitted scheme achieves these three requirements. There are very minimal changes to the external appearance of the building and those that are proposed do not create any harm. The key status and features of the Council Chamber are retained, and whilst there is a revision to its access through the removal of section of wall, this is undertaken in a sensitive manner that allows the

room to be better appreciated and function for the retail purpose that the building is to have. The remainder of the building is opened up with some elements of original walling removed, and this will lead to a loss of the integrity of the building to a degree, but is an area where the detailing of this is important to allow the original floor plan to be retained through the use of flooring changes and the retention of coving features. The level of detail available at present on these latter aspects is limited, but is an area that can be controlled through the imposition of a condition to any listed building consent to require that these details are finalised as part of the final planning of the scheme. An important part of this will be the retention of the inbuilt cupboards, architraves, doors, fireplaces and other details that the Civic Society rightly highlight as being important to the integrity of the building as a listed heritage asset.

The key test with this application is to examine if there is any harm created to the heritage asset by the works, and it is considered that whilst there is some harm it is very limited in its scope as it relates to the loss of the building as a civic office and the removal of some of the internal compartmentalisation that would be inherent in that function. However, that harm is very much outweighed by the significant public benefits that come from the works helping to deliver a viable future and on-going use of the building, by exposing and enhancing the setting of the key features in the Council Chamber room, and by retaining the best of the other features around the building that are remnants of its original purpose and so contribute to its designated heritage asset status.

The scheme therefore accords fully with the requirements of para 196 of NPPF and that part of Policy ENV5 of the FP32 relating to works to a listed building. Accordingly listed building consent should be granted.

Conclusions

The application relates to Listed Building Consent for the works that are proposed to the Public Offices building in St Annes associated with its conversion to a retail unit as proposed under planning application 20/0316. That report is for consideration on this agenda and so sets out the details of the location and the wider scheme in detail.

This listed building consent application relates to the assessment of the works to the building itself and is required due to its listed status. These works are relatively modest externally with the removal of a fire escape feature, the alteration of two doors and windows, and the construction of an external timber decking to the rear associated with an ancillary café element to the retail premises. Internally the works are more extensive and relate to opening the flow of the building to make it more receptive to a modern retail environment.

The internal works fall into two categories. Most of the works relate to the removal of the internal partitions and other fixtures that have been added to the building over more recent years to facilitate its use as the customer contact and other office base of Fylde Borough Council. Secondly there are some alterations to the internal structure of the original building to remove some wall elements and so assist the flow around the building. The one that has the greatest heritage implications is a proposal to remove a section of the wall to the 'Council Chamber' room which is located on the front of the building at first floor over the entrance door. This section of wall has decorative and original oak panelling and so forms a coherent part of that room. The proposed alteration takes part of this panelling away whilst retaining the supporting beam and roof truss details at either side, and then reuses most of the oak panelling detail in the reveal to the opening. This ensures that the works are undertaken in a sensitive manner that is acceptable in heritage terms.

The policy position with regard an application for listed building consent is that an assessment of the significance of the building is to be made, then an assessment of whether the works will cause harm to that significance. In this case it is considered that the works do not cause anything more than a limited 'less than significant' level of harm which is itself outweighed by the other positive elements of the works that are proposed.

The building is no longer required for its original use as a civic office building and following an extensive period of marketing no other office user has come forward with interest in purchasing it. The works that are proposed in this application represent modest alterations that will allow it to have a viable and useful purpose moving forward and so ensure that it will be maintained. This is the most effective way of retaining the building as a heritage asset and so this application for listed building consent should be supported. It is in accordance with guidance in para 196 of NPPF and Policy ENV5 of the FLP32 and should be supported to allow for the building to be sensitively re-purposed for the use intended under planning application 20/0316.

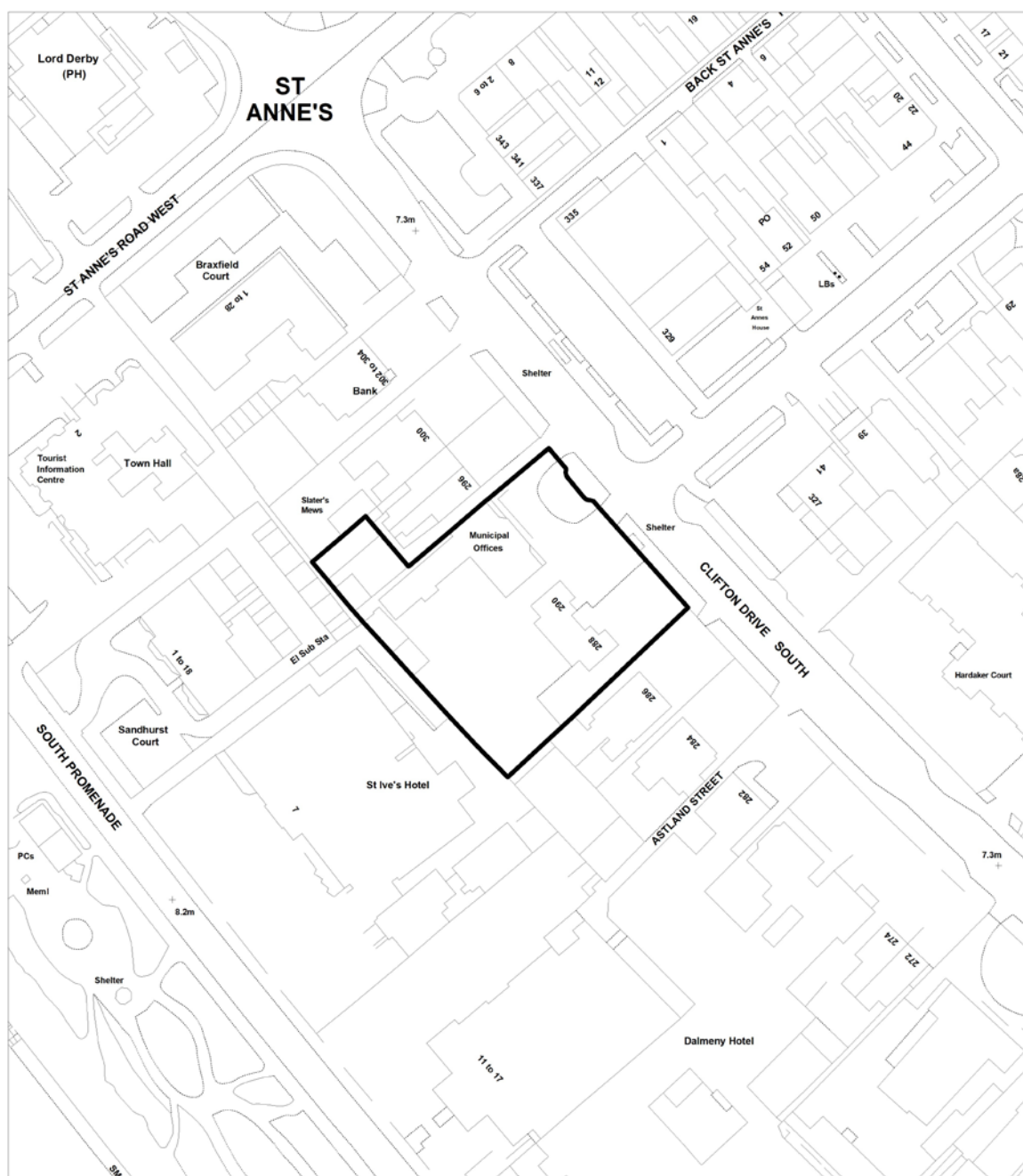
To ensure that the decision on the application can be issued alongside that for planning permission for the development of the site it is appropriate to delegate the decision to the Head of Planning and Housing, along with the authority to draft appropriate conditions to control the scope of the works approved, and to accept any appropriate revisions that arise from any further evolution of the scheme.


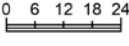
Recommendation

That the decision on the application be delegated to the Head of Planning and Housing, with that decision being to GRANT Listed Building Consent on the satisfactory resolution of the ousting matters associated with application 20/0316 to enable planning permission to be granted for the proposals contained in that application.

Any grant of listed building consent is to be subject to a list of conditions and reasons which the Head of Planning and Housing is to be given delegated authority to draft and impose with these to address matters including, but not necessarily limited to, the following:

- 1) Time limit
- 2) Plans
- 3) Agree detailed programme of works based on approved plans, including elements of fixtures that re to be retained and how the opened up sections of original building are to be identified
- 4) Agree materials for internal works to building (walls, ceilings, doorways, other fixtures)
- 5) Agree materials for external works to building (walls, roof covering, windows, doors, decking area)
- 6) Agree materials for external works to site
- 7) Building recording details



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/20/0316 & 0317	Address Former Public Office and T & L Building, 288-294 Clifton Drive South, Lytham St Annes	Grid Ref. E.3320 : N.4286	Scale 0 6 12 18 24 m 

Item Number: 3

Committee Date: 09 December 2020

Application Reference:	20/0587	Type of Application:	Full Planning Permission
Applicant:	RCA Developments Ltd	Agent :	DC & MG Associates Ltd
Location:	FORMER RAILWAY PLATFORM / LAND OFF BACK GLEN ELDON ROAD AND ST ANNES ROAD EAST , LYTHAM ST ANNES, FY8 2JE		
Proposal:	ERECTION OF THREE STOREY BUILDING PROVIDING 7 FLATS FOR AFFORDABLE (FIRST HOME) ACCOMODATION WITH ACCESS FROM BACK GLEN ELDON STREET. LANDSCAPING / PUBLIC OPEN SPACE AREA		
Ward:	ASHTON	Parish:	St Anne's on the Sea
Weeks on Hand:	17	Case Officer:	Andrew Stell
Reason for Delay:	Delays in consultation replies		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is a rectangular area of the unused railway platform on the northern side of the railway line opposite St Annes Station. It is located within the settlement area of St Annes between Glen Eldon Road and St Annes Road East and is to be accessed from St Annes Road East and Back Glen Eldon Road.

The application is for full planning permission and relates to two elements of development. The first is the erection of a 3-storey building of 7 flats with associated access and parking from Back Glen Eldon Road and is generally opposite the rear of the Sainsburys store. The second is an area of public open space alongside a pedestrian route that leads from the flats through to St Annes Road East and so is more opposite the station building itself.

All the proposed residential units are for affordable housing and are intended to provide first time tenancy properties to contribute towards the affordable housing obligation of the development of the Public Offices site. The other element is intended to provide the public realm contribution of that development as it will deliver a considerable visual and practical improvement to this prominent site for residents and visitors to the town using the station platform opposite.

The residential development is of an appropriate scale and design for that location and provides an acceptable standard of parking and amenity for existing and new occupiers. The public realm scheme is to be finalised at the time of drafting this report, but it is expected that a well-conceived scheme will be secured from sight of the draft proposals. A suitable scheme will enhance the area considerably over the current under-utilised and overgrown appearance of the former platform.

As an overall view, the proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential

properties. The scheme satisfies all elements of both the Fylde Local Plan to 2032 and the St Annes Neighbourhood Plan, and as such it is recommended that the scheme should be supported.

A s106 agreement is required to ensure that the properties are provided and maintained as the affordable accommodation that they are intended to deliver in the application, and that the phasing of their development sits appropriately alongside any development of the scheme on the Public Offices site. Accordingly, the officer recommendation is to delegate the final decision on the application to the Head of Planning and Housing to issue the decision once this, and some other matters that are outstanding, have been resolved.

Reason for Reporting to Committee

Whilst the application is for a 'minor' scale of development and so the determination of the application complies with the Scheme of Delegation, the scheme is associated with that for the development of the council-owned Public Offices site. That scheme is to be determined at Planning Committee as it involves the development of council owned land and so this scheme is also brought to Committee for a decision given the intrinsic link between the applications.

Site Description and Location

The application site is part of the old railway platform on the northern side of the railway line located within the settlement boundary of St Annes. The site lies immediately adjacent to the railway line and spans across the platform between St Annes Road East and Glen Eldon Road. The site does not consist of any built development, and due to the length of time it has remained unused has become overgrown with vegetation.

The neighbouring buildings on St Annes Road East and Glen Eldon Road are predominantly residential properties, with some being guest houses and others in flats. They are generally of a traditional Edwardian /Victorian appearance and style as is typical in the town. The immediately adjacent properties on St Annes Road East are three storey buildings and on Back Glen Eldon Road there is a vehicle repair garage. To the north of the site the platform has been converted to a parking area to serve the adjacent medical centre.

On the opposite side of the railway is St Annes railway station and the public access platform, with the rear of the Sainsburys supermarket alongside it.

The site is designated as part of the settlement in the Fylde Local Plan to 2032 and the St Annes Neighbourhood Plan, with the extreme southern end of the site falling within the St Annes Town Centre Conservation Area. The site is outside of the town centre which has its boundary along the railway line and The Crescent to the west and south of the site respectively.

Details of Proposal

The application proposes two elements of development: the erection of a building to provide 7 residential flats, and the provision of an area of community benefit space. This is to feature a pedestrian / cycle connection between the flats and St Annes Road East with the land on either side of this given an enhanced public realm appearance to reflect its prominence in views from the railway platform and The Crescent.

The residential element is provided in a single building that provides accommodation over 3 floors and is located on the northern part of the site so that it sits alongside, and faces the same direction, as the end property on Glen Eldon Road. The building provides 7 flats with these each providing a single bedroom and designed to meet an identified need for 'first home' accommodation. The building has a form that is rectangular with an outrigger element to the rear so that two flats are provided in the main part and one in the outrigger at ground and first floor and the seventh flat is provided in the roof space to the main part of the building at second floor. The building is accessed from a single point to the rear which leads to a central lobby and stairway.

The residential dwellings have their access to the rear from Back Glen Eldon Road with a turning area and 7 parking spaces provided along with a communal bin store and a covered cycle store. A small planted area is provided to the rear with hard landscaping around the perimeter of the building and to the Glen Eldon Road frontage, with a fence provided around the site including to the edge of the platform to the railway line. The building is proposed to be constructed in brick with a tiled roof.

The proposal is that all the flats are to be offered as affordable housing with that intended to meet the needs for such accommodation generated by a larger residential development scheme on the Public Offices site in St. Annes. Specifically, the accommodation is intended to satisfy a need for 'first home' accommodation. This is not specifically defined in the NPPF or affordable housing legislation but is a concept of affordable housing that is aimed at those who have previously been in shared private or housing association rental accommodation and are moving to live in accommodation on their own. The flats are, therefore, deliberately smaller in size to enable them to meet the needs of the occupier and be easier to manage, with the occupiers provided with support and guidance as part of the 'first home' concept to assist with the independent living of the occupiers.

The other element of the application relates to the southern part of the site, which is between the residential development and the edge of the site alongside The Crescent. This serves two purposes in that it provides a pedestrian / cycle link between the flats and the shops and services available in the wider Town Centre area via St Annes Road East and The Crescent, and provides an area of enhanced public realm space across the whole width of the former platform given the prominence of this area when viewing from the operational platform at St Annes Station, The Crescent, and other vantage points.

At the time of submission, the detailed design of this area was unknown but a series of options have been provided and are under on-going consideration with support from the council's Regeneration Team. As such the final details of how this will be laid out are unknown at this stage, but it is likely that it will feature a paved route through, raised planting beds, some public art, and a safe but not intrusive barrier to the railway line. This element is also associated with the Public Offices scheme and is intended to provide for its public realm contribution.

Relevant Planning History

Application No.	Development	Decision	Date
17/1006	ERECTION OF ONE THREE STOREY BUILDING (NO.6 UNITS) AND ONE TWO STOREY BUILDING (NO.4 UNITS) PROVIDING A TOTAL OF 10 FLATS, WITH ACCESS FROM BACK GLEN ELDON STREET AND ST ANNES ROAD EAST WITH PARKING AND LANDSCAPING	Granted	25/05/2018
13/0727	PROPOSED ERECTION OF 4 BUNGALOWS AND A	Granted	01/08/2014

03/0769	DETACHED HOUSE PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 2 APARTMENT BLOCKS AND 2 HOUSES, 8 DWELLINGS IN TOTAL.	Refused	07/01/2004
00/0502	CHANGE OF USE TO CAR PARKING, ERECTION OF ATTENDANTS CABIN AND SECURITY BARRIER GATE	Granted	01/11/2000
92/0127	ERECTION OF A PURPOSE BUILT OFFICE WITH CAR PARKING FOR 50 CARS.	Granted	17/06/1992
90/0258	CHANGE OF USE OF FORMER RAILWAY STATION TO RESTAURANT DINER BUFFET AND BAR; ALSO CONSTRUCTION OF FOOTBRIDGE	Granted	18/07/1990
86/0687	CHANGE OF USE VACANT LAND TO CAR PARK	Granted	09/03/1987

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 18 August 2020 and comment:

"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.

Improvement to a visual & key area of St Annes.

There is an extant application for 10 flats on this site. 17/1006. This application is the affordable element of the Public Offices application. Part within Conservation Area. Brownfield Land. This will improve the entrance to the Town and provide affordable housing with CPS. Windfall apps mean less demand on Green field sites. It fully accords with NP HOU4 and DH1.

The Town Council fully supports the application but asks that all safety measures are put in place to restrict public access to the railway lines as this is a known area with transgressions across the line."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

They do not raise any objections to the development but highlight the following issues:

- The pedestrian access to the site on Back Glen Eldon Road is narrow and is uneven due to the cobbled nature of the road. This makes it difficult to access by those in wheelchairs or with prams. The scheme should provide for an alternative direct route to St Annes Road East to provide a safe and convenient pedestrian connection to the site.
- The scheme should be provided with a covered and secure cycle storage facility to provide at least 1 space per flat.

With regards the vehicle access they confirm that the highway layout and car parking conforms to current guidelines, although they do highlight that the failure to provide a service strip around the edge of the turning head means that it would not be suitable for

adoption.

