

# Agenda

## Planning Committee

Date:	Wednesday, 8 November 2017 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)  Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Heather Speak, Ray Thomas.

### 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	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">11 October 2017</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
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## Background Papers

In accordance with Section 100D of the Local Government Act 1972, the background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Act.

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Fylde Local Plan to 2032 (Submission Version) December 2016
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2017 (as amended July 2017)
- Strategic Housing Land Availability Schedule (SHLAA)
- Consultation on Additional Evidence in Support of Fylde Local Plan to 2032 – August 2017
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files

- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

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

# Planning Committee Schedule

## 08 November 2017

Item Number: 1      Committee Date: 08 November 2017

<b>Application Reference:</b>	17/0495	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Mrs D Bradbury	<b>Agent :</b>	Philip Brown Associates Ltd
<b>Location:</b>	LAND ADJACENT TO STAINING WOOD COTTAGES, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	CHANGE OF USE OF LAND TO MIXED USE OF RESIDENTIAL CARAVAN SITE FOR TWO GYPSY FAMILIES EACH WITH TWO CARAVANS (INCLUDING NO MORE THAN ONE STATIC CARAVAN), AND FOR STABLING OF HORSES. DEVELOPMENT TO INCLUDE ERECTION OF A TIMBER STABLE BUILDING, LAYING OF HARDSTANDING, ERECTION OF 1.2M HIGH FENCING AROUND SITE, AND CONSTRUCTION OF ACCESS DRIVEWAY FROM FOXWOOD CHASE		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Need to determine at Committee		

**If viewing online this is a Google Maps link to the general site location:**  
<https://www.google.co.uk/maps/@53.7855341,-2.9532361,554m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to the use of a rectangular area of land in the Countryside but adjacent to a cluster of development at Staining Wood Farm and Foxwood Chase in Westby. The proposal is to use the land for a mixed use of equestrian use and as two gypsy pitches, with each pitch providing a static caravan and one other caravan.

The equestrian use is clearly one that is acceptable in a countryside location with many other small scale stable blocks of the style proposed here across the borough.

The gypsy pitch use is specifically examined through Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Submission Version of the Fylde Local Plan to 2032. These both start by referring to a need for additional pitches to have been identified over the Plan period. This is a matter that has been the subject of revision in recent years as a consequence of changes to government guidance on what constitutes a ‘gypsy’ and is the subject of challenges to the Local Plan that will be discussed at the forthcoming Examination stage. As such the council’s position on this aspect as explained in the Fylde Borough Local Plan is considered to be out-of-date due to changes in legislation and policy since it was adopted in 2005, and the emerging position through the Fylde Local Plan to 2032 has

reduced weight by virtue of the unexamined challenges to it. As such this aspect of Policy HL8 and H5 should not be definitive in the assessment of these applications.

Notwithstanding that position on the need for pitches, both policies go on to provide a series of criteria based assessments to be used in determining applications, and it is considered that these have weight to be relied on in the determination of this application as they are in accordance with the guidance set out in Planning Policy for Travellers Sites.

The key issues for assessment are the locational qualities of the application site, whether it provides a safe and suitable access, and whether the site will create undue landscape harm. Taking these in turn:

The site is located adjacent to a cluster of existing development and whilst it is not adjacent to a settlement that provides services it is within a reasonable distance to some rural villages that do so, and is on a well-served bus route to other centres, and is on a cycle route. As such it is considered that the location is one that is acceptable in terms of the policy requirements.

The access arrangements are slightly convoluted being through the adjacent Foxwood Chase development and utilising its private drive to join Preston New Road via a gated access point. The access itself is of a suitable standard for any realistic use, and the gates are adequately set-back to minimise the risk of their use impacting on general road usage. Whilst the limited width and construction standards of the internal driveway to Foxwood Chase mean that it is not ideal to accommodate additional use, the level of that additional use is not significantly greater than the 7 dwellings it currently serves and so it is considered that the access arrangements are on balance acceptable.

With the development including the siting static caravans on a site that is close to the road there is a likelihood that there will be some impact on the rural landscape. However, this impact is minimised by the location of the site against the side of an existing kennel building and behind a well-established roadside hedge that is to be retained and will provide an effective screen. The limited views of the site from other aspects ensure that overall the landscaping impact of the development will be minimal.

Having considered these aspects and the other material considerations it is officer view that the proposal complies with the criteria assessments of Policy HL8 of the Fylde Borough Local Plan and of Policy H5 of the Fylde Local Plan to 2032. The application will allow a degraded site to be brought to a productive use and will allow 2 gypsy pitches to be provided in an appropriate location to assist in the borough's supply of such accommodation. Accordingly the application is recommended for approval subject to conditions.

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

As the officer recommendation is for approval and the Parish Council have raised objection then the Scheme of Delegation requires that the application is presented to the Planning Committee for a decision.

### **Site Description and Location**

The application site is a rectangular area of rough ground located immediately to the south of Preston New Road in Westby in a location that is generally opposite the Shale Gas exploration site.

It is currently used to support the welfare facilities for those involved in policing activities associated with that operation. To the immediate west is a commercial kennels at Staining Wood Cottages and to the west of that are the dwellings at Foxwood Chase which are converted from agricultural buildings associated with Staining Wood Farm. The site access proposed is through the Foxwood Chase development with that joining Preston New Road through an electronic gate. Land to the east and south is in agricultural use with a solar farm erected in 2016 midway between the site and Ballam Road to the south.

The application site is in the Countryside in the adopted Fylde Borough Local Plan and in the emerging Fylde Local Plan to 2032.

**Details of Proposal**

The application proposes that the site is used for a mixed use of 2 gypsy pitches and equestrian use.

With regards to the gypsy element, the application advises that each pitch is to accommodate no more than two caravans with only one of these to be of static size. The pitches are sited so that one is entirely alongside the road and the other is entirely alongside the agricultural land to the south.

With regards to the equestrian element the proposal includes a single stable building in timber to provide 4 sections with 3 providing stabling and the fourth a feed store. This building is indicated in the northwest corner in the position of the existing access gate to Preston New Road.

Despite the presence of this access point the application proposes that it is not to be used to serve the development. The access is instead to be taken from a track that runs alongside the southern boundary of the site and around the rear of Staining Wood Cottages to connect to the access for Foxwood Chase and then joins Preston New Road via that road. This has been queried with the applicant’s agent who confirm that they wish the application to be determined as presented.

**Relevant Planning History**

Application No.	Development	Decision	Date
07/1001	RE-SUBMISSION OF 07/0464 - CONSTRUCTION OF STABLE BLOCK AND PRIVATE OUTDOOR MENAGE FOR PRIVATE USE.	Refused	01/02/2008
07/0464	CONSTRUCTION OF A STABLE BLOCK AND OUTDOOR MENAGE FOR PRIVATE USE WITH ENABLING WORKS	Refused	25/06/2007

**Relevant Planning Appeals History**

None.

**Parish/Town Council Observations**

**Westby with Plumpton Parish Council** notified on 20 July 2017 and comment:

*“It was resolved that the parish council object strongly to this application. It was decided that a report produced noting the requirement for traveller sites is incorrect as Westby has established a ‘fair share’. This application has issues with access to the site with regards to the A583 and access via*



*Foxwood Chase, the extra traffic on the A583, the actual need for the application as there are several traveller sites within the parish and the detrimental impact on the residents of Foxwood Chase.”*

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

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

They do not raise specific objections to the application, but highlight the potential for a towed caravan to have an overall length that would involve it obstructing the carriageway of the A583 if the gates were to remain in their current location as they are only around 10m back from the edge of the carriageway. They highlight that this would be a significant safety issue.

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

Raise no objections subject to clarification of the refuse collection arrangements.

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

*The site is located alongside Preston New Road, within an area classed as open countryside. However, the site is disturbed and has been subjected to a degree of tipping and disposal of hardstanding and building materials. It no longer has the appearance of an agricultural field. There is an existing Hawthorn hedge alongside the main road which is overgrown and unmanaged and several overgrown hedgerow shrubs/small trees lie along the southern and western boundaries. The site is particularly exposed from the south and east, with filtered views through deciduous vegetation from Preston New Road.*

*The proposed scheme would be mainly visible in views from the north and east, particularly during the winter months. Proposed tree planting to soften the existing kennel buildings is to be welcomed and if the scheme were to be recommended for approval, I would wish to see a long term management plan for the hedgerow alongside Preston New Road and additional tree planting to the south and east.*

*I am concerned at the area of hardstanding which is proposed and would wish to have details of such surfacing conditioned and approved. All hardstanding areas must be free-draining and SUDS compliant.*

*Finally, I do not believe that access to the site indicated through Foxwood Chase is the best option and would prefer the access to be taken off the existing farm track off Preston New Road. Should this be incorporated into the scheme, then a more appropriate surface treatment would be required to form the junction with Preston New Road, in accordance with guidelines set out by the Highways authority.*

#### **United Utilities**

They highlight the surface water drainage hierarchy and the need to comply with this in the assessment of the drainage arrangements of the site. They highlight the proximity to the large diameter trunk main and the associated easements, that there is no foul sewer in the area to serve the development, and that the water supply main will need to be extended if it is to serve the development and so may require developer contributions under the Water Industry Act 1991.

## **Neighbour Observations**

**Neighbours notified:** 20 July 2017  
**Site Notice Date:** 20 July 2017  
**Number of Responses** 5 letters (4 from residents and 1 from Foxwood Chase Management Co)  
**Summary of Comments** The letters all raise concerns over the proposal with the points raised summarised as follows:

- That the proposed use of Foxwood Chase will inevitably increase the vehicle use of that road, and that this causes issues because it is gated, has a winding route to the site, has a width that only allows single direction movements in parts, has no drainage, and has a surface that may not support the additional loads
- The issues with the access make it particularly unsuited for caravans, horse trailers or other towed vehicles that are likely users of the route under the proposal.
- The constraints of Foxwood Chase will make it impossible to deliver a static caravan or such vehicles to the site.
- Whilst there is a legal right to the landowners to use Foxwood Chase it does not extend beyond the access point so no reversing out could be undertaken and would likely be needed to utilise the access
- The position of the gates could cause hazards to other road users as long vehicles wait for them to open
- There is a covenant on the land that requires it to be used for agricultural purposes only
- The residential occupation of the site will cause noise and disturbance that will in turn unsettle the dogs boarded at the kennels which is immediately adjacent. This will harm the dogs and will lead to increased barking which will therefore be a noise nuisance to residents in the area.
- The proximity of the site to the Shale gas operation means that the residents will be harmed by the noise, lights and other activities undertaken at the site, particularly given the lesser insulation provided by a caravan.
- There is no foul drainage on the site
- There is a risk of horse escapes to the highway
- Any commercial use of the site would be harmful to the residential amenity of Foxwood Chase residents.
- The equestrian element has no area for feed or exercise of the horses

## **Relevant Planning Policy**

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

SP01 Development within settlements  
HL08 Sites for Gypsies

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

GD4 Development in the Countryside

GD7                      Achieving Good Design in Development  
H5                        Gypsies, Travellers and Travelling Showpeople's Sites

**Other Relevant Policy:**

NPPF:                    National Planning Policy Framework  
NPPG:                   National Planning Practice Guidance  
PPTS                     Planning Policy for Traveller Sites

**Site Constraints**

Within countryside area  
Article 4 direction

**Environmental Impact Assessment**

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

**Comment and Analysis**

**Policy Background**

The application site is located in the Countryside in both the adopted Fylde Borough Local Plan under Policy SP2, and the Submission Version of the Fylde Local Plan to 2032 under Policy GD4. Both of these policies support rural developments in these areas where they are necessary and justified, but are resistant to other forms of development that could harm the rural character of the borough.

The adopted Fylde Borough Local Plan provides a specific policy for Gypsy sites in Policy HL8 that firstly requires an assessment of whether there is a personal or district need for such sites, and then a series of typical development management tests such as whether the site has access to services, whether the site is appropriately sized, the access arrangements, etc.

There is a similar policy in the Submission Version of the Fylde Local Plan to 2032 in Policy H5. This updates the adopted policy to accord with current guidance and sets an allocation of pitches for the borough across the Plan period and then imposes a series of development management tests such as access, drainage, etc.

The establishment of an equestrian use on the site will also need to be examined as part of this application through the general Countryside policies.

**Need for Gypsy Sites**

The starting point for the assessment of such applications is whether there is a need for additional gypsy accommodation. The most recent published policy that explains the demand is the Submission Version of the Fylde Local Plan to 2032 that refers to a need for 26 pitches in the plan period with 2 of these provided already at The Stackyard, and 3 expected to be provided shortly off Thames Street in Newton. The 6 pitches allowed at Fairfield Road should also be included in this total to give a total of 11 provided, but this would indicate a need remains for the 2 pitches proposed here.

However, the Plan policy was prepared on the basis of the Fylde Coast Gypsy and Traveller

Accommodation Assessment of 2014 which provided an assessment of the need for pitches for the 3 Fylde coast authorities. More recent to that in August 2015 the government published Planning Policy for Traveller Sites (PPTS) and so rendered the previous Fylde coast assessment out-of-date, hence an update of that has been undertaken that considers the needs having regard to the PPTS revised planning definition of gypsies and travellers. The conclusion of that update is that Fylde Council now has a surplus of 2 pitches over the identified need, with this position being reached in January 2017 and so too late to be reflected in the wording of Policy H8 that was submitted for examination in December 2016. The council will therefore be proposing modifications to the need section of Policy H5 as the Examination on the Fylde Local Plan to 2032 continues. It is likely that this will reduce the need for pitches as identified in the Plan. It is also likely that this will be the subject of challenge at that Examination.

The need element of Policy H5 must therefore be given limited weight at this stage as a consequence of its fluidity over recent months and the lack of examination of the challenges to the council's position. The need element of Policy HL8 of the adopted Fylde Borough Local Plan must be given limited weight due to the changes in government guidance and local evidence regarding need that have occurred since its adoption in 2005. Accordingly neither policy can provide guidance on the determination of this application with regards to the need for the pitches, but can provide guidance with regards to the other planning considerations raised by the application as these are not subject to the same challenges. That said, the revised GTAA is the most up to date evidence and has been prepared having regard to current best practice. Despite challenges to this aspect of the evidence base through the local plan examination in public, the GTAA is the most up to date evidence on which to assess the need for additional pitches in Fylde. However, in assessing need, it is important to note that the GTAA assesses the need for pitches for the purposes of establishing the need to identify suitable sites for allocation within the local plan. Notwithstanding the conclusion of the GTAA that there is a surplus of pitches and so no requirement to identify further pitches, there is a wider unmet sub-regional need that must be taken in to consideration in the determination of an individual planning application. It is also the case that the basic premise of the NPPF applies and so development should be supported where it is sustainable, and this is tested below alongside the other relevant criteria contained in the adopted and emerging policies.

### **Locational Assessment**

Both the adopted and emerging Local Plan refer to gypsy pitches being located where there is a reasonable access to the services needed to support their occupation. In this case the site is located outside of any defined settlement, with Wrea Green around 2km to the south east and Weeton around 3km to the north. Whilst this is beyond a reasonable walking distance these areas are cycleable and the location of the site is one that benefits from a regular bus service, is on a cycle route and is already a location of residential development. With the limited scale of the site proposed and these locational attributes it is considered that the proposal is acceptable in this regard.

### **Access Arrangements**

The application proposes that the site is accessed from the existing access that serves Foxwood Chase to Preston New Road. This is a wide junction with that road that offers good visibility in both directions. However, there are two issues that required further discussion: the presence and position of electric gates across the entrance, and the suitability of the access track between this access point and the main part of the site.

With regards to the gates, these are positioned around 12m back from the edge of the carriageway and operate on a key fob basis which it is understood the applicants have a right of use of. The setback from the road is adequate for 2 cars to wait in line or sufficient to allow a vehicle and

horsebox, or a vehicle and small caravan. However it is insufficient in depth to allow a vehicle and larger caravan or a larger commercial vehicle without causing some obstruction to the carriageway or the cyclepath that runs on the edge of the carriageway at this point.

This is an issue that the highway authority have expressed concerns over. However, it is not considered that those concerns are sufficient to present a severe impact on highway safety as the propensity for the access to be used by these vehicles is unlikely to be frequent and is a circumstance that would be repeated at almost every vehicle access as it is typical for gates to be set back by a distance of 5m rather than the 12m here and so allow less stacking space than this access does. The situation is notably better than that with the many farm accesses on this road where there would be a need for the roadside farm gates to be opened by a tractor driver looking to use that access and so causing a temporary obstruction to the highway whilst they do so.

With regards to the internal track, it is clear from officer site visit that this is of limited width in parts and so would not allow vehicles to pass, has no lighting, no drainage, and could well have a less robust construction than would be the case if it were to be constructed to adoptable standards rather than as a private drive. Whilst these factors will ensure that its use is less ideal than if the road was wider and more substantially constructed it clearly provides an adequate access for the existing 7 properties on Foxwood Chase and so it would be difficult to justify that the additional use involved in this application for 2 pitches would make it unacceptable.

Following officer site visit a query was put to the applicant regarding the use of a field access to the other side of the site that leads directly to Preston New Road but they advised that this was not available, and that they were willing and able to utilise the rights available to them to access the site as is proposed. The response also confirms that they are able to negotiate this route with a caravan and that any larger vehicles could be craned into the site if needed. Having considered this matter it is your officer view that the access arrangements proposed are acceptable and that there is no conflict with the relevant criteria of Policy HL8 of the adopted Plan and Policy H5 of the emerging Plan.

Members will note from the Planning History section of this report that there have been two previous applications on this site for stabling that have been refused. These proposed to be accessed direct to Preston New Road in the first application, and via Foxwood Chase in the second, with both being refused on highway grounds. However, officers advise that this does not set a precedent for the determination of this application as these decisions are dated and the guidance in NPPF significantly revises the 'test' that is to be applied when assessing access considerations.

### **Visual Impact**

The next issue to consider is the visual impact of the development, which is particularly relevant given the site's location in designated Countryside where it is important that development does not harm the established rural character of an area.

The site is located alongside Preston New Road and so is readily visible to users of that road, but has no direct views from other vantage points other than long range views from the rear as there are no roads or public footpaths in close proximity to the rear. There is an existing well-established hedge to the roadside boundary and a wall to the kennel boundary, but limited vegetation to the other boundaries which are formed by farm fences that are in poor condition. The application proposes that these boundaries are to be enhanced through the provision of planting and that the existing roadside hedge is to be retained.

The provision of a high-quality planting scheme is a particularly important element of a scheme that

involves the siting of caravans as they are typically quite visible structures in the landscape. In this case the proposal is to site the stables at the most prominent location of the site where they will act as a typical rural screen to the other development, to site one of the static to the rear of the roadside hedge at the point where it offers the best established cover, and to site the other where it is well set back from the roadside. These will all help mitigate the potential visual impact of the development. The setting of the site is a further factor to consider in that it is not an isolated location surrounded by open countryside, but is a parcel of land that lies adjacent to a cluster of existing development and so the impact of the development is reduced as a consequence.

The relevant Local Plan policies require that the proposed siting of gypsy sites are not in locations where they would be harmful to the character of the area or the local environment. This scheme is considered to comply with that requirement subject to appropriate conditions being imposed to secure effective landscaping of the site and the satisfactory levelling and surfacing of the site itself.

### **Neighbour Amenity**

The site is positioned where there is no direct view from any neighbouring properties as it is behind the wall that surrounds the kennels site from the nearest neighbour at Staining Wood Cottages and is some distance away on the opposite side of the road to the closest properties in the other direction. As such the pitches and stables will have no direct impact on residential amenity. The shared use of the access will cause some impact to the amenity of the neighbouring dwellings on Foxwood Chase as its use will increase, but those dwellings are arranged around a courtyard that generally backs-onto this access road such that any impacts will be minimised. The track to connect the Foxwood Chase drive and the site of the pitches runs along the edge of the Staining Wood Cottages boundary, but is well separated from these dwellings and largely masked by their outbuildings such that there will be minimal impact on residential amenity as a consequence of its additional use.