They then suggest a series of standard conditions relating to the provision of the parking and turning area as shown on the plan and its appropriate surfacing and drainage, that the cycle parking is provide, that a Construction Management Plan is agreed to ensure appropriate details of that phase of the development are complied with, and that the footpath link to St Annes Road East is provided.

Network Rail

They have highlighted that as the works involve excavating and developing on the former railway platform the developer will need to obtain 'Development Consent' from Network Rail for any works that are within 10m of the railway boundary separate to planning permission.

They do not offer any comments on the application itself, but highlight that there are a range of safety requirements that need to be complied with where development in such proximity to the railway line is proposed. They as that these are added as an informative to any permission, although they will also feature in the consideration of the separate development consent process.

Environmental Protection (Pollution)

Raise no objection to the development, with their comments covering the following points:

- Contaminated land – they accept that the land is likely to be suitable for the end use that is proposed, although a watching brief throughout development for signs of contaminated land should be imposed.
- Noise – They accept that the information provided on this is appropriate. This indicates that the rooms facing the railway will suffer unacceptable noise impacts, but that this could be mitigated though the incorporation of double glazing and trickle vents to the windows.
- Construction works – they highlight that the construction phase has the potential to create disturbance and so a construction management plan should be imposed to control the works to standard daytime hours and to require that best practicable means are used to control dust, vibration, noise, etc.

Strategic Housing

The developer's housing representative has been in on-going discussions with the council's Housing Manager over the delivery of the development as affordable housing. She is concerned that the flats being provided are too small to be provided as general affordable needs accommodation, but feels that they would meet an identified need for 'first home' tenancies. This is a form affordable housing that is delivered by a registered provided and accompanied by a package of tenancy support which includes a full-time support worker giving help to the occupants of the flat on a range of subjects (housing, education, social, etc) that are necessary to assist them live independently. Providing an appropriate package is arranged to support this accommodation then she is supportive of the scheme.

Lancashire Fire Service

They have provided standard comments with regards ensuring that the site is accessible by a standard fire tender, and that there is an accessible water supply should that be

needed.

United Utilities

Do not raise any objections to the development but request that a condition is imposed to require that appropriate arrangements for surface and foul water drainage are provided prior to the commencement of works, and that these are drained separately with the surface water drainage following the Drainage Hierarchy. They also highlight the developer is to be expected to ensure a water supply and maintenance arrangements for all drainage infrastructure is in place.

Their letter indicates that there is a public sewer running through the site and that there is an easement that contains restrictive covenants relating to works in the vicinity of this sewer that will prevent access and storage impacting on its availability.

A second letter has been provided which reiterates the easement aspect and requests that a Construction Management Plan should be provided, ideally prior to determination, but certainly prior to construction. This is to ensure that no heavy machinery or other works put the integrity of the sewer at risk. The second letter also requests further details of the works proposed for the public realm area so that they can be assessed for the potential to impact on this easement.

Neighbour Observations

Neighbours notified:	18 August 2020
Amended plans notified:	
Site Notice Date:	20 August 2020
Press Notice Date:	20 August 2020
Number of Responses	4 letters have been received with 3 in opposition and 1 in support
Summary of Comments	<p>The correspondents that raise objection to the development make the following points:</p> <ul style="list-style-type: none">• The site can only be accessed via the cobbled back street of Back Glen Eldon Road. If the development is to require parking restrictions to be imposed to this road then it would impact on the occupiers of the properties, devalue the properties, and restrict use by the businesses that currently utilise it• Increase use of this street will be dangerous due to the level of traffic, its poor surface, and the need for residents to back out onto it.• Back Glen Eldon Road has no turning area and is too narrow for services such as the refuse vehicles to safely access.• The provision of 7 spaces is inadequate and provides no visitor spaces.• The free parking in the area is at a premium and so any used of that on St Annes Road East by the residents will be harmful to trade in the town• The platform would be better used as free parking for those visiting town centre traders• There is no need for the additional affordable homes, and if there was the housing association should look to renovate

existing properties.

The supporting comment is from the South Fylde Line Community Rail Partnership and Chairman of the Friends of St. Anne's Station. His grounds for support are:

- The former platform has been in private ownership for 20 years. In that time it has not been maintained and so has been an eyesore that detracts from the appearance of the area which is an important public gateway to the town.
- The redevelopment of the site will enhance that so is supported.
- They offer to support the developer on providing a suitable design for the fence that will be incorporated into the scheme so that it does not appear as a bland feature from the platform.

Relevant Planning Policy

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
S1	The Proposed Settlement Hierarchy
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
GD8	Demonstrating Viability
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
EC5	Vibrant Town, District and Local Centres
ENV2	Biodiversity
ENV4	Provision of New Open Space
ENV5	Historic Environment
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
STANP	St Annes on Sea Neighbourhood Plan

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

Development Plan Allocation

The development plan for the area is the Fylde Local Plan to 2032 and the St Annes on the Sea

Neighbourhood Plan.

The land is designated as part of the Lytham St Annes settlement area in the Fylde Local Plan to 2032. In those areas the principle of new development, and particularly the redevelopment of previously developed sites, is supported subject to compliance with other policies of the Plan. Other than the part of the site that is within the conservation area, there are no other allocations on the site.

As this scheme relates to a mixed residential and public realm development then the relevant policies relate to those aspects, with the policies associated with access, parking and design also of key relevance.

With the site being located in St Annes the St Annes Neighbourhood Plan is also of relevance as that also forms a part of the development plan. The Neighbourhood Plan does not impose any additional allocations to the site over those set out in the Fylde Local Plan to 2032 but does include a series of policies that guide how development is to be undertaken in the St Annes area and so this proposal is also assessed against the obligations of that Plan.

Principle of Residential Development

With the site being located in the settlement area, and comprising previously developed land by virtue of the platform, there is strong policy support for its development in an effective and efficient way for residential development. This is set out in Policy S1 and Policy DLF1 of the Fylde Local Plan to 2032 which promote residential development, including windfall sites of up to 9 dwellings, in these areas.

This is carried through in the St Annes Neighbourhood Plan where Policy GP1 confirms that *“Development will be directed towards the existing settlement and, within the settlement boundary, development on previously developed land will be encouraged, subject to other relevant development plan policies being satisfied.”*

Further to that policy support is the planning history of the site which includes planning permission 17/1006 which was granted in May 2018 and relates to the erection of two blocks of residential development on the platform. This is an extant planning permission for a form of development that is similar to that proposed under this application and so is a material planning consideration of considerable weight. Whilst this scheme is not capable of being fully implemented as one of the blocks impedes a sewer easement, the current scheme has been designed to avoid that element and is similar in scale and form to the block in the 2017 permission that is not affected by the sewer.

There is therefore planning policy and planning history support for the principle of a residential development of the site being acceptable on the site.

Scale and Design of Residential Development

The existing development in the area is generally two storeys in height, albeit that the Victorian / Edwardian age of the properties means that these have high internal ceilings which gives them a considerable height for a two-storey property. It is also the case that there are other taller buildings in the immediate area, not least the St Annes Medical Centre.

The proposed residential building provides accommodation over 3 floors but provides the upper floor in the roof space with the windows to this in the front and rear roof slopes and in the gables. This ensures that the building has a scale that represents that of the existing residential properties in the area. It is orientated on the site to front onto Glen Eldon Road and is positioned so that it lines

up with the 'building line' established by other properties on that road. Whilst it will not have an access from the front street in views along that street it will appear as a continuation of the development by virtue of this scale and positioning, albeit it will be slightly taller due to the elevated height of the platform above the road level on Glen Eldon Road. A front garden treatment to the building will complete the setting and so complement the domestic design of the properties on that road.

The design is also intended to reflect the traditional properties in the area with a central ridge that runs parallel to the road to provide the main roof feature, and a smaller central gable feature in the front elevation to Glen Eldon Road to assist in breaking up the scale of the front elevation. This has full height windows to each flat at either side that line through with each other to give the front elevation an ordered appearance. There are some contemporary elements in particular with the use of a roofing arrangement that takes away the prominent eaves details that are typical of the surrounding properties and uses a more modern detail to sit the roof onto the walls, with this helping to reduce the apparent scale of the building in the front elevation given the elevated ground level it is built on.

This approach with a traditional form and contemporary styling is carried around the side and rear elevations of the building which is important as these are seen in views across from the active railway platform and in more distance views from The Crescent. The building features a rear outrigger which is obviously a feature that is found across the town, with this being subservient to the main building with lower ridge and eaves height. There are some dormer style windows to serve the first-floor accommodation which break through the eaves line as an intentional feature to break up the length of that elevation which could have been bland without that articulation. Detailing has also been added around a small flat roofed element to the rear which serves the upper floor access within the building and is effectively masked against the backdrop of the building from the available vantage points.

The materials of construction are yet to be finalised but will be a mixture of red brick and grey roofing material to again ensure that the building sits comfortably within its surroundings.

The conclusion on these elements of the residential building are that it is of an appropriate scale, design and construction materials for the location and will clearly enhance the situation over the existing disused platform without competing harshly with the residential properties in the surrounding area. In doing so it accords with the relevant elements of Policy GD7 of the Fylde Local Plan to 2032 and satisfies the obligations of Policy DH1 of the St Annes Neighbourhood Plan which requires that new developments demonstrate that they "*relate well to its site and its surroundings and how it would respond to the specific character of the site and its local surroundings*". Policy DH2 goes on to highlight the importance of this in locations which are access corridors and gateways to the town, and with the visibility of this development from the railway platform it is considered that this is applicable here, and is achieved in the development.

Access and Parking Arrangements

The proposal is to access the development from Back Glen Eldon Road. Whilst this has the design and appearance of a typical 'back street' with a cobbled surface and limited width, its functions are beyond that. It serves as the primary access to residential properties on Orwell Mews, and serves a vehicle repair garage and other commercial property that is to the rear of Glen Eldon Road. It also serves as the rear access to properties on St Annes Road East. Despite its appearance the street is part of the adopted highway network across its full width and is sufficient to allow vehicles to pass.

The local highway authority have been consulted on this application and raise no objections to the

use of Back Glen Eldon Road to provide its operational access. They are satisfied that the road has a suitable width and capacity to accommodate the traffic that it would generate. They have also assessed the connections that Back Glen Eldon Road has with the wider highway network via Glen Eldon Road and St David's Road North and are satisfied that these are appropriate.

The local highway authority has also highlighted that the limited width, uneven surface, and lack of defined pavement means that the route is not suited for pedestrian users and this is addressed in the following section of this report.

The scheme proposes on-site parking at the level of 1 space per flat. With the size of the flats being limited to 1-person units and the highly accessible location of the development to the shops and other services available in the surrounding area it is considered that this is an appropriate level. It also accords with the standards that the council uses for assessing parking levels. The layout provides these parking spaces in a suitable layout with a turning area available to allow safe access and so is appropriate for the development. As with all new developments of this nature it is appropriate to ensure that electric vehicle recharging to be built into the scheme, and so a condition should be included to require the provision of charging points as part of the parking arrangements to comply with Policy T4 of the Fylde Local Plan to 2032.

The limited width of Back Glen Eldon Road will present challenges for construction of the building, both for the ability to get the necessary machinery and materials into the site, and for the parking of the necessary contractors' vehicles. There are other options available such as utilising an access from Glen Eldon Road via the new medical centre car park, or along the platform from St Annes Road East. These details are not set out in the application and so are an area that it is appropriate to secure by condition to ensure that the construction of the development can be undertaken in a manner that does not cause undue harmful impacts on highway safety, residential amenity or railway safety.

Neighbouring residents have expressed concerns that the access to the site along Back Glen Eldon Road will create issues with the informal use of that area for parking by residents, and that the route is unsuited to serve the development. At officer site visits it was observed that there was some informal parking in this area, but that this was undertaken without creating an obstruction to traffic wishing to pass along the road as the width is sufficient to allow that. The level of additional use from 7 flats will be modest and so it is not considered that the concerns expressed can justify a refusal of the application on this basis, particularly with the lack of objection to the development from the local highway authority.

Subject to these conditions it is considered that the access and parking arrangements are in accordance with the requirements of Policy GD7 of the Fylde Local Plan and Policy TR3 of the St Annes Neighbourhood Plan which requires that residential parking is positioned where it is discreetly located and so not harmful to the character of the area.

Pedestrian /Cycle Connectivity

Whilst the vehicular access along Back Glen Eldon Road will be available to pedestrians and cyclists, and there is a footway, this is of limited width and means that any wheelchair user or those with prams would need to use the road surface. As this is a 'cobbled back street' it is not suited for their use. This is a point that LCC highways highlight needs to be addressed, and is one that your officers agree with. The scheme has been revised to indicate a pedestrian / cycle route along the remainder of the platform to allow a connection to St Annes Road East from where accessible connections to the town centre and elsewhere are available. Whilst the final details of this are unknown at this site, the provision of this will adequately address that aspect and so should be the

subject of a condition to require that it is available prior to the first occupation of the residential units.

To support the sustainable travel options there is a need for any new development to provide for cycle storage facilities, with this scheme including a secure covered cycle storage facility on the site plan. No elevational details of this are provided however, and so a condition is required to ensure that this is of a suitable design and a capacity, and is then provided and maintained following the occupation of the residential units

With these matters being addressed in the scheme and secured by planning conditions the proposal will comply with the requirements of Policy GD7 criteria j), k), o) and r) and Policy T4a) relating to cycle provision and suitable storage facilities.

Relationship to Neighbours

The position of the residential building ensures that the amenity considerations are limited to those to the north, and specifically the occupiers of 2 Glen Eldon Road which it sits alongside and those opposite that and to the rear where views are available of the building. To the other side is the railway with the Sainsburys Store opposite, to the direct front is the car park, and to the rear is the railway platform. Hence there are only residential occupiers in a single direction.

The property at 2 Glen Eldon Road is occupied as a dwelling and has a rear outrigger with habitable room windows in the side of it, as well as windows to the rear of the main elevation. There is a high wall that serves as the boundary to the property with the application site and a vehicle repair garage business to the rear that operates from a single storey workshop building. The application was submitted following a pre-application advice process which saw various changes made to the original proposal to reduce the impact on the amenity of the occupiers of that property. These have been delivered by the main body of the building sitting alongside the dwelling and the extent of the rear outrigger projection and height being reduced. The effect of these is that the submitted scheme is now considered to provide appropriate protection to the amenity of the occupiers of this property so that the impact of the building in terms of loss of light and massing will be at an acceptable level with the relationship similar to those found elsewhere on Glen Eldon Road as each of these properties has rear outriggers. Whilst there are side facing windows in the building these are to bathrooms and a hallway and so a condition will be used to ensure that they are obscurely glazed and non-opening.

The building will be offset from the properties on the opposite side of Glen Eldon Road and separated from them by over 26m. This relationship is an acceptable one in terms of the possible massing and privacy implications of the development in this urban context. To the rear the end of the outrigger features habitable windows to the flats in that element, but these are 21m from the rear of the rear yard areas to the properties on St Annes Road East and 39m to the nearest dwelling. This relationship and separation is therefore also acceptable.

The public realm area sits alongside the dwelling at the end of St Annes Road East and so the development will bring a change to their aspect as that is currently over the disused platform. This scheme will inevitably bring an improvement in its visual appearance, and an increase in its level of use. The final details of the scheme to be introduced in this area are unknown, but it will either retain the existing wall that provides a boundary between the platform and this property, or will provide it with a more attractive replacement. Either way the scheme will need to pay regard to the amenity of the occupiers of this property, albeit that this is compromised to a degree by their proximity to the active railway line and platform with associated activity and announcements. Whilst the details of the final scheme are not known at this stage the future assessment of them will

ensure that appropriate protection is given to the amenity of this occupier, who will also be consulted on the scheme when available as part of a wider consultation exercise.

Ensuring that the residential building has an acceptable relationship to neighbouring buildings is a key part of the assessment of the application, and one that has been the subject of much of the focus at pre-application stage. The result is that whilst this building is larger than that which was previously approved on this part of the site, it has a scale, position and design that does not unduly compromise the amenity of the neighbouring occupiers, and so accords with the requirements of Policy GD7 in that respect.

Occupier Amenity

When considering the amenity of the occupiers of the flats there are two key considerations: the size of the units themselves, and the influence of the surrounding land uses.

The flats are undeniably, and intentionally, small. This is a product of their intended use to serve as affordable accommodation for those moving into their first independent property. The ethos behind this is that a larger property will be more challenging to manage and so the target market for the properties are those who would benefit from the lesser responsibility that a smaller scale flat brings.

The scale of accommodation provided within new properties is an area that has recently become the focus of government in the form of revisions that are to be made to the General Permitted Development Order. This will require that any accommodation that is provided by that means meets the minimum space standards set out in 'Technical Housing Standards – nationally described spaces standard' which require at least 37m² of internal area for any residential flat, and larger areas for those designed to accommodate more than one person. Whilst that legislation change does not necessarily apply to schemes which are delivered through planning applications such as this, it is a clear indication that the government expects this as a minimum standard of accommodation for all occupiers. It is also used in the allocation of grant funding to Registered Providers by government although it is understood that for funding to be awarded the properties only need to achieve 85% of the minimum standard size.

When the storage areas within each flat is included the flats in this development measure 37.8m² in the main building, 45.4m² in the outrigger, and 46.8m² in the roofspace to the main building. As such 4 of the flats are marginally over the minimum size set out in the minimum space standards for a single person flat, although the other 3 more comfortably exceed that minimum size requirement albeit not to the extent that they meet the minimum size for a 2 person single bedroom flat. This is clearly an area of concern and one that has been explored with the applicant. However, it is not considered possible to increase the scale of the accommodation without unduly compromising the amenity of the occupiers of the property at 2 Glen Eldon Road. Whilst this means that the accommodation offered will provide restricted amenity for the future occupiers, the specialist, 'first home', nature of the accommodation justifies their limited scale in this case.

To assist in the assessment of the impacts of surrounding land uses on the amenity of occupiers the application is supported with a noise assessment to establish the level of disturbance that the railway and adjacent commercial properties create. This involved placing a noise meter on the site to establish the levels of background noise that are experienced over a 3-day period. This concluded that there were noise sources in the form of passing trains and the air conditioning equipment at Sainsburys store which generated noise that could cause amenity implications if unmitigated. The report suggests that mitigation in the form of standard double glazing and compensatory trickle ventilation to the rooms on the railway side of the building is needed. This

can be imposed through a planning condition and will adequately address concerns in this regard.

Relationship to Railway

The site is immediately adjacent to the South Fylde railway line and so the proximity to this operational railway has several implications for the development.

The first impact is as a consequence of the trains that pass the site being a noise source that can impact on the residential amenity of the occupiers of the flats. However, train noise is more prevalent at higher speeds and with the location being immediately alongside the station, and all trains on the line stop at St Annes, then the only train traffic passing the site will be at very low speeds. The building does feature a number of windows that face onto the railway line with these being the only window to bedrooms and bathrooms in four of the flats and secondary windows to the lounge / kitchen areas of four flats, the flat in the roof has its lounge/kitchen facing the railway line. As such there is to be an impact on the residential amenity available to the occupiers, but with the low speeds of the trains at this point on the line, it is not considered that this is a concern that is of overriding importance in the overall assessment of the application. The noise report provided with the application explains that this can be adequately mitigated through use of double glazing and trickle ventilation, with the council's Environmental Protection Team accepting that this is an appropriate remedy.

The second impact is of safety. At present the platform area is largely inaccessible and is overgrown and so is not a ready access point for those looking to trespass on the railway. The proposal will considerably increase the possibility of that both through the residential development element and the public realm element, and so it is essential that the railway edge is appropriately fenced. The method of doing this is an area for careful consideration as it needs to provide a secure boundary whilst being visually attractive because of the high prominence it has from the operational platform and elsewhere. At the time of writing this report the details of the fencing were unknown along with the remainder of the final public realm works scheme but once this has been received it can be considered fully with consultee support. A condition can be imposed to ensure that fencing is erected and maintained.

The final element is the presence of any legal obligations that Network Rail have over the land given its past use as platform and the need for 'Development Consent' for works that are within close proximity of the railway as highlighted in their consultation response. These legal matters are separate to any decision on this planning application and it is understood that the developer is working on them with their legal representatives.

As a summary to this section, it is unusual for development to occur on a platform to an operational railway line, but having assessed the implications of this it is not considered that this brings any obstacles that can prevent the development from proceeding. A key element of this will be the imposition of suitable conditions relating to the safe procedures to be put in place during construction. Network Rail have supplied further comments on this to confirm that these details are imposed as part of the legal agreement that the developer will need to enter into with them to enable construction works to take place. However, it is appropriate that these issues (safety measures for working practices near the railway, fencing obligations, etc) are highlighted through an informative on the decision notice.

Other Matters associated with Residential Element

Drainage - The application does not provide any drainage information other than the mention on the application form that it is intended to connect both the foul and surface water to the public sewer. With the scale of the development it is not necessary for any further information than that to be

provided at application stage , or for any formal consultee views to be sourced on this aspect. A review of the United Utilities sewer records confirms that there are existing sewers in the vicinity of the site on both Glen Eldon Road and Back Glen Eldon Road, as would be expected given the proximity of development around. As such it is not expected that there will be any concerns over the provision of an appropriate drainage solution for the site, with conditions to require that these are submitted for approval prior to commencement of works an appropriate response on this matter.

Sewer Implications - The review of the UU records confirms the position as set out in the submission documents regarding a sewer running through the site. This runs parallel with the railway line through the centre of the site from Back Glen Eldon Road before crossing the railway line in the position of St Annes Road East. This is a significant development constraint over that part of the site and this is reflected in the consultee comments of UU. They are satisfied that the development does not impact on that easement, but are concern regarding the construction details to ensure that those works do not impact on the integrity of this sewer by, for example, running heavy machines over the sewer. They have requested that further details are provided regarding the layout of the public realm area and the logistics of the construction works. The layout will be the subject of a consultation with this organisation when available, the construction management is a matter that can properly be secured by a planning condition.

Construction Management - It is standard practise for a development of any reasonable scale to be required to provide details of how the construction is to be managed to minimise the potential for disturbance to neighbouring residents and the surrounding highway network. That is particularly important in this case where there are residential properties close by, the only access to the site is restricted in its width, off-street parking options are limited, there is a close proximity to an operational railway line, and where there is a sewer easement running through the site. Clearly the management of the construction works will be a challenging task and as no details are available at present it is appropriate that a condition is imposed to ensure that the details of this are provided prior to works commencing.

Ecology - The application is supported with an ecological advice note that has been prepared by ecologists who are active in the local area. They have undertaken a desk study and walkover survey of the site to inform the submitted note. This concludes that the site contains habitats which are only of low ecological value, and whilst some of the species that have colonised the site are of some limited botanical interest these are not a barrier to development, with other species being invasive and so to be removed. They report that the site provides foraging and commuting habitat for bats, but no nesting or roosting sites are present on the site. They set out a series of recommendations for the effective implementation of the works to maintain ecological value of soil, to prevent disturbance to bats in neighbouring buildings, and to allow any reptiles that may be present to disperse. The findings of the survey are considered to be commensurate with the risks to ecological issues and the development will not lead to any harmful impacts on matters of ecological importance providing conditions are imposed to manage elements of the work.

Contamination – A phase one contaminated land desk study has been presented which was informed by a site walkover and desk study. The author concludes that no contamination exists which poses a significant risk of significant harm to those involved in the construction and future use of the site, and so that the site is considered safe and suitable for the intended use. This has been reviewed by the council's Environmental Protection team who concur with the findings and so no further works on this are required beyond the imposition of a condition to require that a precautionary watching brief is made during the excavation works and appropriate action taken should contamination be uncovered.

Public Realm proposals

The application as submitted provide no real details of the intended arrangement for the public area beyond a note on the submitted site plan that it was to be an '*Area for community benefit scheme, details TBC*'. Since that time the details have been clarified with the confirmation that it is to be used to provide an accessible link between the proposed flats and the footway and other links on St Annes Road East, and an area of communal recreation use with a series of options presented by the developer over how this could be designed. These options are intended to respect the prominent location of the area and ensure that it provides a useful public realm function as an area for people to use, and as a visually attractive outlook for those on the platform opposite.

The developer provided four options for how this could be laid out, with a further option provided by the council's regeneration team. All feature a pedestrian route through with landscaping in raised planters, benches and other street furniture and a public art feature. These are currently being worked up further and will be the subject of public consultation when they are available, with that consultation directed at LCC Highways and Network Rail relating to technical matters, United Utilities relating to their sewer, and to local residents, Town Council and the Friends of St Annes Railway Station for practical and aesthetic matters.

The area involved in this is prominently sited and of a scale that will allow a useful public space to be provided alongside the pedestrian / cycle route through. As this is not available at this time it is not possible to provide any further analysis of it, but officers are confident that an appropriate scheme will be secured. A planning condition to require that these works are implemented prior to the occupation of the residential development in this scheme is needed, with further details of how this is related back to the public offices scheme discussed in the following section of this report.

Relationship to Public Offices Scheme

The scheme under consideration in this application is of a scale that does not generate any direct requirement for affordable housing or public realm provision. Nor does it require provision for public open space, education infrastructure or health service capacity. However, the application is presented by the applicants for the larger residential development at the Public Offices site in St Annes as being to deliver the needs of that development for affordable housing and public realm contributions.

The local and national policy obligation for affordable housing is that it should be provided on site wherever possible. In this case the proposal is for an off-site contribution which raises the following key factors:

- As an off-site location for affordable housing it is well suited to meet the public offices site obligation given the proximity to that site
- It is deficient in its provision of affordable housing in pure quantum terms. The requirements of Policy H4 are that affordable housing constitutes 30% of the overall development when it is provided on-site, or 43% where off-site with that greater percentage designed to meet the affordable housing obligations of the site where the housing is being provided off-site. The development proposal at the public offices site is for 23 dwellings and so the 43% obligation is 10 units. At only 7 units this scheme is therefore deficient in meeting the quantum required by policy
- The limited flat and room size of the affordable accommodation is such that it is not well suited to general affordable housing occupation
- The scheme does provide an opportunity to deliver a form of affordable housing in the 'first home' concept which is not provided for elsewhere in the borough and for which the

- council's Housing Manager accepts there is a need

 - The 'first home' concept includes a tenancy support officer providing guidance to occupiers on how to live independently. Neither the council nor the Registered Provider that is likely to deliver the scheme will have funding to provide for this support worker, and with this role being vital to the success of the accommodation it would be necessary and appropriate for the developer to cover that funding. The final details of this are not available at this time but it is envisaged that the developer will be expected to contribute a sum that is equivalent to the off-site contribution for their 3 affordable dwelling shortfall to cover the salary costs of this support officer. This would need to cover at least 5 years' worth of salary to ensure it is a deliverable concept.

In assessing this application officers have considered carefully whether the affordable housing provided in this scheme is sufficient to meet the policy obligation generated by the Public Offices development given the above factors. The advice to members is that if the affordable 'offer' were to relate to the delivery of the dwellings provided in this application alone then it would not be acceptable and so would not deliver the affordable housing obligations of the public office development. However, if it is assumed that a suitable funding package can be agreed with the developer to ensure that the salary of the support worker for the residents in the development can be met for a 5 year period then it would, on balance, be of sufficient quality as a package of affordable housing to meet that obligation.

Officers are in on-going discussions with the developer's representatives over this aspect and so it is not possible to provide any clarity over this at the present time, with the recommendation to members designed to ensure that this is satisfactorily resolved prior to the grant of any planning permission for this development or that at the Public Offices site.

It is obviously rarely possible for public realm contributions from larger developments to be provided on site and so the provision of that in an off-site location is normal. In this case the railway platform site is relatively close to the public offices site and so will be appreciated by the residents of the public offices development. It also brings a clear public benefit in enhancing a site that is both prominent and visually degraded. As such it is considered to be appropriate in its location and in its scale to meet the public realm contributions required by that development. As such it satisfies the requirements of criteria u) of Policy GD7 and is secured by element i) of Policy INF2 relating to the provision of public realm works.

The officer view is therefore that the two areas which this scheme seeks to provide for the public offices development are adequate to meet the relevant policy obligations of that development. For this to be enacted there needs to be a s106 planning obligation to link the development and management of this scheme to an appropriate trigger in the development of the public offices site, and officers advise that this should be set so that the development proposed here should be completed and available for occupation by residents prior to the first occupation of any of the residential units on the public offices site. This is an earlier trigger than would be normally imposed where affordable housing is provided as part of a larger development but is considered appropriate and necessary to give certainty that it will be provided here.

Conclusions

The application site is a rectangular area of the unused railway platform on the northern side of the railway line opposite St Annes Station. It is located within the settlement area of St Annes between Glen Eldon Road and St Annes Road East and is to be accessed from St Annes Road East and Back Glen Eldon Road.

The application is for full planning permission and relates to two elements of development. The first is the erection of a 3-storey building of 7 flats with associated access and parking from Back Glen Eldon Road and is generally opposite the rear of the Sainsburys store. The second is an area of public open space alongside a pedestrian route that leads from the flats through to St Annes Road East and so is more opposite the station building itself.

All the proposed residential units are for affordable housing and are intended to provide first time tenancy properties to contribute towards the affordable housing obligation of the development of the Public Offices site. The other element is intended to provide the public realm contribution of that development as it will deliver a considerable visual and practical improvement to this prominent site for residents and visitors to the town using the station platform opposite.

The residential development is of an appropriate scale and design for that location and provides an acceptable standard of parking and amenity for existing and new occupiers. The public realm scheme is to be finalised at the time of drafting this report, but it is expected that a well-conceived scheme will be secured from sight of the draft proposals. A suitable scheme will enhance the area considerably over the current under-utilised and overgrown appearance of the former platform.

As an overall view, the proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of both the Fylde Local Plan to 2032 and the St Annes Neighbourhood Plan, and as such it is recommended that the scheme should be supported.

A s106 agreement is required to ensure that the properties are provided and maintained as the affordable accommodation that they are intended to deliver in the application, and that the phasing of their development sits appropriately alongside any development of the scheme on the Public Offices site. Accordingly, the officer recommendation is to delegate the final decision on the application to the Head of Planning and Housing to issue the decision once this, and some other matters that are outstanding, have been resolved.

Recommendation

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

- 1) The Public Realm Element:
 - a) The submission of a scheme of public realm works for that part of the site indicated as 'Area for Community Benefit Scheme' on the submitted site plan
 - b) The undertaking of a consultation exercise on that scheme with St Anne Town Council, local residents, Network Rail, Railway Friends Group, and United Utilities
 - c) The consideration of any comments received and the assessment of the planning merits of the proposal
 - d) The introduction of an appropriate mechanism within the decision to this application to secure the provision of a suitable scheme to deliver the Community Benefit Scheme prior to the first occupation of any residential properties within this application
 - e) The provision of a mechanism which secures the on-going availability of this area for Community Benefit and its future maintenance to a standard which permits that benefit
- 2) The Affordable Housing Element
 - a) The phasing of construction of the residential element of this scheme so that all proposed

flats are available for first occupation prior to the first occupation of any of the flats on the Public Offices site which are proposed for development under application 20/0316 (or any alternative scheme that is brought forward for residential development of that site)

- b) The provision of a mechanism to ensure that all flats within the residential element of this scheme are available for 'First Home' affordable housing including the operational details of that affordable housing, the qualifying criteria for residents including their access to alternative accommodation and their links to Fylde Borough, and to ensure that it is retained as affordable housing thereafter
 - c) The provision of sufficient funding to Fylde Council to support the management and operation of all the 'First Home' tenancies provided within the residential flats for a period of not less than 5 years.
- 3) The Network Rail Element
- a) Confirmation from Network Rail that their concerns over the legal access to the platform and on-going operational management of the railway are not compromised by the proposed development.
 - b) The drafting of any conditions that are necessary to ensure that their concerns can be adequately mitigated by the management of the development.
- 4) The United Utilities Element
- a) Confirmation from United Utilities that their concerns over the implications for the layout of the public realm area to impact on their sewer easements, and the construction practicalities of the development, are addressed by the layout of this area when it is available for consultation with them
 - b) The drafting of any conditions that are necessary to ensure that their concerns can be adequately mitigated by the management of the development.
- 5) A Schedule of Planning Conditions to ensure that the development is appropriately brought forward and controlled, with these including matters such as (but not limited to):
- a) The time limit for the commencement of the development
 - b) The approved plans
 - c) Approved materials for the residential element
 - d) Approved materials for the Community Benefit element
 - e) The provision of appropriate fencing / boundary arrangements to the railway line and elsewhere around the site
 - f) The provision of appropriate access, parking and turning arrangements
 - g) Provision of electric vehicle charging points
 - h) The provision of a pedestrian / cycle route to St Annes Road East
 - i) The provision of a cycle storage facility
 - j) The provision of a refuse storage facility
 - k) The levels of construction of the development
 - l) The foul and surface water drainage arrangements
 - m) The timing of the works to avoid impacting on nesting birds
 - n) The provision and implementation of a Construction Management Plan including access route and delivery times and working times and contractor parking
 - o) The provision of ecological / biodiversity enhancements to the site as part of the development
 - p) The timing of works to avoid bird breeding, and phasing to avoid possible bat and reptile impacts
 - q) Maintenance of landscaping around flats
 - r) Maintenance of landscaping in community area

- s) Flats to be developed with a scheme of noise mitigation for occupier amenity, with those details to be agreed
- t) Watching brief for possible contamination during construction
- u) Windows to all be obscurely glazed and non-opening to said facing 2 GER



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Ordnance Survey (100006084).

Application No.

5/20/0587

Address

Former Railway Platform/Land off Back Glen
Eldon Rd & St Annes Rd E, Lytham St Annes

Grid Ref.

E.3322 : N.4290

Scale
0 6 12 18 24 m

Item Number: 4

Committee Date: 09 December 2020

Application Reference: 20/0690		Type of Application: Full Planning Permission	
Applicant:	D E Pickervance & Sons Agent :		
Location:	FIELDS NORTH OF KIRKHAM ROAD,TREALES, ROSEACRE AND WHARLES, PRESTON		
Proposal:	RECONFIGURATION OF 3 EXISTING FIELD ACCESSSES (2 ONTO KIRKHAM ROAD AND 1 ONTO MOORSIDE) INCLUDING FORMATION OF ASSOCIATED HARDSTANDINGS, RE-POSITIONING OF ACCESS GATES AND INSTALLATION OF FENCING - PART RETROSPECTIVE APPLICATION		
Ward:	NEWTON WITH TREALES	Parish:	Medlar with Wesham
Weeks on Hand:	10	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to retrospective planning permission for the alterations of 3 access points that service agricultural fields in Treales. The works all provide access to fields within the same parcel of land, and have seemingly been used previously but have been widened and recessed to facilitate an easier access by modern agricultural machinery.

The application has attracted an objection from the Parish Council who argue that the works may cause harm to the roots of a protected tree in one case, and are harmful to highway safety in others, and have provided alternative locations that they consider to be preferable.

These locations have been explored with the applicant and considered by your officers. However, the conclusion reached is that the submitted access proposals are acceptable in terms of their visual impact and their highway safety. As such the application complies with the requirements of Policy GD4 which permits agricultural related activity in countryside locations where it is needed, and Policy GD7 which requires that access points are well designed and safe. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

This application relates to three existing field accesses located around the village of Treales. The accesses are referred to in the application as Gateway 1, Gateway 2, and Gateway 3. Gateway 1 is located on the northern side of Kirkham Road opposite Primrose House, Gateway 2 is located on the northern side of Kirkham Road opposite Stanley Cottage, and Gateway 3 is located on the eastern side of Moorside approximately 40 metres north of its junction with Kirkham Road.