The operator of the K9 kennels business which trades from 1 Staining Wood Cottage has highlighted the potential for the residential use of the site to cause disturbance to the dogs and so lead to their welfare being impacted and their barking to increase to the detriment of general amenity. This point is accepted and it seems there is a reasonable potential for the proposal to increase activity in the area. However the kennels are located in a courtyard with a high brick wall to the site boundary and a close relationship to the road where traffic noise and other noise associated with its use is likely to be prevalent. Whilst this assessment is a balanced one, it is not considered that the potential for the activity on the site to detrimentally increase noise levels in the area to the detriment of this business is such that it would justify the refusal of the application.

### **Equestrian Use**

The construction of a stable block is, in principle, acceptable in the countryside given that equestrian uses are appropriate in these areas. The design and materials of this proposal are acceptable here to ensure compliance with the requirements of Policy SP2 and Policy EP10 of the Fylde Borough Local Plan.

Residents have understandably highlighted the potential for management issues with the inclusion of a stabling element to the site given the absence of any obvious access to grazing areas for horses and the constraints of the access. The applicant's agent has confirmed that they intend to use the stables only to accommodate horses that are ill or in need of veterinary care and for the storage of feed and tack as they are to be grazed on land elsewhere. They also refer the availability of the access and express the view that a small horse trailer could access the site without any difficulty and so provide transport needs.

These views are considered to be valid and so there are no overriding concerns over the inclusion of the stable element of the application.

### **Occupier Amenity**

The site is located in close proximity to the shale gas exploration rig that has recently been constructed on the northern side of Preston new Road and has its access point around 75m from the nearest point on the site and the rig itself being around 200m distant. This means that the gypsy pitches will become the closest residential properties to this facility and so it is necessary to examine the potential for its use to cause noise and other disturbances to the occupiers of the site.

The use of the shale gas site is for a temporary period of exploration and so as that is currently part-way through there is no certainty that the site will still be operational at a time when any planning permission for the gypsy pitches under consideration here are actually implemented. However there is the potential that they could be so these issues need to be assessed, with the primary concern relating to noise.

The applicant's agent has provided some noise information that concludes that the greatest noise source affecting the site will be traffic noise. This provides a comparison with the noise generated on a site alongside the A38 in Derby and concludes that a modern caravan built to the appropriate British Standard and with standard noise protection windows fitted would achieve the necessary protection from undue impact at the noise levels generated by that road. The situation with the application site is that the road noise levels are likely to be less than at the trunked A38 and so in this regard their information is acceptable.

With regards to the shale gas exploration noise the council's Environmental Protection officer has confirmed that the insulation levels available in the caravans and the distance that they are from the noise source on the shale gas site are such that the noise generated will not lead to a noise nuisance.

Accordingly it is concluded that the site will provide an acceptable level of amenity for its occupiers.

### **Other Matters**

This section of the report is intended to provide brief comments on the other matters raised by the proposal and in correspondence received as follows:

- **Covenant** – the Foxwood Chase Management Company refer to a covenant that requires the land which is subject to this application to be used for agricultural purposes only, and provide an extract of the deeds that corroborates that. This is a private matter for the person issuing the deeds to enforce and cannot be considered as a material planning consideration in the determination of this application.
- **Drainage** – The application form explains that surface water drainage is intended to be dealt with by a sustainable drainage system and foul water by connection to the public sewer although no further details are provided of either. In fact there is no foul sewer in the area and so it will be necessary for that drainage to be undertaken through some other means, most likely a septic tanks as is presumably the case with the other properties in the area. This is a matter that is readily resolvable and so the details should be secured through the imposition of conditions.
- **Ecology** – The application site is not subject to an ecological designations, and is not close to any. Other than the well-established roadside hedgerow the overgrown and spoil-tipped nature of the site means that it is reasonably unlikely to provide any habitats of ecological importance. The hedge is not to be affected by the development and so it is considered that there are no ecological matters of any importance to be addressed in this decision.

- Refuse arrangements – If this application is approved and implemented then the occupiers would be liable for council tax and so would benefit from the waste collection and other services that it provides for. The site access arrangements mean that the location of bins is likely to be some distance from their collection point and may well be undertaken communally on the site. To ensure that appropriate arrangements are put in place for this a condition is appropriate to secure those details.
- Site security – Residents have expressed concern that the potential for horses to escape would cause highway safety issues. This is not considered to be a significant concern given the lack of any direct access from the site to the highway, and in any event is unlikely to be any greater than is the case with the many agricultural field gates in the area.
- Other Plan criteria – The site is not in a green belt or area of separation location, is not in a high flood risk area, has an appropriate scale in terms of the number of pitches and their size, and is in a general location of other development so will not extend the spread of service provision. As such it complies with the remaining criteria of Policy H5 and Policy HL8.

### **Conclusions**

The application relates to the use of a rectangular area of land in the Countryside but adjacent to a cluster of development at Staining Wood Farm and Foxwood Chase in Westby. The proposal is to use the land for a mixed use of equestrian use and as two gypsy pitches, with each pitch providing a static caravan and one other caravan.

The equestrian use is clearly one that is acceptable in a countryside location with many other small scale stable blocks of the style proposed here across the borough.

The gypsy pitch use is specifically examined through Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Submission Version of the Fylde Local Plan to 2032. These both start by referring to a need for additional pitches to have been identified over the Plan period. This is a matter that has been the subject of revision in recent years as a consequence of changes to government guidance on what constitutes a 'gypsy' and is the subject of challenges to the Local Plan that will be discussed at the forthcoming Examination stage. As such the council's position on this aspect as explained in the Fylde Borough Local Plan is considered to be out-of-date by the time and changes in legislation since it was adopted in 2005, and the emerging position through the Fylde Local Plan to 2032 has reduced weight by virtue of the unexamined challenges to it. As such this aspect of Policy HL8 and H5 should not be definitive in the assessment of these applications. Notwithstanding that position on the need for pitches, both policies go on to provide a series of criteria based assessments to be used in determining applications, and it is considered that these have weight to be relied on in the determination of this application.

The key issues for assessment are the locational qualities of the application site, whether it provides a safe and suitable access, and whether the site will create undue landscape harm. Taking these in turn:

The site is located adjacent to a cluster of existing development and whilst it is not adjacent to a settlement that provides services it is within a reasonable distance to some rural villages that do so, and is on a well-served bus route to other centres, and is on a cycle route. As such it is considered that the location is one that is acceptable in terms of the policy requirements.

The access arrangements are slightly convoluted being through the adjacent Foxwood Chase development and utilising its private drive to join Preston New Road via a gated access point. The access itself is of a suitable standard for any realistic use, and the gates are adequately set-back to



minimise the risk of their use impacting on general road usage. Whilst the limited width and construction standards of the internal driveway to Foxwood Chase mean that it is not ideal to accommodate additional use, the level of that additional use is not significantly greater than the 7 dwellings it currently serves and so it is considered that the access arrangements are on balance acceptable.

With the development including the siting static caravans on a site that is close to the road there is a likelihood that there will be some impact on the rural landscape. However, this impact is minimised by the location of the site against the side of an existing kennel building and behind a well-established roadside hedge that is to be retained and will provide an effective screen. The limited views of the site from other aspects ensure that overall the landscaping impact of the development will be minimal.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

#### Approved plans:

- Location Plan - from OS Mastermap dated 13 June 2017
- Site layout - received 16/06/2017
- Fence detail - received 16/06/2017
- Stables - received 16/06/2017

#### Supporting Reports:

- Design and Access Statement

Reason: To provide clarity to the permission.

3. The two pitches hereby approved shall only be occupied as permanent accommodation by Gypsies & Travellers as defined in Annex 1 of DCLG Planning Policy for Traveller Sites (August 2015).

Reason: In order to ensure the site is occupied by Gypsies & Travellers as the grant of planning permission for a residential caravan park or a holiday caravan park may not be appropriate in this locality and as the use of the site as transit accommodation would lead to an unacceptable increase in towed vehicular movements.

4. The two pitches hereby approved shall be laid out as shown on the site layout plan listed in condition 2 of this planning permission with no more than one static caravan and one touring caravan located on each pitch, with each of these caravans meeting the definition of a caravan in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968

Reason: To provide clarity to the permission and to ensure that the layout of the site minimises the potential visual impact as required by Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.

5. That the stables building hereby approved shall be erected prior to the first occupation of either pitch, and shall be constructed in timber boarding under a felt roof as shown on the approved application details. This stable building shall be used for the stabling of horses and associated feed and tack owned by the occupiers of the two pitches only.

Reason: To ensure that the development is implemented as a mixed use, to assist in mitigating the visual impact of the development, and to provide appropriate control over the use of this building in accordance with the requirements of Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.

6. No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to protect the character and appearance of the area.

7. Notwithstanding the requirements of the Town & Country Planning (General Permitted Development) Order 2015 a scheme for the external lighting of the site [including degree of illumination] shall be submitted to & agreed in writing by the Local Planning Authority prior to the installation of any such illumination, and only lighting that is approved shall be installed on the site.

Reason: In the interests of residential amenity & the character of the area.

8. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking, hard surfacing materials minor artefacts and soft landscape works and shall include plans and written specifications noting species, plant size, number and densities, an implementation and maintenance programme. The scheme and programme shall thereafter be varied only in accordance with proposals first submitted to and approved in writing by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in accordance with the approved implementation programme The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality and to ensure adequate hard surfacing to prevent materials being brought onto the highway

9. The landscaping scheme approved under condition 8 shall be implemented and subsequently maintained for a period of 10 years following the completion of the works in accordance with the approved maintenance programme.

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

10. Notwithstanding any indication on the submitted application a scheme for the surface water and foul drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall follow the drainage hierarchy for sustainable drainage principles and shall be constructed and completed in accordance with the approved scheme prior to the first residential use of either pitch. The drainage arrangements shall be retained thereafter to provide all surface and foul drainage requirements for the development.