The accesses are all located within countryside as designated in the Fylde Local Plan to 2032, and all provide access to different parts of the same parcel of agricultural land.

Details of Proposal

This application seeks to reconfigure the three field accesses as follows:

Gateway 1 - Installation of a 5.5 metre wide steel field gate between two existing stone gateposts that are set 6.5 metres back from the highway, erection of a timber post and rail fence between each gatepost, and the laying of a 7 metre wide and 6.5 metre deep stone surface in the stock loading area between the field gate and the highway. The stone posts were set in this position last year and so the reconfiguring of the access forms a retrospective element of these works,

Gateway 2 - Widening of the existing access from 3 metres to 5 metres, installation of a steel field gate between two new 1.2 metre high metal gate posts, and laying of a 5 metre wide and 2 metre deep stone surface to the rear of the field gate

Gateway 3 - Widening of the existing access from 3 metres to 5 metres, erection of one new 1.2 metre high metal gatepost and installation of a new steel field gate between this new metal post and the existing timber post, and laying of a 5 metre wide and 2 metre deep stone surface to the rear of the field gate.

The stone surface for all three accesses is to be formed from crushed hardcore to fill voids topped with 75 mm of stone screenings and then 40 mm of stone dust screenings.

The supporting statement with the application explains:

“The widening of the gateways is required for a number of reasons.

- *Tractors & machinery have increased in size over recent years making it difficult to enter smaller gateways.*
- *For Health & Safety reasons, gateways are required to be wider to prevent tractors and machinery having to cross onto the opposite side of the highway in order to enter and exit a field safely.*
- *All 3 gateways are used at different times of the year to access all land highlighted in blue on the Location Plan, depending on cropping in a 1-way system. This prevents tractors & machinery meeting at gateways and reduces the need for stationary vehicles on the highway, waiting for other machinery.*
- *A stone base is required in the gateway to prevent soil/mud being dragged onto the road and becoming a safety hazard.”*

Relevant Planning History

Application No.	Development	Decision	Date
16/0433	OUTLINE APPLICATION FOR ERECTION OF THREE DWELLINGHOUSES WITH ALL MATTERS RESERVED	Refused	04/05/2017
15/0366	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF UP TO 8 DWELLINGS	Refused	04/09/2015

Relevant Planning Appeals History

Application No.	Development	Decision	Date
16/0433	OUTLINE APPLICATION FOR ERECTION OF THREE DWELLINGHOUSES WITH ALL MATTERS RESERVED	Allowed	02/05/2018

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 30 September 2020 and comment:

“At their meeting on the 20 October the Parish Council resolved to object to the proposals set out in this application as follows:

Gateway 3 - Moorside

- a) The existing and proposed new gateway is immediately adjacent to trees of Tree preservation Order (TPO) group G1 (see TPO 12 Treales) and the proposal has the potential to cause further harm to the root protection area of these trees thereby adversely affecting their long-term viability. Therefore, the proposal is in conflict with ENV1 b) which states that: development proposals will ensure that existing landscape features will be conserved, maintained and protected and wherever possible enhanced through increased tree and shrub cover including soft edge/transitional areas of planting.*
- b) The Parish Council agree that safe and suitable access is required to these fields and would be minded to support the proposal if this gate was relocated 5 meters north along Moorside away from the TPO group G1, subject to LCC Highways approval and the resultant gap in the hedge replanted with native species*

Gateways 1 & 2 Kirkham Road

- a) Kirkham Road is the main but narrow thoroughfare through the hamlet of Treales with poor sight lines and with residential properties on the south side of the road opposite both of the proposed reconfigured gateways. There are no parking restrictions on both sides of the carriageway. A tractor and trailer are approximately 13 metres long and therefore the proposed depth of the hard-standings is insufficient to allow an articulated vehicle of this length to pull fully off the carriageway while the gate is being opened or closed. In addition, articulated vehicles of this length will have a swept path/turning circle that will result in it inevitably crossing into the path of the oncoming traffic, pedestrians, horse riders and cyclists when entering or leaving these fields at these gateways. Therefore, in respect of gates one and two the potential adverse impacts upon other road users is severe and therefore in conflict with NPPF Policies 108 b) and 109. The proposal is also in conflict with FLP32 Policy GD7 o) which states that: the needs on non-motorised users such as pedestrians and cyclists should be prioritised through design*

measures and p) the development should not prejudice highway safety and the efficient and convenient movement of all highway users...and GD7 p) which states that: where practicable ensure existing pedestrian, cycle and equestrian routes are protected and extended

- b) *This proposal to reconfigure these gateways together with the stated desire to introduce a “one way” system of vehicle movements through the associated fields is indicative of an expected increase in vehicle movements to and from the highway. There is already a safe and suitable gateway (gateway 4) to these fields which currently allows for the “one way” system. This is at the north-western side of Church Road away from residential properties and other gateways which has always and continues to be used but this access gateway was not marked on the location/site plan. This access is set back from the highway and the Parish Council believe that it would be safer for all users if this already safe and suitable access continued to be used and gateways 1 and 2 removed. The Parish Council are minded to support a proposal that removes gateways 1 & 2 and continues to use gateway 4 to facilitate a safe and suitable “one way” access and egress.”*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

“Highways do not have any objections regarding the proposed Reconfiguration of 3 existing field accesses and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site, providing the access are for agricultural use only.”

They then suggest conditions to provide a solid surface for the access points (concrete, tarmac, etc) for a 5m depth, and refer to the legal mechanism for the construction of a formal dropped kerb at each access point.

Regeneration Team (Trees)

No objection provided that the existing timber gatepost at Gateway 3 is retained and used as the latching post for the field gate.

Neighbour Observations

Neighbours notified:	30 September 2020
Number of Responses	One letter of objection
Summary of Comments	Object to agricultural vehicles using the two accesses on Kirkham Road. The use of the accesses by large slow moving vehicles would be a danger to pedestrians and other vehicles on Kirkham Road

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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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

The application proposes the reconfiguration and widening of three existing field accesses located within, and in close proximity to, the rural village of Treales and within countryside as designated in the Fylde Local Plan to 2032. Accordingly, policies GD4 and GD7 of the Local Plan are relevant to the assessment of the application.

The principle of the proposed development

Policy GD4 relates to development within countryside and seeks to restrict new development to that which falls within one of six criteria (identified as 'a' through to 'f') listed in GD4. Of these six criteria only criterion 'a' is relevant to this proposal. Criterion 'a' provides support for development needed for the purposes of agriculture, horticulture or forestry, or other appropriate uses that help diversify the rural economy. In this instance the proposal is to widen three existing field accesses onto agricultural land with an intention to make their use by modern agricultural traffic easier and thus safer for other road users. Under such circumstances the principle of the proposed development accords with criterion 'a' of policy GD4.

Design and appearance

The proposal would require the removal of 2 metres of hedgerow from the side of two of the existing field accesses (Gateways 2 and 3). Whilst the loss of hedgerow is regretful it is considered that the extent of the loss when compared to the safety improvements to these two accesses is acceptable, and the loss of 2 metres of hedgerow at each of these accesses would not unduly harm the wider visual amenity of this rural area.

With regard to Gateway 1 the main change to the appearance of this access is the 6.5 metre set back of the field gate from the highway, and the erection of timber post and rail fencing between the highway and the existing stone gateposts. This revised configuration to the access provides improved turning arrangements to the field and provides for most agricultural vehicles to pull off the highway prior to opening the gate. Whilst this opens the entrance up visually in comparison to the previous timber gate on the roadside, the resultant appearance remains that of a rural field gate in a gap in the road frontage hedge. Accordingly it is not considered that this element of the proposal would cause harm to the visual amenity of the area.

All three gates will also have areas of stoned hard surfacing immediately alongside the highway. The provision of this form of hard-surfacing is commonplace for agricultural field accesses such as this and not considered visually harmful to the rural character of the area. The comments of the highway authority suggest a standard condition be imposed relating to the provision of a solid surface such as tarmac or concrete in this area, but that suggestion is discounted by your offices as amounting to an unnecessary urbanisation to the appearance of the access points in this rural location.

Overall the development is considered to accord with the criteria of policy GD7 that relate to design and visual impact.

Highway safety

One resident and the Parish Council have opined that the use of Gateways 1 and 2 by slow moving agricultural vehicles would be hazardous to other road users along Kirkham Road. In response to that point it has to be highlighted that this application proposes works to existing field accesses and does not propose to create any new accesses. As such they can already be lawfully used for access by agricultural vehicles.

The proposed works would increase the width of Gateways 2 and 3, and provide a 'pull off' area for vehicles using Gateway 1. As such the proposed development would make it easier and quicker for agricultural vehicles to manoeuvre off the highway. This must bring an overall benefit of highway safety by reducing the opportunity for any conflict between these vehicles and other road users. It is noted that the highway officer has no objections to the proposals for their intended agricultural use. Accordingly the development is considered to accord with the criteria of GD7 that relate to highway impacts and safety.

The Parish Council have suggested that an existing field access located on Church Road would be more appropriate to use than those on Kirkham Road. This access enters onto Church Road closet to the rear garden boundary of No.1 Church Road. The southern corner of the access is features by a sub-station and high flora in the form of trees and hedging which obstruct the sight line to the south towards the Kirkham Road junction, and would prevent vehicles driving north from the junction from seeing agricultural vehicles exiting the access. Furthermore, at the point of this access the carriageway of Church Road is 2 metres narrower than Kirkham Road and so would be more difficult for an agricultural vehicle to manoeuvre so providing greater potential for traffic conflict. For these reasons it is not considered that the field access on Church Road as suggested by the Parish Council provides a more acceptable alternative than those suggested in the application.

Other matters

As originally submitted the proposed works to Gateway 3 on Moorside included the replacement of an existing timber gatepost with a metal post. This timber gate post is in close proximity to a protected tree and thus both the council's tree officer and the Parish Council raised the concern about potential impacts on the roots of this tree that such work might result in. The timber post is still a solid form of gate furniture and as a consequence of the concern raised the proposal has been amended. The scheme now under consideration retain this timber post and use it for latching the new steel field gate, which would be hung from the new metal gatepost to be erected 5 metres away. The council's tree officer has been consulted on this revision to the proposal and withdrawn his concern and raises no objection.

Whilst the Parish Council express concern over the potential for root damage from the continued use of this access, the access has been in place for many years and so the tree has matured alongside it. There is therefore no reason to believe that the continued use of the access will create any adverse impacts for this tree, and so no justification for relocating it elsewhere on Moorside, with the attendant removal of hedgerows that this would involve, as suggested by the Parish Council.

Conclusions

The application relates to the reconfiguration and widening of three existing field accesses located

within, and in close proximity to, the rural village of Treales. The reconfigured accesses would retain the appearance of field accesses typically found throughout Fylde Borough, and improve their safe use for agricultural vehicles. The development accords with policies GD4 and GD7 of the adopted Fylde Local Plan to 2032, and 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:

- a) Location Plan - produced by MAGIC, dated 23 September 2020
- b) Gateway 1 Proposed Plan & Elevation
- c) Gateway 2 Proposed Plan & Elevation
- d) Gateway 3 Proposed Plan & Elevation (revised and received 12 November 2020)

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. Notwithstanding any denotation on the approved drawings the stoned area shown for each access shall be formed from crushed hardcore to fill voids topped with 75 mm of stone screenings and then topped with 40 mm of stone dust screenings

Reason: To ensure use of appropriate materials which are sympathetic to the character of the rural area in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

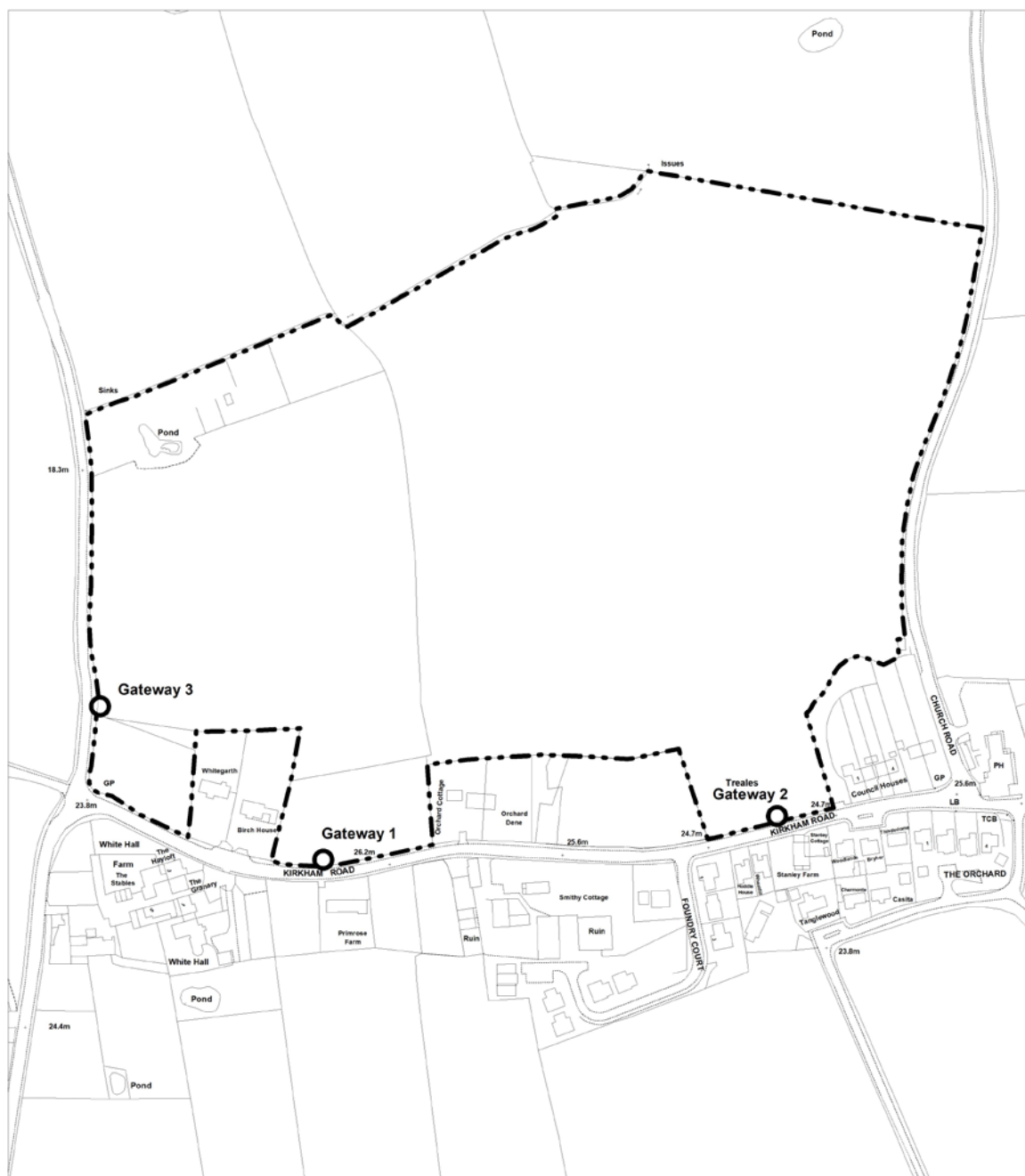
4. The existing timber gatepost located at the southern end of Gateway 3 (as shown on the approved drawing) shall be retained and used only for the latching of the new steel field gate. The timber gate post shall not be replaced at any time unless otherwise agreed in writing by the Local Planning Authority. The approved steel field gate for Gateway 3 shall be hung only from the new gatepost erected at the northern side of the widened access.


Reason: In order to protect the existing trees on the site in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1.

5. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to September inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place

during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of policy ENV2 of the adopted Fylde Local Plan to 2032, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.



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Application No. 5/20/0690	Address Fields north of Kirkham Road, Treales	Grid Ref. E.3439 : N.4330	Scale 0 15 30 45 60 m

Item Number: 5

Committee Date: 09 December 2020

Application Reference: 20/0693		Type of Application: Full Planning Permission	
Applicant:	Kirkham & Wesham Holdings Ltd	Agent :	DC & MG Associates Ltd
Location:	WILLOWS CATHOLIC CLUB, BRYNING FERN LANE, KIRKHAM, PRESTON, PR4 2BQ		
Proposal:	RETROSPECTIVE APPLICATION FOR ERECTION OF TIMBER SMOKING SHELTER TO FRONT OF CLUB WITH PROPOSED 2M HIGH TIMBER ACOUSTIC FENCE		
Ward:	KIRKHAM SOUTH	Parish:	Kirkham
Weeks on Hand:	11	Case Officer:	Beth Winstanley
Reason for Delay:	Negotiations to resolve difficulties		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is the Willows Social Club which is located off Bryning Fern Lane in Kirkham and so sits behind the properties that front onto Ribby Road which is one of the main arterial roads into the town. The site has recently been the subject of some extension and enhancement works that have transformed its previous appearance as a Catholic Club constructed in 1950s to a modern entertainment and function venue.

As part of these modernisation works an external smoking shelter structure has recently been erected and this application seeks retrospective planning permission for that, and the addition of an acoustic screen to assist in minimising the transference of noise off-site from users of the shelter.

The application has been brought to Committee for determination following objections received to the application from the Town Council on grounds of noise nuisance to the surrounding residential neighbours.

As part of the application assessment comments were sought from the Environmental Protection Team in relation to the concerns regarding sound implications from the use of the smoking shelter. The comments led to a conversation with the architect which concluded in the proposed addition of an acoustic fence to screen the eastern site boundary in order to further reduce sound towards the residential occupants, and additional insulation being added to the shelter itself.

The works provide a necessary facility for the operation of the Club and will allow its patrons to smoke in a contained location with that being designed for that purpose and to include provide further sound protection. Alongside the management control over the use of the facility this will bring clear improvements to the previous situation where smoking was undertaken from various locations around the site, and so will address the concerns expressed over the implications that this has had on neighbouring amenity.

The structure follows the design ethos of the main building and so is a visually attractive addition to the site and raises no other planning implications. Accordingly the officer recommendation is for the approval as the application complies with criteria c),d),e),h), i) and j) of Policy GD7 of the Fylde Local Plan, as well as the Health Act 2006 and the Smoke free (Premises & Enforcement) Regulations 2006.

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 the Willows Social Club which is located off Bryning Fern Lane in Kirkham and so sits behind the properties that front onto Ribby Road which is one of the main arterial roads into the town. The site has recently been the subject of some extension and enhancement works that have transformed its previous appearance as a Catholic Club constructed in 1950s to a modern entertainment and function venue.

The building is located to the south of the site with parking to the front and side. Two storey residential dwellings are located to the north, east and south of the site with St Johns RC Church's Burial Ground located to the west.

Details of Proposal

The application is submitted retrospectively and relates to the construction of a smoking shelter facility. This was constructed around three months ago as the operators sought to provide a facility for these patrons to assist with controlling the location of this activity within the site. The structure is a simple flat roofed timber design with dimensions of 5m in width x 3.6m in depth and a height of 2m. The rear and one side wall are enclosed in solid timber boarding with the front open and the other side provided with a timber railing at waist height to contain patrons inside yet comply with the regulations regarding the design of such structures which requires that they remain 'substantially open'. The facility is located close to the front corner of the building where it can be observed by door staff at the entrance, and is alongside the site boundary with the rear of Bryning Fern Lane dwellings.

The scope of the application has been revised during consideration to improve the sound protection available to residents through the provision of insulation to the roof and wall of the shelter, and the erection of a 2m high insulated sound barrier inside the boundary with the Bryning Fern Lane properties.

Relevant Planning History

Application No.	Development	Decision	Date
19/1009	VARIATION OF CONDITIONS 2, 4 & 5 ON PLANNING PERMISSION 18/0859. PROPOSED VARIATION OF CONDITION 2 IS TO MAKE A MINOR MATERIAL AMENDMENT TO INCLUDE SINGLE STOREY EXTENSIONS TO SIDE AND REAR	Granted	17/06/2020

AND AN ACOUSTIC FENCE, CONDITION 4 IS TO
CONFIRM CONSTRUCTION MATERIALS,
CONDITION 5 IS TO CONFIRM AIR HANDLING
AND FUME EXTRACTION ARRANGEMENTS

18/0859	REFURBISHMENT AND EXTENSION OF EXISTING WILLOWS CLUB INCLUDING SINGLE STOREY EXTENSION TO FRONT, SINGLE STOREY EXTENSION TO BOTH SIDES AND RE-ORDERING OF CAR PARK AREA TO FRONT	Granted	19/12/2018
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Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 25 September 2020 and comment:

"Given the large volume of complaints from residents in relation to the operation of this Club the Town Council believe that to place this shelter at the rear of properties could well result in greater noise nuisance, it is felt that the siting should be revised and the shelter moved to an area which would not cause nuisance to residents in close proximity to the structure, the Council hope this can be achieved to allow residents a quality of life they are entitled to have."

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection

They highlight that they would be minded to support this application should it be provided with additional acoustic protection over the original proposal, and that this was designed to ensure that it met the requirements of the Health Act 2006 and the Smokefree (Premises & Enforcement) Regulations 2006.

They highlight that the availability of a permanent smoking shelter will help control noise from patrons and stop the sporadic spread of people noise.

National Grid

They have infrastructure in the vicinity of the site, but they advise that it does not appear that the proposed works will directly affect the above pipeline. They also provide details for contacting regarding any works in the area.

HSE

Confirm that the site is not within the consultation distance of any major accident hazard pipeline so they have no objections to the proposal.

Ward Councillor (Cllr Oades)

I wish to object most strongly to this application, this structure has been erected already and has been placed in close proximity to residential dwellings, given the problems this establishment is already causing to many residents on Ribby Road, Bryning Fern Lane and The Ferns, I believe that the siting should be revisited and put somewhere it will not cause any further problems.

Neighbour Observations

Neighbours notified:	25 September 2020
Number of Responses	4
Summary of Comments	<p>The comments are from direct neighbours to the site and raise objection to the proposal on the following grounds:</p> <ul style="list-style-type: none">• The site in general has become a source of considerable noise since its refurbishment and transformation to a drinking venue from the previous club• There has been considerable noise from patrons remaining outside over the summer months• The noise has been to a degree that has led to local residents revising the use of their property to move bedrooms away from the Club• The smell of smoke will transfer into neighbouring gardens• Concern is expressed over the disposal of cigarette butts with a boundary being around 1m from the smoking shelter• Concerns are raised over the flammability of materials within garden sheds which are located close to this area of garden.• The retrospective nature of the application is also criticised.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
HW2	Community Facilities
INF1	Service Accessibility and Infrastructure

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

Principle of the Development

The site is located in the settlement area of Kirkham where Policy GD1 is supportive of new developments providing they comply with other policies in the Plan, with the design and neighbour relationship elements of Policy GD7 being key in the assessment of this application.

The site has had a lawful use as a social club / function venue which has occurred for many years. The recent extension and refurbishments have brought a considerable enhancement to its

appearance and its beneficial value as a facility in the town. This has brought consequences due to the increased level of use of the facility including a greater demand for smokers to utilise the external areas of the site. In the absence of any shelter there has been no location for the smokers to utilise with the result being that some disturbance has clearly been generated to some local residents from the comments received.

However, with smoking being a lawful activity there is merit in providing a single location within the site for it to be controlled within and so the principle of the development must be an acceptable one. The location does not have any impact on parking or access arrangements and so the main issues are considered to be those assessed in the remainder of this report.

Design

In the context of the site as a whole the smoking shelter is limited in size at approx. 24sq metres with an overall height of approx. 2m. As such it will clearly appear as a subservient feature on the site. The shelter has been completed in composite slate cladding to the walls in dark grey and with its form and overhanging flat roof detail reflects the general design approach taken with the main building. This has recently seen a considerable change in its appearance which has brought a considerable enhancement and utilises a traditional brick to the main walls with contemporary glazing and cladding to the frontage. The shelter will set well in this context and raises no design concerns.

As part of the refurbishments, the site boundary treatment to the front and along the access (rear of Ribby Road properties) has been completed in dark fence panelling. The materials for the shelter and acoustic fencing proposed in this application reflect that style and so the fencing design is also an acceptable one.

Accordingly, the appearance of the smoking shelter and the additional acoustic fence is considered to be sympathetic to the surrounding building and materials, and as such does not create a harsh or unacceptable addition to the site. The proposal is considered to comply with criteria d), e), f), h) and i) of Policy GD7 of the Fylde Local Plan to 2032.

Relationship to Neighbours

Since re-opening after refurbishment the increased popularity of the site has generated some issues for surrounding residential occupiers as they have set out in their comments to this application. The majority of concerns raised are over the noise implications of the operation of the site, and so it is important that this smoking facility addresses those.

The first aspect of that is the location of the facility, with Cllr Oades and The Town Council suggesting an alternative siting be found. Having discussed that with the environmental protection team it is considered that with appropriate mitigation the current location is the most appropriate on the site. This is because of the need to ensure 'line of sight' from the door staff at the main entrance, and that this siting provides the opportunity to provide a solid screen to the closest neighbouring properties on Bryning Fern Lane and Ribby Road. The smoking shelter legislation requires that no more than two sides are enclosed and so this screens those two elements leaving the side open facing the rear of the Club premises, and the front open across the car park and facing the burial ground beyond. It would not be possible to locate the facility elsewhere without leaving an open side facing towards residents, and as the open side will clearly allow greater noise transference it was concluded that this was the best solution.

Even with this location the shelter's position close to the eastern boundary with the neighbours on Bryning Fern Lane does allow for the side elevation to have an angled relationship with those properties, hence the proposal to provide an acoustic screen alongside the shelter to minimise the potential for noise transference in that direction.

The Environmental Protection Officer has visited the site to view the location of the shelter and the proposed fencing and concludes that this is the best solution to the issues generated by smoker noise over the recent operation of the site and so is supportive of the application. This is on the basis of additional insulation being added to the shelter wall and roof, and in the construction of the acoustic barrier and so these works are to be imposed through a planning condition. This involves adding 10cm of rigid insulation within the wall and roof of the shelter on the sides closest to the residential occupants thereby giving a greater emphasis on noise reduction to these areas.

The plans and information provided by the agent also look to increase security within the site when occupied. The location of the shelter being close to the front door of the premises allows for greater observations by door staff. The intention here is for the shelter is to create a specified space that can be regulated and observed by members of the security team, thus reducing unsupervised users of the site which have located themselves outside.

Visually the shelter is located approx. 15m away from the rear of the neighbouring property (Bryning Fern Nurseries). The existing boundary fence between the two sits at approx. 2m. This allows the building to not create any unacceptable impacts in regards to loss of light or dominance to the amenity area of the residential property.

Subject to the imposition of the additional insulation to the shelter and the erection of the acoustic fencing it is considered that the scheme has an acceptable relationship to neighbours. The provision of a shelter will allow the outdoor smoking to be managed to a single point, the location of the shelter is the best place on the site to direct the noise generated within it away from neighbouring properties, and the additional acoustic protection will further control the potential for noise to create a disturbance to neighbouring properties. Accordingly the proposal complies with Policy GD7 in this regard.

Other Matters

In addition to noise concerns the possibility of smoke smells reaching neighbouring properties was raised. The separation distance and screening is considered adequate to restrict the possibility of that occurring to a significant degree, with the position of the shelter to the east of the neighbouring gardens also helpful in ensuring that the prevailing westerly winds will direct smoke away from those properties.

Comments have also been received which relate to the construction of the shelter without the appropriate planning permissions in place first, although Committee will be aware that the retrospective nature of the application is not a factor that can be considered in its determination. The application is to be assessed in the same way irrespective of whether it has already been completed or not.

Lastly, there has been an objection received which refers to the safety considerations of the proximity to a residential boundary leading to a possible fire risk from the potential for cigarette butts to be thrown over the fence once finished with. The shelter is set some distance from that boundary with a 2m high fence in addition to the existing site boundary fence which should prevent

this from occurring. The shelter will also contain suitable bins and be observed by security staff to assist further in this aspect.

Conclusions

The application relates to a retrospective smoking shelter erected at The Willows Catholic Club located in Kirkham. It is considered that the smoking shelter has been installed in a sympathetic manner which complies with criteria c), d), e), h), i) and j) of Policy GD7 of the Fylde Local Plan to 2032, as well as the Health Act 2006, and the Smokefree (Premises & Enforcement) Regulations 2006. As such the proposal is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Location Plan - Drawing no. 18 0503 L01
- Proposed Site Plan - Drawing no. 18 0503 W103 REV J
- Proposed Elevations - Drawing no. 18 0503 W144

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

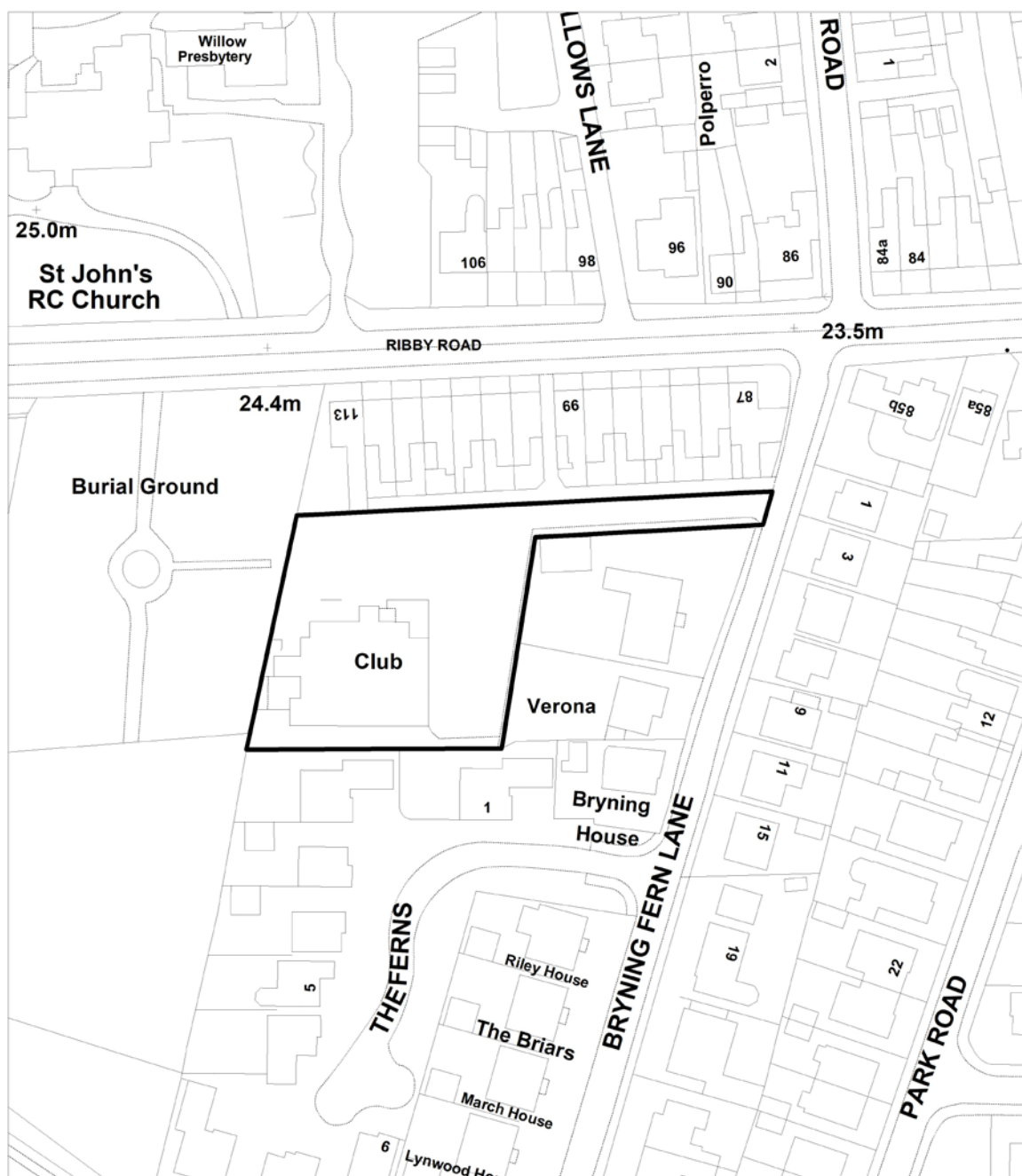
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework


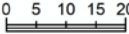
2. Within 2 months of the date of this planning permission the following works shall be undertaken to enhance the acoustic protection offered within the shelter:

- the installation of additional insulation to the walls and roof of the shelter structure of the specification as set out on the inset to the approved site layout plan in condition 1 of this planning permission
- the erection of a 2.2m high acoustic barrier in the position and extent shown on the inset to the approved site layout plan in condition 1 of this planning permission

These elements shall be retained at all times that the club remains operational.

Reason: To ensure that appropriate levels of additional acoustic mitigation are provided to the neighbouring residents on Bryning Fern Lane as required by Policy GD7 of the Fylde Local Plan to 2032 and the requirements of para 170 of the NPPF.



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Application No. 5/20/0693	Address Willows Catholic Club, Bryning Fern Lane, Kirkham	Grid Ref. E.3417 : N.4319	Scale 0 5 10 15 20 m 

Item Number: 6

Committee Date: 09 December 2020

Application Reference:	20/0755	Type of Application:	Full Planning Permission
Applicant:	The Rooms	Agent :	Fox Planning Consultancy
Location:	35 CHURCH ROAD, LYTHAM, LYTHAM ST ANNES, FY8 5LL		
Proposal:	CHANGE OF USE OF PART OF GROUND FLOOR OF EXISTING GUEST HOUSE (CLASS C1) WITH OWNER'S ACCOMMODATION (CLASS C3) TO A MIXED USE TO ALSO INCLUDE THE SALE OF FOOD AND DRINK FOR CONSUMPTION ON THE PREMISES (CLASS Eb)) TO PART OF THE GROUND FLOOR AND REAR GARDEN, WITH INSTALLATION OF EXTRACTION FLUE SYSTEM IN ROOF TO REAR AND REPLACEMENT FRONT DOOR (RESUBMISSION OF APPLICATION NO. 20/0047).		
Ward:	CLIFTON	Parish:	
Weeks on Hand:	8	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a semi-detached property that is located within the settlement area of Lytham St Annes and the Lytham Conservation Area in a location where the surrounding uses are predominantly residential. The existing use of the property is as a mixed use of bed and breakfast providing 5 guest bedrooms and the owners residential dwelling. The proposal is to add a café/restaurant use to that with 16 internal and 8 external covers utilising an extended dining room on the ground floor and part of the rear garden area.

An earlier application for this use was refused by officers under delegated powers for reasons relating to the potential for impact on the neighbouring amenity. This application is supported with additional information in the form of a noise survey, and details of the fume extraction equipment. An application for a premises licence has also been granted at the property following a Licence Hearing held in June 2020.

The additional information is considered to satisfy the concerns with the scheme that justified the previous refusal, and with the limited scope of the business in terms of the number of covers, and the limited duration of its use which is restricted to daytime opening, it is considered that the use is one that can be undertaken without unduly compromising neighbouring residential amenity. Accordingly, the application is recommended for approval.

Reason for Reporting to Committee

The application follows on from the consideration of a Premises Licence at the property by the council's Licensing Panel. It has generated a degree of public interest that has led to the Head of Planning and Housing concluding that it is appropriate for it to be presented to the Planning Committee for a decision.

Site Description and Location

The application site is 35 Church Road, Lytham. In particular the application relates to a three storey semi-detached property situated on the south side of Church Road in Lytham. The property is in a mixed use as a dwelling (Class C3 Use) providing the owner's residential accommodation, and as a Guest House (Class C1 Use) which was granted approval under application no. 06/0007.