Reason: To prevent pollution of the water environment in accordance with Policy HL8 of the Fylde Borough Local Plan

11. Prior to the commencement of any development a survey of the existing ground levels and any intended alterations to these levels associated with the provision of the pitches and the stables

shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of any works to excavate or raise areas of land and the materials to be used in any ground alterations and surfacing. Only the works approved by this scheme shall be implemented to facilitate the provision of the pitches.

Reason: To ensure a satisfactory appearance of the development in the wider countryside in accordance with the requirements of Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.

12. Prior to the commencement of any development hereby approved, a scheme for the implementation of any works necessary to improve the access track between the location of the pitches shown on the site layout plan and the access point to Preston New Road shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include any alterations to levels, surfacing, materials, reposition or erection of gates or other such alterations and shall include a phasing scheme for these works. The approved scheme shall be implemented in accordance with the approved phasing scheme.

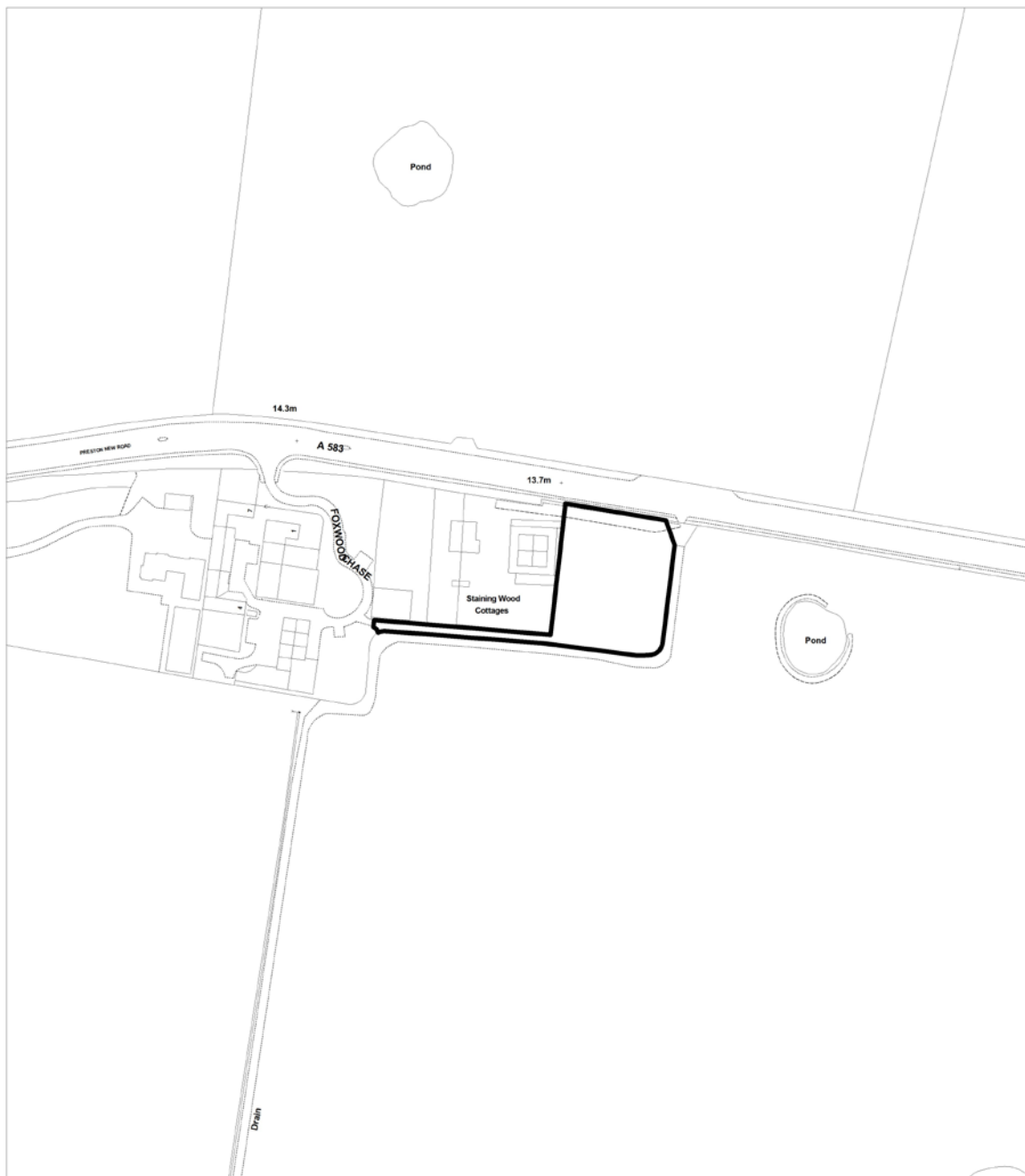
Reason: To provide for a suitable access to the development that does not have any adverse impact on neighbouring amenity or the character of the area as required by Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.

13. Prior to the commencement of any development hereby approved, a scheme for the storage and collection of refuse generated within the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the location of any refuse storage facility associated with each pitch or collectively for the site, and the arrangements for its collection and the frequency of that collection. This scheme shall be implemented and arrangements put in place prior to the first residential use of either pitch hereby approved and shall be operated thereafter.

Reason: To provide for suitable refuse collection arrangements for the site in the interests of general environmental protection needs and the character of the area.

14. Prior to the commencement of any development hereby approved, a scheme for the acoustic protection of the caravans so as to provide sound levels that are at least consistent with the resting and sleeping levels specified in the World Health Organisations guidelines. This scheme shall be implemented prior to the first occupation of each caravan and maintained thereafter in the initial and subsequent caravans that are brought onto the site.

Reason: To provide appropriate protection from noise disturbance for the future occupiers of the site given the location adjacent to the A585 road and potentially the shale gas exploration site.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0495	Address Land adjacent to Staining Wood Cottages, Preston New Road, Westby	Grid Ref. E.3371 : N.4325	Scale 0 10 20 30 40 m 

Item Number: 2

Committee Date: 08 November 2017

<b>Application Reference:</b>	17/0530	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	AC PROPERTIES LTD	<b>Agent :</b>	Alan Jones Chartered Surveyors
<b>Location:</b>	SITE 2 LAND SOUTH EAST, HALLAM WAY, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	ERECTION OF BUILDING FOR BUILDERS MERCHANT (SUI GENERIS) WITH ASSOCIATED HIGHWAY EXTENSION, PARKING AREAS, EXTERNAL STORAGE AND LANDSCAPING		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	20	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7887329,-2.9868353,554m/data=!3m1!1e3?hl=en>

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

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

The proposal for consideration by Members is a full application for the construction of a builders merchants with new road access, car parking and landscaping arrangements at Whitehills Industrial Estate.

The application site is allocated as an industrial site in the adopted Local Plan. The site has no designation in the submission version Fylde Local Plan to 2032, though adjoins the employment designation on 3 sides, which offers support in principle for a variety of use including that applied for. Whilst classified as a sui generis land use, it is considered that a builders merchants is akin to an industrial use and is therefore suitable for the Local Plan designations.

The development is considered to be of appropriate appearance and in-keeping with the character of the area and would not compromise the safe, efficient or convenient movement of all highway users, subject to condition and contributions for enhanced sustainable transport initiatives. There are no ecological issues of note.

At the time of writing, the Lead Local Flood Authority (LLFA) has objected to the drainage strategy, referring to inadequate information to assess the proposals. Notwithstanding, it is understood that the applicant has been in dialogue with the LLFA and agreement has been reached in principle as to how the applicant can overcome this matter.

Accordingly Members of the Planning Committee are recommended to support the proposal and grant authority to determine this application to the Head of Planning & Regeneration subject to receipt of the LLFA comment, and, that any planning permission granted be subject to any necessary revision, and appropriate conditions.

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

The application is a Major application and as such needs to be determined by Planning Committee given the favourable recommendation.

### **Site Description and Location**

The site is located within the Whitehills Business Park, south of Hallam Way, on an unused parcel of land. Travis Perkins Trading Co is located to the north, a B&Q superstore to the North east and another undeveloped parcel of land to the east beyond which Premier Inn Blackpool East is located. To the west of the site there are 2 storey offices on Neptune Court.

### **Details of Proposal**

Permission is sought for the erection of an industrial unit to form a Builders Merchants (Sui-Generis) and associated highway extension/ works, parking area, external storage, and landscaping. The building will have a floor area of 1,841 square metres which includes a mezzanine level. The floor space will be predominantly used for warehouse/ storage, with a smaller ancillary space for offices and staff canteen.

The building will have a footprint which measures 55m x 25.5m, with an overall ridge height of 8m (6.4m to eaves). The building will have a pitched profiled sheet roof, with the elevations faced in brick to the lower portion with metal cladding above, the type of brick and cladding has not been specified. The yard areas are to be hard surfaced and will also be used for external storage including storage racks varying between 3 and 4.5 metres in height. Vehicular access to the site will be via a new access road from a new arm off the adjacent roundabout. 29 parking spaces and a cycle store are provided on the site. A landscaped area, approximately 7m deep, is provided to Hallam Way wrapping around to the new access road.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
08/0780	ERECTION OF A HEALTH, FITNESS AND RACQUET CLUB (RENEWAL OF PLANNING PERMISSION 05/0959).	Granted	22/07/2009
05/0959	AMENDMENT TO PREVIOUS APPLICATION 00/240 FOR RACQUETS AND FITNESS CLUB WITH ASSOCIATED OUTDOOR FACILITIES AND PARKING.	Approved with 106 Agreement	10/03/2006
00/0240	PROPOSED TENNIS CLUB WITH ASSOCIATED LEISURE FACILITIES	Granted	06/02/2001

### **Relevant Planning Appeals History**

There is no appeal history to report.

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

**Westby with Plumpton Parish Council** notified on 30 June 2017 whom have no objection to the proposed planning application and, therefore, recommends APPROVAL.

## Statutory Consultees and Observations of Other Interested Parties

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

No objections subject to condition and £30k contribution to sustainable transport.