The area is predominately residential but there are some commercial uses including an adjoining residential care home at the junction of Church Road with Ashton Street

The site is located within the settlement of Lytham and the Lytham Conservation Area as designated in the Fylde Local Plan to 2032.

Details of Proposal

This application is a resubmission of application no. 20/0047 which was refused by officers under delegated powers. It seeks permission for the change of use of the property to retain the existing mixed use of the owner's residential accommodation and guest house, but with a change of use of part of the ground floor to include an eating establishment with outdoor seating area to the rear.

There have been recent changes to the Use Classes Order following *The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020* which took effect on 1 September 2020. These remove the previous 'A' and 'B' Class uses and introduce a new Class E which deals with 'Commercial, Business and Service' Uses. A café/restaurant was previously a use in Class A3, but under the new legislation is Class E (b) which relates to use '*for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises*'.

The proposal would provide 16 covers inside the restaurant and 8 covers outside for use during the hours of 8 am to 6 pm on each day.

The application also includes the installation of an extraction flue system in the roof to the rear of the property, and the replacement of the front door with a timber / glazing door.

Relevant Planning History

Application No.	Development	Decision	Date
20/0047	CHANGE OF USE OF GUEST HOUSE (CLASS C1) WITH OWNER'S ACCOMMODATION (CLASS C3), TO A MIXED USE TO ALLOW AN EATING ESTABLISHMENT (CLASS A3) TO PART OF THE GROUND FLOOR WITH	Refused	18/03/2020

20/0048	OUTDOOR SEATING AREA TO REAR. ADVERTISEMENT CONSENT FOR DISPLAY OF 2 NO. NON ILLUMINATED PROJECTING HANGING SIGNS AND ONE FREE STANDING NON ILLUMINATED POLE MOUNTED SIGN.	Refused	18/03/2020
07/0764	ADVERTISEMENT CONSENT TO DISPLAY A DOUBLE SIDED ILLUMINATED SIGN.	Refused	02/10/2007
06/0007	CHANGE OF USE FROM DWELLING TO GUEST HOUSE WITH ALTERATIONS TO REAR ELEVATION.	Granted	17/03/2006
05/0604	CHANGE OF USE FROM DWELLING HOUSE TO GUEST HOUSE WITH MANAGERS ACCOMMODATION	Granted	25/07/2005

Relevant Planning Appeals History

None.

Parish/Town Council Observations

None relevant to this ward.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

No comments have been received.

Environmental Protection (Pollution)

They raise no objection to the proposals in principle as they accept the conclusions of the noise assessment that has been submitted which confirms the limited capacity and operational hours of the business.

They do request additional details are provided of the fume extraction system to ensure that operates appropriately for the location, and request that conditions are imposed to control delivery times, the operation of the fume extraction system, and the trading hours of the business.

Lancashire County Council - Highway Authority

They raise no objection on the basis that the proposed additional use *"will not have a detrimental impact on highway safety and capacity in the immediate vicinity of the site, although recommends the impact on highway amenity is considered, as detailed in this report."*

With regards to the parking arrangements they comment: *"The site does not offer off street parking for patrons to the proposed restaurant. There are waiting restrictions (No Waiting at Any Time) opposite the site with junction protection to Ashton Street. The site is within a sustainable location with bus stops and the train station a short walk on the wide footways."*

There may be additional on street parking which may affect the amenity of the street but not to the detriment of highway safety."

Lytham St. Annes Civic Society:

This property is currently a guesthouse, it is our opinion that a restaurant is not appropriate in this location. Lytham has numerous restaurants and they should be contained within the current envelope. Whilst the external appearance may not be altered it is the change of use we object to here.

Neighbour Observations

Neighbours notified:	14 October 2020
Site Notice Date:	26 October 2020
Press Notice Date:	29 October 2020
Number of Responses	10 letters received
Summary of Comments	<ul style="list-style-type: none">• proposal would mean too much noise• limited rear access• food outlet would change demographics in a listed area• residents of Hedges House would suffer• increased demand for car parking lead to further overcrowding• noise from outdoor dining will be detrimental to enjoyment of garden• proposal would be out of character• noise will be significant and will exceed current levels• noise assessment has not taken measure at first and second floor of adjoining property• noise assessment not realistic given that customers will congregate, different to occasional use by B & B guests• lack of parking will lead to customers & delivery lorries causing noise and disturbance• no on-site parking, existing garage used for storage & food• waste disposal storage in garage not compatible with food storage• noise of fan on rear will be noise nuisance• odours will be unpleasant and unnecessary• hours stated precursor to hours to be extended• parking would exacerbate existing situation• no reference to multiple extractors fans in area• industrial bins can cause obstruction• if allowed could grow with no control as others have• council's lack of enforcement very concerning• would set a precedent for all properties to apply• smell from rotting food• drinking encouraging loud noise and music• spoil ambience of neighbourhood• will affect the value of our properties• odours will affect residents opening windows• refuse will attract vermin• parking at the rear prevents residents leaving their premises• more than 50 establishments already so is another needed

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV5	Historic Environment
EC5	Vibrant Town, District and Local Centres

Other Relevant Policy:

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

Site Constraints

Conservation area site
Article 4 direction

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for the change of use of part of the ground floor of the existing guest house area of the building to a mixed use to include an eating establishment cafe/restaurant with outdoor seating area which falls under Class E b) of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (which took effect on 1 September 2020).

The proposal will provide for 16 diners inside with two tables outside providing for 8 diners (24 in total).

The application form confirms that the eating establishment is proposed to be open from 8 am to 6 pm. Outside of these hours the premises will continue to be used by the guest house customers and owners. These operational hours accord with the hours of operation that are controlled by a Premises Licence that was granted for this use by the council's Licencing Panel on 17 June 2020.

Principle of development

The application site is within the settlement of Lytham where new development proposals should be concentrated under Policy GD1, subject to compliance with other policies of the Fylde Local Plan to 2032, in this case the proposal relates to premises which are already partly in a commercial use.

The application is a resubmission of application no. 20/0047 which was refused in March 2020 for reasons of the potential for noise disturbance, particularly from the external diners, the lack of dedicated parking and lack of information on the availability for storage of commercial waste.

Since that time the Premises Licence has been granted, and this resubmission has been submitted against that background albeit the premises licence objectives have a more narrow focus than planning considerations. Importantly, this submission includes additional information aimed at

addressing the previous reason for refusal. This includes a noise assessment and details of the proposed additional fume extraction and commercial bin storage. It also restricts the hours of trading to those set out in the premises licence.

Whilst the proposed restaurant use is a 'main town centre use' and the site is not located in the Lytham town centre boundary, it is close enough to that area to be 'edge of centre' and so is sequentially more preferable than a more remote site. It is also the case that the premises already operate as a commercial 'Bed and Breakfast' establishment with 5 bedrooms for guests and the property which is adjoined to 'Hedges House' rest house also a commercial use.

Paragraph 87 of the NPPF advises that '*when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre sites are fully explored.*'

Whilst this proposal is a town centre use it is well connected to Lytham town centre and as such is in a sustainable location the expansion and diversification of the existing commercial use is considered to be acceptable in principle.

Regard should be had therefore to other policies of the plan particularly in respect to the previous reasons for refusal and an assessment made on the supporting documentation submitted with this application and other material considerations.

Character and appearance

The proposed change of use involves the rearrangement of the existing internal ground floor uses, which will relocate the existing rear lounge area to a room at the front of the property. There is an existing 'dining room' facility in the building associated with the B&B function, with this to be expanded to occupy the entire left hand side of the property. Internal alterations are proposed to knock two rooms into one to provide the expanded dining area which will extend from the front to the rear of the property and provide direct access into the external courtyard. The only external changes are the installation of a fume extraction system in the rear roof slope and a new timber and glass door is to be fitted to the front elevation.

Policy GD7 of the Fylde Local Plan to 2032 refers to 'Achieving Good design in development'. This policy refers to general principles of good design and includes various criteria for which developments need to comply with. These are extensive and not all are relevant for every application, however the following criteria are appropriate and will be used to assess the application;

- c) Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.*
- f) Conserving and enhancing the built and historic environment*
- h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.*
- q) 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). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.*
- t) The development should not prejudice or prevent the operation of existing land uses.*

With the property being in the Lytham Conservation Area it is also necessary to consider the implications of the works against Policy ENV5 which guides development involving heritage assets.

The application property is a three storey, semi detached property, which is attached to 'Hedges House' a residential care home. Whilst both the application property and the adjacent care home are in a commercial use they both retain the overall appearance and character of residential properties which is the predominant characteristic and use of neighbouring properties in this area.

In addition to a new door to the front elevation the only other external change is the installation of extraction equipment to the rear elevation. Whilst there is a back street to this property the rear elevation and the part of the roof where the equipment is to be installed is not easily visible from public views due to applicant's garage situated on the rear boundary and the separation distance from the kitchen area to the back street. As a consequence the proposed physical changes to the property are minimal and overall would not have a detrimental impact on the appearance of the property or the character of the Lytham Conservation Area and so are acceptable in regards to Policies GD7 and ENV5 of the plan.

Neighbour amenity

The proposed development relates to a semi-detached property attached to a residential care home and in close proximity to residential neighbours to the east which are separated from the application property by a narrow pedestrian passageway.

The existing use of the application property is as a bed and breakfast business and provides for 5 bedrooms for this use. This would potentially generate 10 guests for breakfast and the applicant advises that breakfast is sometimes taken outside. Whilst the current arrangements would generate a certain level of noise and other disturbances this would likely be increased by the expansion of the business as is proposed in this application.

In order to address the concerns previously expressed in the reasons for refusal in the earlier submission the applicants have submitted a noise survey. This looks at three elements of the use: internal dining, external dining, and the extraction fan needed for the increased scope of cooking. It concludes that *"there is absolutely no valid reasons from a noise aspect to refuse planning permission."* This has been assessed by the council's Environmental Protection officers who have not objected to the proposal, subject to conditions.

A further key change from the earlier application is that an application for a Premises Licence has been granted by Fylde Council since that decision was made. In assessing that application the Licencing Panel considered the application with regard to :

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Members considered representations made from the public and planning officers which mainly involved noise, both from traffic and persons gathering outside the premises, anti-social behaviour both on and off the premises, the safety of elderly residents who reside nearby, and parking. As such, public safety, the prevention of public nuisance, and the prevention of crime and disorder licensing objectives were engaged. The decision was made to grant a licence and this was issued on 17 June 2020. This decision and the views of the Environmental Protection officers on this

proposal is material in this recommendation.

Taking an overall view on this matter there are three areas of activity associated with the proposed change of use which could lead to harm being caused to neighbouring amenity by way of noise, smell, etc:

- a) Internal dining – This activity already exists by virtue of the B&B operation. This scheme will increase the covers and expand the activity into the remainder of the morning, the afternoon and the early evening until 6pm. This creates a potential impact, but does so at a time of the day when general activity in the area is highest and so any additional disturbances associated with the new use are considered to be minimal.
- b) External dining – This is also an activity that is currently undertaken, albeit to a low-key level. This application allows that to increase, but not significantly so as the number of covers outside is restricted to 8 and is located in a location where the position of existing walls will serve to minimise the potential for noise disturbance. On this basis, and with the hours restrictions, it is considered that the impact on neighbouring amenity from this element will also be limited to an acceptable level.
- c) Cooking – this will increase in volume and in the time it is undertaken as a consequence of the expanded uses now proposed. There is no expansion to the kitchen facilities to accommodate this, with a fume extraction system and refuse management systems introduced to handle the increased cooking activity. The fume extraction is considered to be appropriate in its design and capacity, and the refuse management in its capacity and location. As such the increased cooking activity will also not create any undue disturbances to neighbouring amenity.

As a consequence it is considered that, subject to conditions to limit the opening hours and other elements explained above, the proposal will not result in a detriment to the amenity of neighbours by way of noise and disturbance. Accordingly the development complies with the criteria of policy GD7 of the Fylde Local Plan to 2032 in this regard.

Highway issues

Several neighbour letters refer to the lack of parking on street and raise concern that the proposed use will exacerbate the current problems.

As part of the application process the views of LCC Highway Engineers have been sought who have advised that they do not have any objections regarding the proposed change of use and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They advise that there may be some disruption for neighbours as a result of the proposal.

However, Members may recall an appeal decision for a proposal for residential development in Kirkham (application no. 16/0968, appeal ref no. APP/M2325/W/17/3171250 which raised similar concerns in respect of the competition for on street parking. In this appeal the Inspector opined '*It is in the nature of central areas that there is such competition and there is nothing to suggest that 'Kirkham' is unusual or particularly problematic in this respect by comparison with many such areas throughout the country.*'

In regards to this area of Lytham there are opportunities to park safely on-street at other locations within reasonable proximity to the site for residents and customers. In addition, and as previously expressed, the area is in a sustainable location within the proximity of good bus routes and the train station and not all customers would likely arrive by personal vehicle.

Given the circumstances of the location of the site it is considered that the proposal complies with criterion q) of Policy GD7 of the Fylde Local Plan.

Lytham Conservation area

Policy ENV5 of the Fylde Local Plan to 2032 refers to the Historic Environment. Proposals for development should conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde's designated and undesignated heritage assets.

The proposed alterations to the external elevations of the premises will have little impact in regards to the appearance of the conservation area as the intended change is to a timber door with glazing of a style and materials that are found elsewhere in the area, and which retain the 'domestic' appearance of the property. There are numerous cafes, restaurants and other commercial uses within and around the edges of the town centre, which is also part of the conservation area, and so the principle of the use is not considered detrimental to the character of the conservation area.

As such the proposal complies with the aims of Policy ENV5 of the Fylde Local Plan to 2032 and the aims of the NPPF in particular paragraph 185.

Economic implications

The Fylde Local Plan to 2032 supports sustainable economic growth and expansion of all types of business and enterprises subject to compliance with other policies of the plan. The NPPF at paragraph 87 refers to supporting town centres. *'when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.'* The existing bed and breakfast business provides employment for one full-time and two part-time. It is anticipated that the proposal would provide for four full-time employees and will therefore enhance the employment opportunities in the borough. The expansion of this business will offer additional facilities for visitors to the town to enhance the economic benefits in the borough and support the viability and vibrancy of the town centre.

External storage

The storage of commercial bins was also a concern with the previous application as their appearance could have an impact on the visual amenity. However, the applicants have confirmed in this application that the bins would be stored in a detached garage to the rear of the property. This would screen the bins from view and as such would not result in a detriment to the visual amenity of the area. The Environmental Protection team have proposed a condition to secure the bin storage details, and this addresses that previous concern.

Conclusions

This application proposes a change of use of part of the premises currently used as a guest house with owners accommodation situated in a residential area to a use as a cafe/restaurant as additional facilities to the guest house. The proposed use is a town centre use of the property which is outside of the town centre boundary. However, it is in close proximity to the town centre and so is in a sustainable location. Issues of concern resulting in the refusal of the previous application 20/0047 are considered to have been addressed in this application with the submission and assessment of the noise survey, confirmation of other matters of concern and by the consideration by Members granting the alcohol licence being a material consideration in this application.

Accordingly, the proposal complies with the criteria of Policies GD7 and ENV5 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

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. 112-1-001
- Proposed floor and elevation Plans - Drawing no. 112-2-001 REV. B

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 development hereby approved shall be carried out in accordance with the materials detailed on the approved plan (Drawing no. 112-2-001 REV. B Existing and Proposed Plans and Elevations) listed in condition 2 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 Policies ENV5 and GD7 of the Fylde Local Plan to 2032.

4. The consumption of food and drink at the premises associated with the Class Eb) Use hereby permitted shall be limited to no more than 16 internal and 8 external covers, with these provided in the areas designated for dining shown on drawing no. 112-2-001 REV. B listed in condition no. 2 of this planning permission.

Reason: To limit the potential for noise and other disturbances to be generated by the additional use in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the aims of the National Planning Policy Framework.

5. The consumption of food and drink in the dining areas permitted by this planning permission as set out in condition 4, and the preparation of any food for consumption off the premises (other than associated with the occupier's domestic use of the property) shall only take place between 08:00 hours and 18:00 hours on any day.

Reason: To limit the potential for noise and other disturbances to be generated by the additional

use in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the aims of the National Planning Policy Framework.

6. Prior to the commencement of the dining use hereby approved details of the fume extraction system for odour mitigation shall be submitted to the Local Planning Authority and approved in writing. This system shall be designed and installed to operate in full accordance with the approved details before the premises first use for commercial dining and shall thereafter be maintained in accordance with the approved details, including the elevation details shown on the approved plans listed in condition 2 of this planning permission.

Reason: To limit the potential for odour nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the aims of the National Planning Policy Framework. .


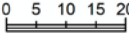
7. Prior to the commencement of the dining use hereby approved the refuse storage arrangements shall be provided in the location indicated on the site plan approved under condition 2 of this planning permission. All refuse generated by the site shall be stored in this location in appropriately sized and sealed receptacles, with regular arrangements introduced for this to be emptied by an appropriate commercial contractor. These storage and collection arrangements shall be operated thereafter.

Reason: To ensure the provision of appropriate refuse storage and handling facilities to ensure that commercial waste is dealt with in a manner that does not create any harmful implications to visual or neighbouring amenity in accordance with the requirements of Fylde Borough Local Plan policies GD7 and ENV5 and the aims of the National Planning Policy Framework.

8. There shall be no amplified music played at anytime.

Reason: To limit the potential for noise generation and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



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Application No. 5/20/0755	Address 35 Church Road, Lytham St Annes	Grid Ref. E.3362 : N.4271	Scale 0 5 10 15 20 m 

Item Number: 7

Committee Date: 09 December 2020

Application Reference:	20/0818	Type of Application:	Discharge of Planning Obligations
Applicant:	Kensington Developments Limited	Agent :	
Location:	LAND FORMING KENSINGTON DEVELOPMENTS SITE, QUEENSWAY, LYTHAM ST ANNES		
Proposal:	APPLICATION UNDER S106A OF THE TOWN AND COUNTRY PLANNING ACT TO MODIFY AN EXTANT PLANNING OBLIGATION RELATING TO PLANNING PERMISSIONS 08/0058, 17/0861 AND 17/0862		
Ward:	HEYHOUSES	Parish:	
Weeks on Hand:	1	Case Officer:	Mr M Evans
Reason for Delay:	Not applicable		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This submission relates to the east-west section of the M55 Link Road, also referred to as the T5 road, its junction with Queensway/Kilnhouse Lane, and various associated off-site improvements to the road network.

The proposal would replace obligations to deliver the T5 road and Queensway junction with obligations to provide an interim junction, an alternative route between the interim junction and the T6 road, together with the land required to deliver the T5 road and a higher capacity junction should they be required in future.

The revised arrangements would allow the main T6 road to be delivered to an accelerated programme in line with an alternative access strategy that has been agreed by the local highway authority. Accordingly, it is recommended that the revised proposals be accepted by the committee and officers given the delegated authority to vary the legal agreement to secure the implementation of these works.

Reason for Reporting to Committee

This application proposes potentially significant changes to the obligations placed on the developer and so it is considered appropriate to present the application to the Planning Committee for determination.

Site Description and Location

The outline planning permission for the residential led development at Queensway, St Annes included provision of a link road to improve connectivity between the development itself and the

wider area of St Annes with the M55 Motorway. This submission relates to the east-west section of the road, also referred to as the T5 road, that was proposed to connect Queensway with the main T6 north-south section of the link road, its junction with Queensway/Kilnhouse Lane and various off-site improvements to the road network.

Details of Proposal

This application has been submitted in accordance with Sn 106a of the Town & Country Planning Act 1990 and proposes to replace the obligations set out in paragraph 23 of the existing Sn 106 with alternative obligations that have been the subject of ongoing discussion between the developer, the local highway authority (Lancashire County Council) and Fylde Council. A full copy of the proposed amendment is attached as appendix A to this report. In summary the key changes set out in the submission propose:

- a) To replace the obligation for the developer to build the full T5/Queensway/Kilnhouse Lane junction with a requirement to construct an interim junction to serve the Queensway development and to transfer the land required for the full junction to the highway authority at nil cost,
- b) To replace the requirement to build the T5 element of the link road with a requirement to transfer the land required to build this part of the link road to the highway authority at nil cost, and
- c) To require access to be provided through the proposed development between Queensway and a new junction on the T6 element of the link road.

The revisions would come into effect only on completion of a separate legal agreement between the developer and the highway authority that secures the transfer of the land required to construct the T6 (north-south) element of the link road from the developer to the highway authority, secures payment of the remaining monies required to complete the delivery of the T6 road and requires the highway authority to use best endeavours to deliver the T6 link road as quickly as possible. This agreement between the developer and the highway authority would effectively supersede the requirements in the existing Sn 106 for the developer to meet the cost of the road in full with the road now being delivered through a cocktail of funding packages that have been secured to accelerate the delivery of the road, topped up by developer.

Relevant Planning History

Application No.	Development	Decision	Date
18/0824	APPLICATION UNDER S106A OF THE TOWN AND COUNTRY PLANNING ACT TO MODIFY AN EXTANT PLANNING OBLIGATION RELATING TO PLANNING PERMISSIONS 08/0058, 17/0861 AND 17/0862	Granted	26/10/2018
18/0544	APPLICATION TO VARY CONDITIONS 18 AND 19 OF PLANNING PERMISSION 17/0861 TO: (1) ALLOW UP TO 165 DWELLINGS TO BE OCCUPIED PRIOR TO THE COMPLETION OF A PROGRAMME OF HIGHWAY WORKS (CONDITION 18); AND (2) DELAY THE BLOCKING UP OF THE TEMPORARY VEHICLE ACCESS TO	Approved with 106 Agreement	26/10/2018

	QUEENSWAY UNTIL PRIOR TO THE CONSTRUCTION OF THE 166TH DWELLING (CONDITION 19)		
18/0546	APPLICATION TO VARY CONDITION 23 OF PLANNING PERMISSION 17/0862 TO DELAY THE BLOCKING UP OF THE TEMPORARY VEHICLE ACCESS TO QUEENSWAY UNTIL PRIOR TO THE CONSTRUCTION OF THE 166TH DWELLING	Approved with 106 Agreement	26/10/2018
18/0545	APPLICATION UNDER S106A OF THE TOWN AND COUNTRY PLANNING ACT TO MODIFY AN EXTANT PLANNING OBLIGATION RELATING TO PLANNING PERMISSIONS 08/0058, 17/0861 AND 17/0862	Withdrawn by Applicant	26/10/2018
17/1026	APPLICATION UNDER S106A TO MODIFY PLANNING OBLIGATION RELATING TO PLANNING PERMISSION 08/0058	Granted	12/12/2017
17/0862	APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF 66 NO. DETACHED DWELLINGS AND GARAGES.	Approved with 106 Agreement	12/12/2017
17/0886	APPLICATION UNDER S106A TO MODIFY PLANNING OBLIGATION RELATING TO PLANNING PERMISSION 08/0058	Withdrawn by Applicant	12/12/2017
17/0861	VARIATION OF CONDITION 16 (SCHEME DESIGN FOR ALL SITE ACCESS MEASURES AND OFF-SITE HIGHWAY WORKS/IMPROVEMENTS) AND CONDITION 18 (IMPLEMENTATION OF AGREED SITE ACCESS MEASURES AND OFF-SITE HIGHWAY WORKS/IMPROVEMENTS) OF PLANNING APPROVAL 08/0058.	Granted	12/12/2017
15/0400	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 08/0058 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF A DEVELOPMENT FOR 882 DWELLINGS AND ASSOCIATED INFRASTRUCTURE	Granted	13/10/2017
13/0767	APPLICATION FOR REMOVAL OF THE AFFORDABLE HOUSING REQUIREMENT FOR THE FIRST 300 DWELLINGS ON THE SITE WITH A REQUIREMENT TO UNDERTAKE VIABILITY REAPPRAISAL BEFORE 300TH, 600TH, 900TH AND 1150TH OCCUPATIONS TO ALLOW POTENTIAL FOR THE FUTURE AFFORDABLE HOUSING CONTRIBUTION TO BE ASSESSED	Granted	24/12/2013
13/0257	APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR CONSTRUCTION OF 110 DWELLINGS AND ASSOCIATED WORKS FORMING PHASE 1 OF DEVELOPMENT APPROVED UNDER OUTLINE PLANNING PERMISSION 08/0058.	Granted	02/04/2015
13/0259	APPLICATION FOR SITE AND ECOLOGY PREPARATION WORKS ASSOCIATED WITH ENABLING THE FUTURE CONSTRUCTION OF THE QUEENSWAY ROUNDABOUT, PHASE ONE OF THE TR5 BYPASS, AND PHASE ONE OF THE QUEENSWAY RESIDENTIAL DEVELOPMENT. THE SCOPE OF THE WORKS TO INCLUDE THE FORMATION OF A TEMPORARY ACCESS TO	Withdrawn by Applicant	13/08/2015

08/0058	QUEENSWAY, THE ERECTION OF 2M HIGH HOARDINGS TO QUEENSWAY FRONTAGE, THE PROVISION OF A TEMPORARY SITE COMPOUND, REMOVAL AND STORAGE OF TOPSOIL, AND SURCHARGING OF SITE. THE DEVELOPMENT OF 1150 DWELLINGS, PROVISION OF A 1.1HA SCHOOL SITE AND A 34HA PARKLAND.	Appeal against non-determination	29/04/2009
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Relevant Planning Appeals History

Application No.	Development	Decision	Date
08/0058	THE DEVELOPMENT OF 1150 DWELLINGS, PROVISION OF A 1.1HA SCHOOL SITE AND A 34HA PARKLAND.	Allowed	21/06/2012

Relevant Planning Policy

Fylde Local Plan to 2032:

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
M1	Masterplanning the Strategic Locations for Development
SL1	Lytham and St Annes Strategic Location for Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T1	Strategic Highway Improvements
T4	Enhancing Sustainable Transport Choice

Other Relevant Policy:

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

Comment and Analysis

When planning permission for a residential led development was originally granted on appeal for the land to the east of Queensway, the applicant submitted a unilateral obligation under Sn 106 of the act that committed the developer to financing and/or delivering key infrastructure that would support the development. These included a requirement to fund, in full, the completion of the final section of link road to connect St Annes with the M55 motorway.

The funding for the link road was to be paid to the highway authority as the development reached certain trigger points, with the highway authority then expected to construct the road. Although the trigger points set out in the Sn 106 would have delivered the link road in the fullness of time, as they were tied to the progress of the housing site, it would have been some years before the link road was paid for and construction could begin. Even taking account of very optimistic build out rates of 100 dwellings per annum, based on current triggers the link road would be unlikely to be

complete before 2030.

In order to accelerate delivery of the road, Fylde and Lancashire County Councils explored alternative funding mechanisms and secured funding from a number of different sources to secure delivery of the link road. Various iterations of this revised strategy have been agreed by this Committee and Council over recent years with the most recent decision being that of Council on 18 March 2020. The key benefits of delivering the link road to an accelerated programme include:

- a) Reducing congestion on all major roads in St Annes/Queensway as drivers would travel a more direct route to reach the M55;
- b) Reducing congestion on roads in Wesham, Kirkham, Ballam and Wrea Green as more traffic would use junction 4 instead of junction 3 to access Lytham;
- c) Generating economic activity and growth by unlocking development potential for circa 1,000 new homes;
- d) Unlocking previously dormant employment sites to encourage inward investment and create jobs;
- e) Providing a strategic link between the main housing (Lytham St Annes) and employment (Whitehills/Whyndyke/Blackpool Periphery) areas in the borough which has been a stated aim of Fylde Council in a series of key policy documents for many years;
- f) Provide the infrastructure to facilitate the provision of public transport and cycle links between these strategic areas to promote sustainable transport;
- g) Support growth that will promote accelerated prosperity for the borough and secure more sustainable long-term ongoing revenue for the council through business rate growth retention;
- h) Providing more direct and less congested access to St Annes Town Centre and sea front that would help support a vibrant centre and seaside resort.

The final element of funding required to deliver the link road in line with an accelerated programme has now been secured through a successful application to the Government's 'Getting Building Fund'. As the full funding package is now in place, it is appropriate to look to amend the terms of the original Sn 106 to reflect this revised approach to the delivery of the link road.

The original Sn 106 included obligations to both Lancashire County Council and Fylde Council. The developer and the county council are in the process of finalising a separate agreement that will see the land required to construct the link road transferred to the highway authority and secure the developer's financial contribution to allow final preparatory works to commence in the new year with actual construction of the link road programmed to commence in April 2021. The triggers set out in the original Sn 106 would remain as a back stop position should, for any reason, the agreement between the developer and the highway authority fail. Accordingly this Sn 106a submission does not seek to amend this part of the original obligation which remains as originally submitted in 2012.

In addition to the main T6 element of the link road, the Sn 106 included a number of obligations to provide a new junction at Queensway/Kilnhouse Lane that would serve both the development and a separate element of the link road (T5) that would join with the T6 road at Moss Sluice. Since planning permission was originally approved, the highway authority has continued to monitor traffic levels which have generally been declining on the wider network. Whilst the closure of the B5410 Moss Road has not helped traffic flows on Queensway, the highway authority is confident that the completion of the T6 element of the link road alone will transfer sufficient traffic away from Queensway without the delivery of the T5 element of the road at this stage. This calculation is contingent on traffic from the development itself being able to access either the Queensway or the T6 traffic corridors and so it will be necessary for a link to be provided through the development

itself to provide drivers with access to either of these corridors. Traffic on the wider network would be able to move from Queensway to the T6 road via the development as an alternative to Heyhouses Lane all be it through the development rather than a road that bypasses the development.

This revised access strategy would require the delivery of a lower capacity junction at Queensway/Kilnhouse Lane. The revisions set out in the Sn 106a submission would require this 'interim junction' to be completed to serve the development along with the alternative through route to link with the T6 road. The additional land required to construct the T5 road and a higher capacity junction would be transferred to the highway authority at nil cost (on the request of the highway authority) should traffic conditions in future demonstrate that the T5 link is required.

Conclusions

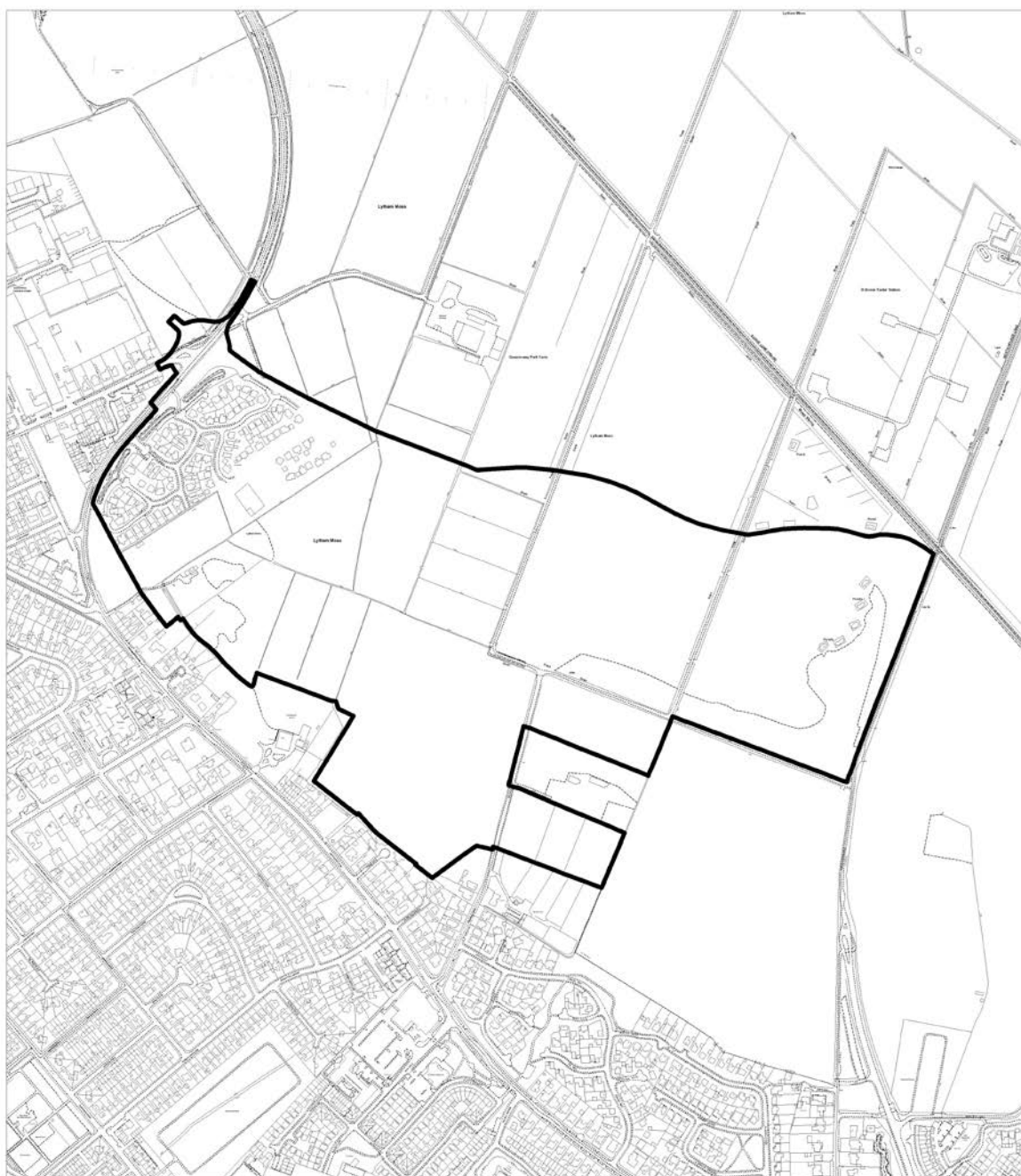
With changes in the housing market over recent years and the increased costs associated with delivering the full link road, it has become apparent that the development at Queensway would not be financially viable if the requirement to meet the full costs of the link road were to be maintained. Whilst not meeting the full costs of the link road as originally proposed, the remaining contribution to the link road together with contributions to other aspects of community infrastructure are still considerable. This has been confirmed by an independent viability assessment carried out by Homes England. Whilst serving the development itself, the link road would also bring great benefits to the wider transport network, including the provision of new bus and cycle routes, that would support new economic investment in the borough and so it has been possible to secure significant public funding to deliver the link road. The highway authority has confirmed that the T5 element of the road is not required to support the development itself and so raises no objections to the proposed revisions set out in the application.

The requirement to provide off-site improvements and crossing facilities set out in the original Sn 106 would remain intact as would the requirement for the developer to meet the full costs of the road should the agreement with the highway authority not proceed. The requirement to deliver affordable housing, public transport and education contributions would also remain unchanged.

At the time of drafting this report, the agreement between the developer and the highway authority has still to be completed. Whilst the proposed amendments are contingent on the completion of that agreement, it is considered appropriate to delegate authority to approve the Sn 106a application in order to ensure that the final versions of the two legal documents are aligned.

Recommendation

That the decision to approve the amendments set out in the Sn 106a submission be delegated to the Head of Planning and Housing, to ensure that the revised obligations are aligned with those set out in the separate legal agreement to be entered into by the developer and the local highway authority.



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Ordnance Survey (100006084).

Application No.

5/20/0818

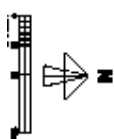
Address

Land forming Kensington Developments Site,
Queensway, Lytham St Annes

Grid Ref.