*LCC have previously raised concerns over the scale of development in the Whitehills area and there impacts on the highway network. It has been demonstrated, through previous applications that the local network will suffer from a level of congestion at peak times with consideration for committed development. It is critical, therefore, that the impact of this development does not compromise reliability and safety, in the movement of people and goods by any mode on any part of the network.*

*Concern is raised to the lack of information submitted with the application. The DaS at 2.02 states that "It is estimated that there will be approximately two deliveries per day by articulated vehicle and approximately 20 deliveries and distribution from site to building sites per day. As with any builder's merchants it is expected that small builders will arrive early morning in pickups and small vans to collect rudimentary materials such as cement and drainage pipes and fixings. This volume cannot be truly assessed at this stage". The greatly under represents traffic movements and fails to take account of staff movements.*

*Notwithstanding, Given the nature and scale of the development peak hour traffic movements are not considered to have a significant effect on present and future highway capacity in the peak hours as the majority of vehicle movements will occur outside the peak hours.*

*The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development and encourages developers to promote sustainable transport options. Whilst the developer has shown the provision of on-site cycle parking the developer offers nothing towards creating a modal shift from private car to more sustainable transport options. LCC has made requests for other developers in the area to make contributions toward promoting sustainable travel either by public transport contributions or via contributions to improve the walking and cycling network. Public transport in the area is currently subsidised partly through previously secured developer contributions, however, the development component of the subsidy is due to cease in the near future and as such service provision is to be reviewed. LCC consider that the developer should make a contribution of £50,000 to sustainable transport initiatives in the area. The Highway Authority has revised this figure to £30,000.*

*At 2.03 in the DAS reference is made to car parking on the site plan but provides no justification on the proposed level of parking. The site plan shows a total of 29 car parking spaces for visitors and staff. The layout of the car park is generally acceptable with the exception of space 01 which would lead to a lengthy reversing manoeuvre in order to be used. To resolve this issue I would suggest that space 01 becomes a motorcycle space. The loss of 1 car parking space does not raise any significant issues.*

*The submitted plans demonstrate that the service yard provides adequate manoeuvring space for delivers, however to ensure that this remains available I would suggest that a condition be imposed limiting the storage of materials to the areas shown on plan B17-1829.07 Rev D.*

*Access to the site is proposed to be via a new arm on the Hallam Way roundabout. The access road from the roundabout on plan B17-1829.07 Rev D is shown to be 7m wide with footways on both sides scaling off at around 1.5m. This contradicts the information provided on the road detail plan B17-1829.05 where the carriageway is shown to be 7.5m and footways 1.5m. These dimensions are not acceptable as they do not conform with the appropriate design standards. Industrial access roads should be a minimum of 7.3m wide and footways a minimum of 2m wide. Whilst I am satisfied that the necessary amendments can be made it is likely that it would impact on the landscaped area.*

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

Raise objection to the development in the absence of adequate information to assess the principle of surface water drainage.

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

No objection subject to condition relating to agreement of surface water drainage design and management/ maintenance of sustainable drainage systems.

Reference is also made to a 3m easement to where under no circumstances should anything be stored, planted or erected, nor should anything occur that may affect the integrity of the pipe or UU right to 24hr access.

A public sewer also crosses the site and an access strip width of 13m (6.5m either side of the centre line of the sewer) is required for maintenance or replacement reasons. A modification of the site layout or diversion of the infrastructure may be necessary.

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

*No objections to the development on landscape or visual grounds. However, the Proposed Site Plan submitted as part of the application shows insufficient details of either hard or soft landscaping and more details are required.*

*The minimum standards should ensure the following design principles, which are required by planning policy to achieve good design at every level:*

- *Movement and legibility – pedestrian, car parking areas and roads should be clearly delineated through the use of different materials, clear signage, bollards and dropped kerbs.*
  1. *Space and enclosure – the scheme layout should provide a sustainable and attractive landscape with clearly defined entrances; boundary treatments which contribute to the streetscene; and the use of appropriate EHS trees along the frontage to Hallam Way.*
  2. *Architecture and townscape – a well-designed hard landscape and planting scheme which is robust enough to withstand the rigours of this type of environment.*

*The soft landscaping indicated on the drawings submitted would be insufficient to satisfy these objectives.*

*Plans should be submitted at an appropriate scale which clearly indicate hard and soft landscaping materials and include paving and tree pit details, plant species lists, plant numbers, plant sizes and planting densities.*



*Maintenance of the soft landscape must be as specified on the drawing and undertaken for a period of no less than 10 years. All work is to be undertaken in accordance with British Standards.*

### **Neighbour Observations**

<b>Neighbours notified:</b>	30 June 2017
<b>Site Notice Date:</b>	7 July 2017
<b>Press Notice Date:</b>	13 July 2017
<b>Number of Responses</b>	0
<b>Summary of Comments</b>	n/a

### **Relevant Planning Policy**

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

EMP1	Business & industrial land allocations
EMP2	Existing business & industrial uses
TR10	Car park design
EP19	Protected species
EP25	Development and waste water
EP30	Development within floodplains

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

GD7	Achieving Good Design in Development
EC2	Employment Opportunities
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV2	Biodiversity

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

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

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The main issues pertinent in the assessment of the proposal are:

- Principle of use.
- Design.
- Highways.
- Ecology.
- Flood Risk and Drainage.
- Amenity.

### Principle of Use

The site is allocated as an industrial allocation in the adopted Fylde Borough Local Plan (FBLP). Policies EMP1 and EMP2 are of relevance and support industrial land uses (B1, B2 and B8) within such areas. The site has no designation in the submission version Fylde Local Plan to 2032, being white land, but adjoins the employment designation on 3 sides. This lack of designation offers support for a variety of different uses, including that applied for.

The proposal seeks consent for a builders merchants which is classified as a *sui generis* use. Notwithstanding, it is considered that the use proposed is akin to an industrial use and there are other similar land uses within the allocation. In addition, it is considered that an Industrial allocation is a more appropriate location for such a use and would reduce opportunity for conflict with other more sensitive land uses (housing).

On this basis the principle of the use proposed in this location is considered acceptable.

### Design

Policy GD7 requires development to be of a high standard of design, taking account of the character and appearance of the local area. Policy TR10 requires car parking to include landscaping which enhances the character and quality of the development.

The site is an existing undeveloped site within an industrial estate. Buildings within the vicinity are of mixed appearance, some being of traditional industrial form being of larger proportion and constructed of brick work and profiled metal sheet, other office developments are of brick construction beneath a tile roof. It is considered that the locality can be defined as having no consistent character.

The building proposed is to be constructed of profiled metal sheet and brickwork to an overall ridge height of 8m. The development would be visually prominent due to this scale, though it is similar in size and appearance to other structures in the vicinity.

Siting of the main structure is set back from the main street scene enabling the provision of landscaping (trees and shrubs) which is consistent with existing development along Hallam Road. This landscaping wraps around to the eastern edge of the site adjacent to the new access road. Car parking is located to the less prominent elevation of the site with landscaping used to soften the built form. The service yard area is to be used for external storage and submitted drawings indicate that this will be taller than perimeter mesh fencing (2.4m). The Mesh fencing will be landscaped with climbing plants to reduce the visibility of the external storage, though would not be of sufficient height to obscure high level storage racks, some of which are 4.5m in height. In order to control the visual appearance of the development it is considered necessary to restrict the height of external storage to ensure it does not project above the perimeter fence line.

The proposed design of the development is considered to be in-keeping with the industrial nature of the locality and would contribute toward the regeneration of an empty vacant site which currently detracts from the locality.

### Highways

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, development should only be prevented or refused on network impact grounds where the residual cumulative impacts of development are

severe. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy T5 requires parking to be provided on site, and that a flexible approach to provision will be applied.

The development is to be accessed via a new road which links to a new arm of the adjacent roundabout, being 7.3m in width and providing for 2m footpaths to each side of the carriageway. 29 parking bays (1 disabled), motorcycle parking and a cycle store are provided on site and are segregated from the main service yard. The applicants Design and Access Statement estimates that there will be approximately 2 deliveries per day by articulated vehicle and 20 deliveries to construction sites per day. It is expected that small builders will arrive early morning in pickups and small vans to collect rudimentary materials such as cement, drainage pipes and fixings.

The application form refers to 20 staff being employed by the new business and the provision of 29 parking bays would on this basis seem appropriate. Indeed, whilst the Highway Authority question the lack of justification for parking provision, no objection to parking numbers has been made. Proposed parking is segregated from the yard area, acting to minimise conflict between service vehicles and pedestrians on the site. The service yard provides for appropriate manoeuvrability and the Highway Authority advises that external storage should be restricted to those locations indicated on plan to ensure movements in the yard are not compromised. The new access road has been revised to accord with the Highway Authority requirements of a 7.3m carriageway.

It is inevitable that the development will attract additional vehicle movements to the area. Highway Authority consider that due to the nature and scale of the development, peak hour traffic movements are not considered to significantly change and so the impact on present or future highway capacity is limited as the majority of movements will be outside of peak times. The applicant has provided cycle parking to encourage alternative forms of transport, though offers no other options for sustainable travel. Other development in the vicinity has contributed toward promoting sustainable travel by contributions towards public transport, or, walking and cycling initiatives. The Highway Authority comment that public transport in the area is subsidised in part by developer contributions, but that this is due to cease in the near future and service provision is to be reviewed. On this basis contributions of £50k toward sustainable transport initiatives in the area have been requested, Members should note that this figure has been revised to £30k by the Highway Authority and that the applicant has no objection to the contribution request.

On this basis it is considered that the development provides for a safe and suitable access and that impact on the network would not be severe, in accordance with the development plan and NPPF. It is also considered that the proposed public transport contribution is a necessary obligation as it will allow the existing bus service to the wider site to be retained and so enable staff and customers choosing to use that mode of transport to conveniently access the site.

#### Flood Risk and Drainage

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

Policy EP30 states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere. Policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development. Policies

CL1 and CL2 of the SV reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

The FRA confirms that the site is located within Flood Zone 1, defined as being as a low risk of flooding. Further to this, it is reported that all sources of flooding have been assessed to represent a negligible or low risk at the site. The drainage strategy refers to surface water attenuation on site before being discharged to the public sewer and has been based on sustainable drainage principles.

At the time of writing, the Lead Local Flood Authority (LLFA) has objected to the drainage strategy, referring to inadequate information to assess the proposals. Notwithstanding, it is understood that the applicant has been in dialogue with the LLFA and agreement has been reached in principle as to how the applicant can overcome this matter. An updated drainage strategy is to be provided and it is expected that revised comment from the LLFA will be reported by Late Observations. In the event that a response is not forthcoming, it is recommended to delegate the authority to determine the application to the Head of Planning and Housing to consider the LLFA response.

United Utilities have raised no objection to the proposal, subject to conditions.

### Ecology

Policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted. Policies ENV1 and ENV2 of the SV reflect this current policy position.

The site has no specific nature conservation designation in the adopted or emerging Local Plan. Indeed the only existing habitat of any value is a small drainage ditch located to the western boundary of the site which is retained within the scheme. A small portion of this ditch is on the footprint of the yard area and therefore requires diversion to the western boundary. The submitted ecological report confirms that the site has low ecological value. The scheme also provides for enhancement of the biodiversity on site through provision of landscaping. Linkage of the landscaping to the drainage ditch will improve green infrastructure and provide for biodiversity routes about the site perimeter.

Features of ecological significance are retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species. This can be achieved through the imposition of appropriate conditions. The proposal is therefore in accordance with the objectives of the development plan and the NPPF.

### Amenity

The site is bound by commercial premises including office development to the west and similar builders' merchants to the north. The use applied for is consistent with that in the locality and would not therefore undermine the amenity of these neighbours to any great extent than that currently witnessed.

A recently constructed housing development is located approximately 150m to the south with dwellings having a rear facing aspect toward the application site. This separation is considered sufficient mitigation to ensure minimal disturbance to these neighbours from the use applied for, as well as the physical presence of structures to be built.

## Other Matters

The number of parking spaces proposed is based on the use of the development as a builders merchants. Any alternative use, such as general retail sales to the public may compromise parking provision on the site and result in displacement of vehicles to the road which could impinge on highway safety. In addition, general retail sales from a building of this size is likely to require additional assessment with regards to sequential and impact testing. On this basis it is considered necessary to restrict use of the building to a builders merchants with sales to tradesman only.

## Conclusions

The proposed use is acceptable for this industrial land allocation. The development is considered to be of appropriate appearance and in-keeping with the character of the area and would not compromise the safe, efficient or convenient movement of all highway users, subject to contributions for enhanced sustainable transport initiatives. There are no ecological issues of note. The development is therefore recommended for approval.

## Recommendation

That the authority to determine this application be delegated to the Head of Planning & Housing subject to the resolution of the drainage issues, and the completion of a Section 106 agreement in order to secure:

- a financial contribution of £30,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site.

The agreement will be expected to meet the full amount quoted, unless a viability appraisal has been agreed with the Local Planning Authority.

And, that any planning permission granted be subject to any necessary revision and the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

Reason: This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. This consent relates to the following details:

### Approved plans:

- Site Layout & Landscaping drawing number B17-1829.07 rev E
- Elevation drawing number B17-1829.03
- Floor Plan drawing number B17-1829.01

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

3. Prior to commencement of the development hereby approved and notwithstanding any denotation on the approved plans, samples of the roof treatment, wall brick and cladding [inclusive of colour] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: In order to ensure a satisfactory standard of development, in accordance with Policy GD7 of the submission version Fylde Local Plan to 2032 and the NPPF.

4. Prior to commencement of the development hereby approved, a Landscaping scheme (including soft and hard surface landscaping) shall be submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall include car parking and storage yard hard surfacing materials. Soft landscape details shall provide for linkages to the western drainage ditch and include plans and written specifications noting species, plant size, number and densities and an implementation programme.

The development shall be implemented in accordance with the agreed scheme and programme of implementation and retained thereafter.

Reason: To enhance the quality of the development in the interests of the amenities of the locality, in accordance with Policy GD7 of the submission version Fylde Local Plan to 2032 and the NPPF.

5. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of **10** years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current arboricultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality, in accordance with Policy GD7 of the submission version Fylde Local Plan to 2032 and the NPPF.

6. The height of any external storage shall not exceed 2.4m.

Reason: In the interests of visual amenity and on site highway safety, in accordance with Policy GD7 of the submission version Fylde Local Plan to 2032 and the NPPF.

7. The car park and service yard area shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

8. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- f) protection of existing drainage ditches.

Reason: To safeguard the ecological value of the site, and, maintain the operation and safety of local streets and the through routes in the area during site preparation and construction, in accordance with Policy EP19 of the adopted Fylde Borough Local Plan, and Policies GD7, ENV1 and ENV2 of the submission version Fylde Local Plan to 2032 and the NPPF.

9. For the duration of the construction period facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users, in accordance with Policy GD7 of the submission version Fylde Local Plan to 2032 and the NPPF.

10. No part of the development hereby approved shall commence until a scheme for the construction of the roundabout site access and new road has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

The approved scheme shall be implemented prior to any occupation of or trading from the development.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site, in accordance with Policy GD7 of the submission version Fylde Local Plan to 2032 and the NPPF.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Local Plan, CL1 and CL2 of the submission version Fylde Local Plan to 2032 and the NPPF.

12. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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

The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Local Plan, CL1 and CL2 of the submission version Fylde Local Plan to 2032 and the NPPF.

13. Prior to occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
  - a. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Local Plan, CL1 and CL2 of the submission version Fylde Local Plan to 2032 and the NPPF.

14. No development shall commence until details of the finished floor levels have been submitted to, and approved in writing by, the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory standard of development, in accordance with Policy GD7 of the submission version Fylde Local Plan to 2032 and the NPPF.

15. A scheme for the provision of bat and bird boxes within the scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and retained thereafter.

Reason: To enhance the biodiversity value of the site, in accordance with Policy EP19 of the adopted Fylde Borough Local Plan, and, Policies ENV1 and ENV2 of the submission version Fylde Local Plan to 2032.

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

Reason: To enhance the biodiversity value of the site, in accordance with Policy EP19 of the adopted Fylde Borough Local Plan, and, Policies ENV1 and ENV2 of the submission version Fylde Local Plan to 2032.

17. The security fencing as detailed on drawing number B17-1829.07 rev E shall be a maximum of 2.4m in height and coloured dark green.

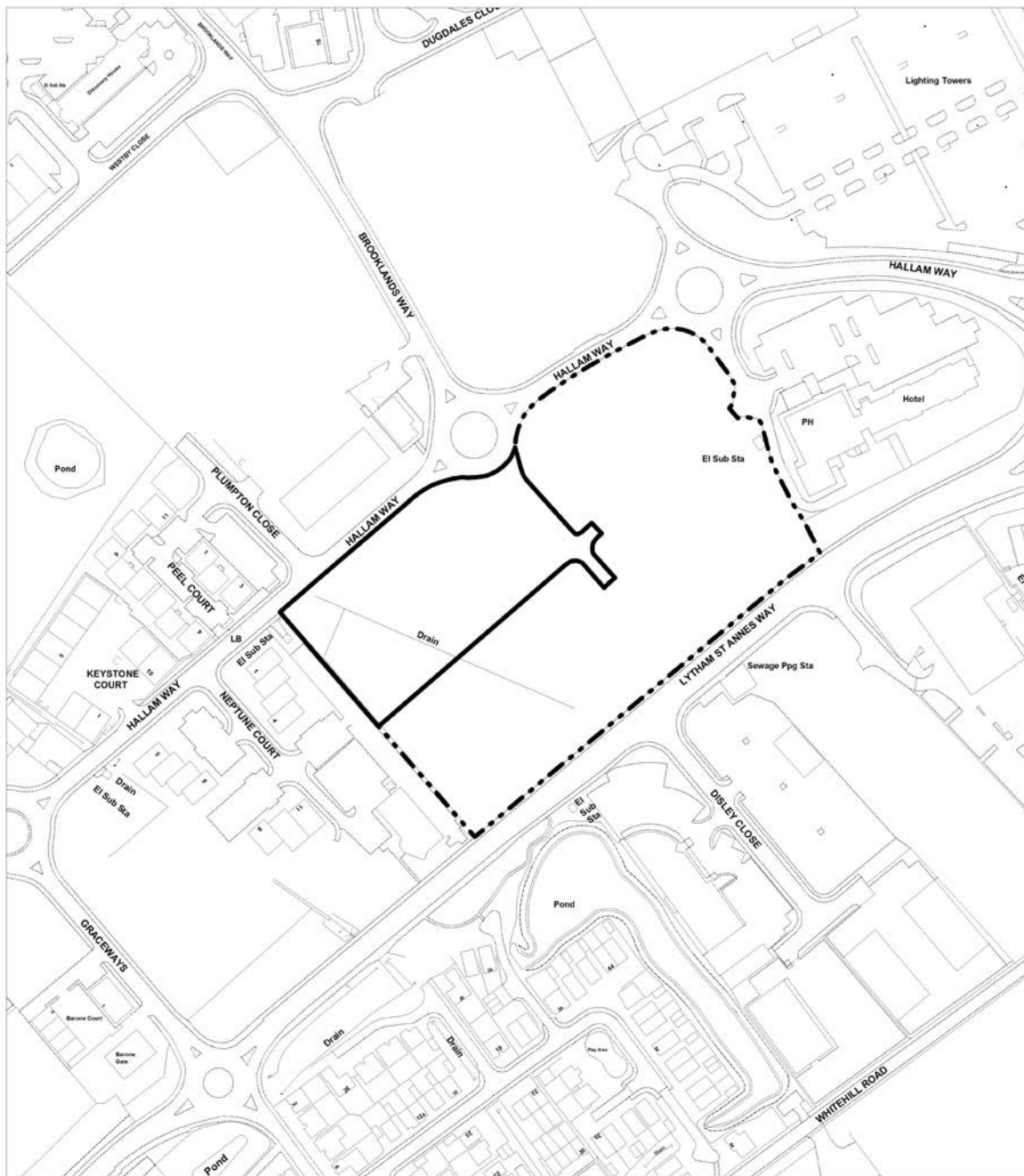
Reason: In order to ensure a satisfactory standard of development, in accordance with Policy GD7 of the submission version Fylde Local Plan to 2032 and the NPPF.

18. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 2015 or any other legislation that amends or re-enacts those Orders, the premises hereby approved shall be



used only as a builder's merchants with sales or hire to tradesman.

Reason: For the avoidance of doubt and in order to avoid the establishment of a retail operation in this out of centre location.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0530	Address Site 2 Land South East Hallam Way, Westby	Grid Ref. E.3350 : N.4329	Scale 0 10 20 30 40 m 

**Item Number:** 3

**Committee Date:** 08 November 2017

<b>Application Reference:</b>	17/0540	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Gorst Estates	<b>Agent :</b>	CFM Consultants Ltd.
<b>Location:</b>	GORST FARM, LODGE LANE, ELSWICK, PRESTON, PR4 3YH		
<b>Proposal:</b>	RETROSPECTIVE CHANGE OF USE OF LAND TO USE AS A MECHANICAL PLANT STORAGE COMPOUND INCLUDING DEMOLITION OF FORMER AGRICULTURAL BUILDING AND CREATION OF HARDSTANDING AREAS		
<b>Parish:</b>	ELSWICK AND LITTLE ECCLESTON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	19	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8361763,-2.8717598,553m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

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

Gorst Farm is a former farm and associated land that is located off Lodge Lane outside of Elswick Village. The farming use has ceased but the farmhouse, a barn and some outbuildings remain.

This application seeks permission for a change of use of land at Gorst Farm for the storage of plant and machinery associated with operating the applicant's haulage and plant hire business and a car park for employee use. The works to facilitate this use have been undertaken and the use commenced so the application is applied for retrospectively.

As a consequence of the nature of the machinery being stored and the scale of the operation the development results in an industrialised appearance of the countryside that is detrimental to the visual amenity of this area. The activity associated with it also causes considerable noise and disturbance for nearby residential neighbours to the detriment of their amenity through both the activity on the site and the vehicle movements through the village and surrounding roads associated with it.

Accordingly the development is recommended for refusal by Members as it fails to comply with the relevant policies of the local plan and the aims of the National Planning Policy Framework.

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

The application is on the agenda following a request by the ward councillor (Cllr Paul Hayhurst), and for completeness as there is a locational link to application 17/0667 which is on this agenda as a

major application.

### **Site Description and Location**

The application site is land forming part of the former Gorst Farm, Lodge Lane, Elswick.

In particular the red edge site area extends from the existing access off Lodge Lane, to the east of the farmhouse, and wraps around the garden area of the dwelling to then include the area occupied by the former farm buildings to the west. It also includes an area of land to the south of Lodge Lane and east of the farmhouse which has been stoned to create a car parking area. The total area of land measures 0.58 Ha.

To the north of the site are residential properties, with open fields to the east and west. To the south and east is an area of farm land currently in use as a storage compound in association with Volker Rail and subject to application 17/0667 on this agenda.

The site is located outside of designated as countryside on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Local Plan to 2032.

### **Details of Proposal**

This application is submitted for a change of use of land for the storage of plant and equipment that is associated with the applicant's civil engineering, haulage and plant hire business and includes the formation of a car parking area for staff/drivers cars. The description has been revised to reflect this with the agreement of the applicant as it was initially proposed as being for plant storage and the car park only.

The site area applied for is 0.58 Ha, the car park area measures approximately 21 metres in width by 33 metres in depth. The plant storage area is to the rear of the existing farm buildings to the west of the new car park. A modular building has also been brought to the site proposed for use as a 'welfare unit'.

An agricultural building has been demolished to facilitate the external storage compound area which stores plant and haulage equipment (currently in association with Fox Bros. business).

The use for plant storage and the creation of the car park have been carried out and so the application is applied for retrospectively.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0576	OUTLINE APPLICATION FOR ERECTION OF 2 NO. DWELLINGS AND GARAGES FOLLOWING DEMOLITION OF EXISTING BARN WITH ACCESS, LAYOUT AND SCALE APPLIED FOR WITH OTHER MATTERS RESERVED	Granted	13/10/2016
16/0102	RESUBMISSION OF APPLICATION 15/0576 FOR OUTLINE APPLICATION FOR ERECTION	Refused	11/05/2016

	OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARN. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)		
15/0576	OUTLINE APPLICATION FOR ERECTION OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARN. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Refused	15/10/2015
DISC/15/0018	APPLICATION TO DISCHARGE PLANNING CONDITION 3 (MATERIALS), CONDITION 6 (ARCHAEOLOGY REPORT), CONDITION 9 (BIRD BOXES) & CONDITION 14 (LANDSCAPING) OF PLANNING PERMISSION 15/0018	Advice Issued	17/09/2015
15/0018	RE-SUBMISSION OF 14/0088 - PROPOSED CONVERSION, PARTIAL DEMOLITION, EXTENSION AND SUBDIVISION OF EXISTING BARN TO FORM TWO NO. DWELLINGHOUSES	Granted	26/03/2015
14/0088	PROPOSED CONVERSION, PARTIAL DEMOLITION, EXTENSION AND SUBDIVISION OF EXISTING BARN TO FORM TWO NO. DWELLINGHOUSES, AND ERECTION OF GARAGES TO REAR	Withdrawn by Applicant	08/01/2015
13/0777	COUNTY MATTER FOR RETROSPECTIVE APPLICATION FOR THE RETENTION OF IMPORTED INERT MATERIALS, PARTIAL INFILLING OF THE POND, CREATION OF A LAKE, FORMATION OF A NEW ACCESS AND LANDSCAPING AND EXTRACTION OF SAND.	Withdrawn by Applicant	03/03/2014
11/0827	CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B8 STORAGE	Granted	01/05/2012
08/0863	CHANGE OF USE FROM DWELLING TO OFFICES, ERECTION OF REPLACEMENT DWELLING, CONVERSION OF AGRICULTURAL BUILDINGS TO 3 NO. OFFICES FOR B1 USE AND REMAINDER FOR B8 STORAGE AND DISTRIBUTION USE FOR THE SECURE STORAGE OF CARAVANS ALONG WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS IMPROVEMENTS AND LANDSCAPING (AS AMENDED)	Refused	29/10/2010
05/0795	CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO WOOD FUELLED RENEWABLE ENERGY PLANT.	Granted	16/12/2005
04/1195	RESUBMISSION OF APPLICATION 04/241 FOR NEW ACCESS.	Granted	17/01/2005
04/0241	PROPOSED NEW ACCESS	Withdrawn by Applicant	12/08/2004

### Relevant Planning Appeals History

Application No.	Development	Decision	Date
16/0102	RESUBMISSION OF APPLICATION 15/0576 FOR OUTLINE APPLICATION FOR ERECTION OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARN. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Dismiss	15/12/2016

### Parish/Town Council Observations

**Elswick Parish Council** notified on 30 June 2017 and comment:

*"The Parish Council wishes to submit the following formal response, which represents a strong objection to the above retrospective planning application for the following reasons:*

#### The Application

*Whilst this retrospective application is requesting a change of use to plant storage, there are considerable numbers of haulage vehicle movements, 6 days a week Monday to Saturday. More recently vehicles belonging to a leading railway infrastructure contractor also appear to be operating from this site. These vehicle movements and associated noise are creating a negative impact on local residents.*

*There are considerable and intensive engineering works being undertaken on the site, which are altering the physical characteristics of the land. The Parish Council is not aware of any planning permissions for these to be undertaken. These works by their scale and nature are more akin to an industrial development.*

*With the above concerns being taken into account, the Parish Council requests that a site visit is undertaken by the responsible case officer as a matter of urgency.*

#### Visual Impact

*The Parish Council considers the works being undertaken on this site to be wholly inappropriate within a rural area. To continue to allow these developments would have a significant and detrimental visual impact on the character of the village in this location*

#### Land Use

*The land included in the proposal is high quality agricultural land which is already being altered. Fylde Borough Councils local plan to 2032 detail areas where there will be industrial development – this area is not detailed on the plan.*

#### Noise Pollution

*Local residents have contacted the Parish Council to raise their concerns regarding the significant noise nuisance that the operation is generating and the resultant detrimental impact upon their enjoyment of life in a rural location.*

*The Parish Council has been informed that some of the noise nuisance at times commences at 5 am by machinery being moved and/or the vehicle reversing alarms.*

*The noise is having a considerable impact on local residents located close to the site which is preventing residents from enjoying their homes in this peaceful village.*

*There are also concerns about the potential use of flood lighting and additional vehicle lights during the coming winter months. Should this be the case, this will be visible to residents and may cause light pollution.*

*The Human Rights Act states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.*

#### Transport and Traffic

*The Parish Council notes Highways England's "no objection" response to the application which is based on change of use of land to provide plant storage. However, as noted previously there are multiple haulage vehicle movements accessing the road network within Elswick and the Parish Council would ask Fylde Borough Council to consider recent concerns raised by Highways England with regard to the increased development coming forward in this area and the safety issues in relation to the Thistleton junction. The Parish Council is extremely concerned about the adverse impact of increased use of the roads within the village areas, especially by heavy haulage vehicles.*

*With regard to the site entrance at Lodge Lane, the access/ingress and limited visibility is wholly inappropriate and cannot safely accommodate these large vehicles.*

#### Summary

*Elswick Parish Council strongly objects to this planning application by virtue of its harmful visual impact and an unacceptable adverse impact on the rural landscape. As previously stated, the current operations at this site are affecting the quality of life of neighbouring residents and the Parish Council respectfully requests Fylde Borough Council to reject this application and investigate the ongoing works at this site."*

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

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

No comments have been received at the time of writing this report, and so any that are received will be reported in the Late Observations Schedule.

#### **Highways England**

No objection.

### **Neighbour Observations**

<b>Neighbours notified:</b>	30 June 2017
<b>Site Notice Date:</b>	11 July 2017
<b>Number of Responses</b>	Correspondence from 43 properties
<b>Summary of Comments</b>	All respondents raise objection to the proposal. Their comments are summarised below, although some points will also relate to application 17/0667.

- constant beeping
- heavy plant and clanging of large metal containers throughout

the day Wed 07:30-5pm, Thu 08:00-5pm, Fri 08:00-5pm, Sat from 06:45

- heavy vehicles queuing up on Lodge Lane
- entrance does not have line of sight
- on Lancashire cycle route
- no pavement
- unable to sleep due to noise
- industrialization of a predominantly farming area
- applicant moving Fox Bros Plant Hire Haulage business on site
- drivers exceed speed limit
- should not allow heavy vehicles on site
- Large areas of farm buildings have been demolished without permission and without ecologic, environmental or habitat survey
- substantial delivery and collection movements by large vehicles.
- Sight lines at the access onto Lodge Lane and radii created are totally inadequate
- no indication of the number and type of plant to be stored or the numbers of cars to be parked
- no vehicle tracking information
- mud deposited on road
- use not appropriate to rural area
- no drainage information
- near misses from dangerous driving
- noise pollution
- light pollution
- Police in attendance
- machinery unsightly
- infrastructure limitations
- road surface damage
- snubbed noses at law of land
- why is this not on an industrial site
- no benefit to village
- not doing any good to foundations of property
- was FBC consulted over issue of license
- recorded 15 HGV pass in an hour on Friday 11th Aug.
- No peaceful enjoyment of property
- No regard for residents
- erected company signs
- land not been designated for industrial use
- flouting rules
- plenty of alternative sites
- having adverse effect on our physical and mental health.
- put strain on A585 at Thistleton
- roads narrow and winding with poor visibility
- visibility particularly important for cyclists
- floodlights intrusive



## **Relevant Planning Policy**

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

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
EMP3	Business & industrial uses outside defined area
EP11	Building design & landscape character
EP19	Protected species
EP27	Noise pollution
EP28	Light pollution

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

GD4	Development in the Countryside
EC2	Employment Opportunities
ENV1	Landscape
ENV2	Biodiversity

### **Other Relevant Policy:**

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

## **Site Constraints**

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

This application seeks permission for a change of use of agricultural land at Gorst Farm to form a storage compound for the storage of plant hire and haulage machinery and the creation of a car parking area for the parking of employee vehicles in association with the applicant's plant hire business.

## **Planning Background**

The site forms part of the land associated with Gorst Farm which has ceased farming activities. Planning permission has been granted for the conversion of the buildings for B8 storage use and the storage of caravans under application no. 11/0827. However, the use has not been implemented and has expired meaning that the lawful use of the site remains as agriculture.

Since 2011 various applications have been submitted for residential use of the site. These include the conversion of the existing barn abutting the highway to two dwellings (application no. 15/0018) and subsequently application no. 16/0576 an outline application for the demolition of the same barn and the erection of two dwellings in its place, both of which have been approved.

A further application for five dwellings covering the area of the above barn and the area for 'plant storage' in this application has also been applied for, refused, and dismissed at appeal (16/0102 refers).

The plant storage area is also subject to a current application for three dwellings under application no. 17/0623.

Application 17/0667 is also a current application which seeks permission for the use of part of the access indicated in this application, the car park and land to the south for use by Volker Rail for a compound for the storage of machinery and equipment in association with the on-going up-grade works to the Preston to Blackpool rail line.

#### Policy Relevance

Policy SP2/GD4 of the local plan refer to development in countryside areas. These policies seeks to restrict development to that needed for the purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area.

The development is not required for any agricultural purpose and so fails to comply with the above policies. It is therefore necessary to consider the proposal against other policies of the development plan.

Policy SP8 of the FBLP and EC2 of the FLP32 refer to expansion of existing businesses and employment opportunities.

Policy EC2 (FLP 2032) advises that the council seeks to retain continued employment uses of existing employment sites. *"This could include any type of employment use, including agriculture, and may not be restricted to B1, B2 and B8 land uses"*

Policy SP8 permits the reasonable expansion of existing businesses and commercial operations in countryside areas subject to compliance with four criteria.

1. *The development in general terms would have no significant harmful impact on the character, appearance or nature conservation value of the countryside;*
2. *The development would not represent a major increase in the developed portion of the site;*
3. *The height of the proposed buildings would not exceed the height of the existing buildings in the vicinity of the proposed development;*
4. *Within sites containing land of open character, the development lies within the developed part of the site."*

The main issues raised by these policies are assessed in the remaining sections of this report.

#### Impact on visual amenity

In regards to criterion 1 of Policy SP8, the land in this application forms part of an existing access to the farm buildings and part of the former farm yard area, which has been enlarged by the demolition of an agricultural building to form an open hard surfaced compound area, secured by metal fencing and provided with flood lights.

The site can be seen from the lane to the west and from various points on Lodge Lane not least at the access to the site. As a result of the appearance of the site, the scale and nature of the machinery stored externally, and the numerous vehicles stationed on the car park the development results in an industrialized appearance of the countryside. In some areas there are hedges to soften these views but in other areas it is prominently visible in a rural landscape. This is

inappropriate development in the countryside and visually out of keeping with the rural character of the area. The use is a permanent one and has no other benefits beyond the business benefits to the applicant. As a result the use fails to comply with Policies SP2, EMP3, SP8, EP11, EP28 and GD7 of the local plan and the core planning principles of the NPPF (at paragraph 17).

#### Employment use

The use of the farm buildings for B8 and caravan storage uses (application no. 11/0827) would have generated some small employment opportunities. Whilst this application also proposes storage it is not the type to fall within a B8 use of the Use Classes Order and provides only limited employment opportunities on the site, with the main operation of the applicant undertaken from offices on Whitehills Business Park and a site in Poulton.

The limited employment generating benefits of the development do not outweigh the harm that is caused to the other planning considerations and so the scheme fails to comply with Policies EMP3 of the adopted Plan and Policy EC2 of the emerging Local Plan.

#### Impact on neighbours

Policy EP27 refers to noise pollution "*Development which would unnecessarily and unacceptably result in harm by way of noise pollution will not be permitted.*"....

Policy EP28 to light pollution. "*In relation to development proposals involving external lighting facilities, regard will be had to the issue of light pollution. Proposals should avoid or minimise harm relating to loss of local character, loss of amenity or reduction in highway safety.*"...

The site, as reported is proposed for the storage of plant and a car parking area and is currently used by Fox Bros. who operate a plant hire and haulage business. The use of the site in this way has also coincided with the use of other land at Gorst Farm for works undertaken by Volker Rail, the main civils contractors in the up-grade of the Preston to Blackpool railway line.

The use of this site and that of the Volker Rail site result in numerous HGV deliveries, the 'comings and goings' of Fox Bros. employees and the manoeuvring of other heavy machinery which take place throughout the day and night.

The Volker Rail use is limited in the level of movements involved as it generally involves night-time use as is required by their contract with Network Rail to minimise disruption to rail users. However, the Fox Bros operation under consideration here involves activity throughout the day with HGVs leaving the site in the early morning and then returning throughout the day. These vehicle movements and the activity within the site associated with its operation are also physically closer to the neighbouring dwellings.

The officer conclusion on this is that as the compound in this application is proposed as a permanent use of the land which has, and which would continue to result in, noise and disturbance of an unacceptable level for the occupiers of nearby residential properties.

It is therefore considered that the development is harmful to the amenity of nearby residents as a result of the light pollution, noise and general disturbance arising from the activities undertaken at the site which is contrary to the requirements of Policies SP2, EP27, EMP3 and GD7 of the local plan and the aims of the NPPF in particular paragraphs 17, 109 and 123.

### Highway safety

Many of the letters received in regards to this application refer to the type of vehicle on the local roads and the level of activity of those vehicles leaving and returning to this site and concerns in respect of safety.

Highways England and Highway Engineers at LCC have been consulted on the documentation produced for this application. Highways England focus on the strategic highway network and do not object to the application having considered the number of vehicles that will connect to that network, principally through the Thistleton junction.

LCC Highway Engineers have not responded at the time of writing this report, but as they have not objected on highway safety grounds to the application for the Volker Rail site it is likely that they will be satisfied with the design of the junction to Lodge Lane and the routing of vehicles to and from the site as these must be unchanged from that application.

As a consequence of the lack of objection from the above highway bodies and the guidance set out in the NPPF the impact of the development on the safety highway network is acceptable and not considered to be 'severe' (paragraph 32 NPPF).

A separate highway issue to this is the suitability of the location for the use proposed. This makes it inevitable that the large vehicles associated with the use proposed will travel along the winding country lanes that connect the site to all other destinations. The volume of journeys undertaken on these roads, the timing of them and the permeant nature of the application are such that officers are of the view that the location is not one that has suitable connections along the road network. A reason for refusal on this basis is justified notwithstanding the lack of objection from the highway authority on highway safety grounds.

### Ecology

An ecological survey and assessment has been submitted with this application, dated August 2017.

The surveys confirmed the presence of GCN, a European and UK protected species, within Pond 1 (within the site). The clearance of topsoil and operation of machinery in the grassland will cause the temporary loss of GCN terrestrial habitat and there is a risk of causing the injury or death of GCN.

Temporary amphibian fencing has been erected around the immediate site and either sides of the access track and a post and rail timber fence alongside the pond has also been installed. The survey advised that a Natural England licence will be needed to facilitate the works. The presence of other protected species is 'reasonably discounted' in the survey conclusions.

The council's ecologists have confirmed that an application to register the site under the Great Crested Newt Low Impact Conservation has been submitted to Natural England on 8th June 2017 and that this has been accepted on the basis of the 'Imperative Reasons of Over-riding Public Interest'.

On this basis the development complies with the requirements of Policies EP19/ENV2 of the local plan and the aims of the NPPF.

## **Conclusions**

The development for which permission is sought in this retrospective application is a change of use of the site for a car park and a storage compound for the storage of plant and other machinery. The car park is for the parking of employee vehicles in association with the use of Gorst Farm site for a haulage and plant hire.

The development is located in the countryside where the character of the area is mainly that of open agricultural land and other rural type uses. The change of use of the site to storage for machinery results in a significant harm to the established character of this area, due to the nature of the type of vehicles, the extent of the area used for open storage and the siting of modular buildings to facilitate the use. There is no special justification for the use to be established in this location to outweigh the harm it causes to the visual appearance of rural area, and harm to the residential amenity of neighbours from the use of the site and across a wider area from the associated use of the surrounding road network.