E.3339 : N.4301

Scale
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APPENDIX A

Application to Modify or Discharge a Section 106 Obligation Under Section 106A of the Town and Country Planning Act 1990

This application is to modify a planning obligation

Applicants Name and Address and Contact Details:

Mr Peter Liversidge
Kensington Developments Limited
94 Park View Road
Lytham St Annes
Tel: 01253 796888
Email : peterliversidge@kensington-developments.co.uk

Address to which obligation relates :

Land At Queensway
Queensway
Lytham St Annes

Nature of Applicant's Interest in The Land

Owner of part of the Land

Other Parties with Interest in Land

The Executors of the Estate Of the Late Mrs Jones
15 Heyhouses Lane
Lytham St Annes

The Executors of the Estate Of the Late Mr Robin Howe
1 Heyhouses Lane
Lytham St Annes

Details of the Obligation to be Modified

Unilateral Undertaking dated the 9th January 2012 and given by 1) Kensington Developments (Queensway) Limited and Kensington Developments Limited and Dorothy Elizabeth Jones 2) Kensington Developments Limited and 3) Robin Theodore Howe to Fylde Borough Council and Lancashire County Council as modified

Details of Planning Application

Application Reference: 08/0058

Date of Decision: 21st June 2012

Description of Application: development of up to 1150 residential dwellings, recreational and play facilities, open space, landscaping and associated infrastructure

Details of Modifications Proposed

Modification 1

To add the following definitions to the Original Undertaking:

“Interim Queensway Junction” means a junction that is acceptable to the local highway authority, satisfies the full Queensway development requirements in a future year as well as providing suitable controlled sustainable provision for pedestrians, cyclists and equestrians extending north on Queensway and to include bridleways 11 and 12 together with works to support and complement the Final Queensway junction (and having appropriate connectivity to T5, which becomes the primary route to T6).

“T5 Land” means all land to construct, operate and maintain including all drainage requirements the T5 road and its connection from the Queensway Roundabout to the T6 intermediate roundabout.

“T6 Junction” means a priority junction that is acceptable to the local highway authority, with right vehicle turn storage on T6, providing a continuous internal road network from T6 in the east to Queensway in the west, with the initial section of road running parallel to bridleway 14. The junction to be constructed in accordance with a design and specification to be approved by the County Council and the Council.

“M55 Link Road Agreement” means an agreement dated [] made between Lancashire County Council (1) and Kensington Developments Limited (2)

Modification 2

Paragraph 23 of Schedule 2 contained in the Original Undertaking shall be deleted and replaced with the following:

“23. Roundabout and other highways works and improvements

In the event that the Developer serves written notice on the County Council in accordance with clause 5.1 of the M55 Link road Agreement (a certified copy of which will be sent to the Council immediately upon completion of the said agreement) and the County Council accepts the Developer’s written notice and confirms such acceptance to the Council the following paragraph applies:

Without prejudice to the generality of paragraph 22 and the Developer’s obligation (subject to Planning Permission) to enter into a Section 278 Agreement, the Developer covenants with the Council and County Council as follows:-

23.1.1 Not to allow the Occupation of more than 165 Dwellings on parcels 1 & 2 of the Development (as shown on Land Parcel Plan 4113-15 rev F attached hereto) until the Interim Queensway Junction is constructed (the location of which is shown for indicative

purposes shaded in blue on Plan KD63/42 attached hereto) and open for use with such provisions for pedestrians, cyclists and equestrians as may reasonably be required by the County Council for the Development. A Pegasus arrangement for horse riders is to be provided immediately north of the new Queensway Roundabout where existing bridleways 11 and 12 meet.

23.1.2 To clearly designate the Interim Queensway Junction in any subsequent planning application as an initial phase of the Queensway Roundabout and to construct it in accordance with a design and specification to be approved by the County Council and the Council.

23.2 Not to allow the Occupation of more than 450 Dwellings until the Interim Queensway Junction and the T6 Junction have been constructed and are both open for use and connected by internal estate roads on the Development and with such provisions for pedestrians, cyclists and equestrians as may reasonably be required by the County Council for the Development.

23.3 No later than three months from the date that the First Owner transfers the land required to construct the Road to the County Council ("The Initial Offer Date") the Developer in its capacity as First Owner will and in its capacity as the person having control of the Second Owner will procure that the Second Owner will offer to transfer to the County Council as highway authority for nil consideration the T5 Land being the land required to construct the T5 (and grant the County Council so far as they are able any necessary easements and temporary working space licences as reasonably required by the County Council).

23.4 They shall without delay and at its own cost, if requested by the Council, execute and complete, or procure the execution and completion by all necessary parties of, a transfer to the County Council of the T5 Land with full title guarantee and at nil consideration.

23.5 That the transfer of the T5 Land shall be free from encumbrances and shall be transferred together with all necessary rights, easements and covenants which are consistent with the use of the T5 Land for highway purposes or the proper management and maintenance of the T5 Land. It will also be free from any mortgage, charge or lien and by way of a transfer.

23.6 That the offer to transfer will expire if not exercised by the County Council within 10 years of the date of construction of the 550th Dwelling or 1 January 2041, whichever occurs sooner.

23.7 To provide three formal crossing arrangements on the Heyhouses Lane section of the B5261, namely 2x Pelican and 1x Toucan crossings located at positions providing sustainable linkages to the Development (as shown on CEC drawing number 3330/215A).

23.8 To provide the installation of MOVA at the existing signalised junctions of St. Anne's Rd East/St. David's Rd North and St Anne's Rd East with Church Rd. (Referred to in

Plan No. 3330/213).

“23A. Roundabout and other highways works and improvements

In the event that [the Developer does not serve written notice on the County Council in accordance with 5.1 of the M55 Link road Agreement (a certified copy of which will be sent to the Council immediately upon completion of the said agreement) or the Developer serves the aforementioned notice but the County Council does not accept the Developer’s written notice and notifies the Council of the same] the following paragraph applies:

Without prejudice to the generality of paragraph 22 and the Developer’s obligation subject to Planning Permission to enter into a Section 278 Agreement, the Developer covenants with the Council and County Council as follows:

23A.1 Not to Occupy any Dwellings other than on parcels 1 and 2 of the Development (as shown on Land Parcel Plan 4113-15 rev F attached hereto) until the Queensway Roundabout and part of the T5 (the East/West access road described in paragraph 23.6 below) from the Queensway Roundabout up to and including the first vehicular entrance into the Development shown on the Land Parcel Plan numbered 4113-15 rev F (with provision for pedestrians, cyclists and equestrians including crossing provision at all arms linking into existing/proposed/amended networks) is constructed and open for use. A Pegasus arrangement for horse riders is to be provided immediately north of the new Queensway Roundabout where existing bridleways 11 and 12 meet. A Toucan is also to be provided to the south of the new roundabout as indicated on drawing number 2400/206 (D).

23A.1A Not to Occupy any Dwellings on parcels 4, 5, 6, 7 and 8 of the Development (as shown on Land Parcel Plan 4113-15 rev F attached hereto) until part of the T5 up to and including the second vehicular entrance into the Development shown on the Land Parcel Plan numbered 4113-15 rev F is constructed and open for use.

23A.2 Prior to the 451st Occupation to complete the construction of the T5 from the Queensway Roundabout to the T6 identified on Land Parcel Plan numbered 4113-15 rev F attached hereto and ensure that such highway is open for use.

23A.3 To provide three formal crossing arrangements on the Heyhouses Lane section of the B5261, namely 2 x Pelican and 1 x Toucan crossings located at positions providing sustainable linkages to the Development (as shown on CEC drawing number 3330/215A).

23A.4 To provide an East/West access road (T5) from the said Queensway Roundabout to the locations at the intersection roundabout (Moss Sluice) on the T6. T5 will provide vehicular accesses into the Development. The provision of an East/West bridleway segregated from the vehicular highway and suitable for pedestrians and cyclists linking into existing bridleway/network at either end with suitable equestrian crossing points as shown on drawing number 330/215A.

23A.5 To provide the funding for the provision to convert the existing Wild Lane to a bridleway with suitable links to existing proposed bridleways. It will also be used by pedestrians and cyclists.

23A.6 To provide the installation of MOVA at the existing signalised junctions of St Anne's Rd East/St David's Rd North and St Anne's Rd East with Church Rd. (Referred to Plan No. 3330/213).

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

**Town and Country Planning (Development Management Procedure) (England) Order 2015
Certificate under Article 14**

I certify that the applicant has given notice to everyone else against whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable, as listed below:

Person on whom notice Served : The Executors of the Estate Of the Late Mrs Jones

Address where notice Served : 15 Heyhouses Lane Lytham St Annes

Date Notice Served : 06/11/20

Person on whom notice Served The Executors of the Estate Of the Late Mr Robin Howe

Address where notice Served : 1 Heyhouses Lane Lytham St Annes FY8 3RT

Date Notice Served : 06/11/20

Signed (Applicant)

On Behalf Of (If applicable)

Kensington Developments Limited

Date

Checklist

Copy of application form



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	9 DECEMBER 2020	5
LIST OF APPEALS DECIDED			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The Council received the following appeal decisions between 23 October and 27 November 2020.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of appeals decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members of the appeals that have been decided during the period.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Appeal Decisions

The council received decisions on the following appeals between 23 October 2020 and 27 November 2020. The decision notices are attached to the report as an appendix for reference.

Rec No: 1			
18 August 2020	20/0117	FLAT B, 5 ST PAULS AVENUE, LYTHAM ST ANNES, FY8 1ED INSTALLATION OF METAL SPIRAL STAIRCASE TO REAR AND ALTERATION OF FIRST FLOOR WINDOW TO DOOR	Written Representations Case Officer: BW
Fylde Dec. Level	DEL		
Appeal Decision:	Dismiss: 25 November 2020		
Rec No: 2			
20 August 2020	20/0264	126 PRESTON ROAD, LYTHAM ST ANNES, FY8 5AE FORMATION OF VEHICULAR ACCESS TO SERVE 126 AND 126A PRESTON ROAD INCLUDING REMOVAL OF COBBLE PAVEMENT FEATURE AND FORMATION OF 1.2M HIGH GATE POSTS. (RESUBMISSION OF APPLICATION 19/0801)	Written Representations Case Officer: AP
Fylde Dec. Level	DEL		
Appeal Decision:	Dismiss: 24 November 2020		

Appeal Decision

Site visit made on 9 November 2020

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/M2325/W/20/3255744

5b St Pauls Avenue, Lytham, Lancashire FY8 1ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Meaney against the decision of Fylde Borough Council.
 - The application Ref 20/0117, dated 17 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is the installation of metal, spiral staircase to rear of property to allow access from the first floor of maisonette to rear garden via new exit door (formed from existing sash window).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the living conditions of the occupiers of Flat 5a St Pauls Avenue in respect of privacy and outlook, and;
 - ii) the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons

Living conditions

3. The appeal site is a large property which is converted into two dwellings with No 5a St Pauls Avenue as the ground floor flat and No 5b is above. Access to the garden from No 5b is currently from the main front entrance to the property on the ground floor, where an entrance hallway serves both the upper and ground floor flat.
4. The proposed spiral external staircase would be accessed from a new door in a hallway in No 5b. The platform and staircase would extend out from the side elevation of the property, and the spiral staircase would allow access to the rear garden.
5. There are three windows in the rear elevation that would be affected for the occupiers of No 5a, one of these is a large window. Without any screening it would be possible to see directly into the rear windows of the ground floor flat No 5a from the turns on the staircase. I note that the existing occupants of

No 5a do not object to the installation of the staircase in terms of privacy, and that the room with the windows is currently used as an office. Nevertheless, I must make my decision in the public interest to protect the living conditions of existing and any future occupiers of No 5a. The staircase would lead to a significant loss of privacy, with users of it able to gain good views into a habitable room. This would be harmful to occupants of No 5a.

6. The garden is in communal use. The views into the large rear window of No 5a are only possible towards the rear of the garden as the window is not at ground floor height, and as such there is no existing loss of privacy in that regard.
7. In terms of outlook for the occupiers of No 5a, the staircase would be located close to the side extension wall of the rear of the property. There would be some separation between the staircase and the narrow rear window, closest to the side elevation. This would obscure the view out somewhat although the presence of the side elevation wall would already be highly visible. In addition, the larger window and an additional narrow window close to the boundary with No 7 would remain generally unobstructed with good views out towards the garden and rear of other properties. Therefore, the proposal would not lead to a harmful loss of outlook. However, this does not outweigh the harm I have found.
8. I conclude that the proposal would cause harm to the living conditions of the occupiers of No 5a St Pauls Avenue in respect of privacy. It would conflict with Policy GD7 (c) of the Fylde Local Plan (2018) which seeks to ensure that amenity will not be adversely affected by neighbouring uses. It would also be contrary to the National Planning Policy Framework (the Framework), which seeks to ensure a high standard of amenity for existing and future users.

Character and appearance

9. The appeal site is located along a residential road. The dwellings are large detached and semi-detached houses of varying styles. Some have been converted into flats and some retained as individual dwellings. Many of the buildings have had extensions and additions over the years, particularly to the rear and sides. Most of the original character has been retained on the front elevations of buildings but there is a much greater variety to the rear, including external steps with metal railings, dormers and extensions of varying designs.
10. The external spiral steel staircase would not be seen from the road. It would be visible from some of the properties directly to the rear of No 5. However, this would be at some distance as the rear gardens of properties are quite long. The outrigger extensions at Nos 5 and Nos 7 are significant in size and the staircase would be set behind this. It would not be prominent within the area in this context even with its unusual design and would not have a large footprint overall. The staircase would be constructed using metal and although this is not a material which is widely used within the area, there are examples close by of metal railings and balconies as part of the structure of the buildings. Thus, it would not appear to be out of character with the area.
11. The staircase would be located close to the side elevation at No 5 and would only take up a relatively small amount of space in comparison to the scale of the building and the size of the rear garden. It would not be an overly dominant feature in this respect.

12. For these reasons, the proposal would not cause harm to the character and appearance of the area or the host property. It would not conflict with Policy GD7 of the Fylde Local Plan, which amongst other things seeks a high standard of design, and development that relates well to the surrounding area and conserves and enhances the built and historic environment. It would not be contrary to the Framework where it relates to achieving well designed places.

Conclusion and planning balance

13. I accept the importance of outdoor space to physical and mental health, but access to the garden is not severely restricted by the existing arrangements. The proposed staircase would provide another form of exit from the first floor in the case of fire, although there is no evidence to indicate that the existing arrangements are unsafe in this regard. I have found that the scheme would not cause harm in terms of the character and appearance of the area. However, these considerations are not sufficient to outweigh the harm to the living conditions of the occupiers of No 5a St Pauls Avenue in respect of privacy.
14. For the above reasons, I conclude that the appeal should be dismissed.

Louise Gibbons

Inspector

Appeal Decision

Site visit made on 9 November 2020

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/M2325/W/20/3256722

126 Preston Road, Lytham St Annes FY8 5AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Angela Quigley against the decision of Fylde Borough Council.
 - The application Ref 20/0264, dated 14 April 2020, was refused by notice dated 8 June 2020.
 - The development proposed is the formation of vehicular access to serve 126 and 126A Preston Road including removal of cobble pavement feature and formation of 1.2m high gate posts. (Resubmission of application 19/0801).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development as set out in the Council's Decision Notice as this more accurately describes the proposal.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal site is located on Preston Road. Nos 126 and 126A Preston Road are located to the south of the road at its junction with Saltcotes Road. The junction is a roundabout. A pavement and an area of cobbles separate the front boundary of the properties from the road.
5. It is proposed that two cars, one for each property, would park side by side in the area belonging to the frontage of No 126, with space for manoeuvring the cars in the area belonging to the frontage of No 126A. There would be two gateposts either side of the access. The access to the parking area would be directly on to the roundabout. It is proposed to remove part of the cobbled area in between the pavement and the road, and to include white lines to indicate that cars entering the roundabout from the access should give way.
6. At the time of my visit during mid-morning, Preston Road and the roundabout were busy with traffic turning to and from Saltcotes Road and travelling in and out of Lytham St Annes, consistent with the Council's assessment of the importance of the route. The roundabout does serve to slow traffic and the visibility of traffic travelling along Preston Road and Saltcotes Road, and on the

roundabout is good if cars were to enter the roundabout in forward gear from the proposed access.

7. The proposed plan would allow two vehicles parked side by side to enter and leave the parking area so they could approach the roundabout in forward gear. The highways authority has no in-principle objection subject to conditions. However, there are still circumstances which could lead to vehicles having to reverse back out directly on to the roundabout. For example, if two cars are already parked in the spaces provided, there would not be sufficient space for other vehicles to enter and leave in forward gear. There would also be no way to prevent delivery vehicles waiting or parking on the area between the roundabout and the entrance to the parking spaces.
8. I accept that these types of events may be sporadic and have the potential to be monitored or detected by the Council. However, the effects of this would be different than other types of conditions where events may also be sporadic, such those dealing with noise for example. Sporadic events may be also be acceptable in other locations but in this case, it is most likely that incidents would come to the Council's attention through reporting of accidents or near misses at the roundabout.
9. Appendix A of the Circular 11/95 has been retained and includes model conditions relating to parking. Although conditions could be attached and enforced, which would ensure the implementation and retention of the area as shown on the proposed plans, these would fail to deal with other road users visiting the appeal site from reversing on to the roundabout. These situations would harm the safety of road users and affect the smooth flow of traffic at the roundabout.
10. A condition relating to the type of material to be used on the area between the parking area and the highway would be necessary and could be attached to the grant of planning permission. However, this would not overcome the harm I have found.
11. For the reasons given above, I conclude that the proposal would cause harm to highway safety. It would conflict with Policy GD7 of the Fylde Local Plan (2018) criteria j) and q), which amongst other things seeks new development that does not compromise highway safety or prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users. It would conflict with the National Planning Policy Framework where it relates to safe and suitable access, and unacceptable impacts on highway safety.

Conclusion

12. For the above reasons I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR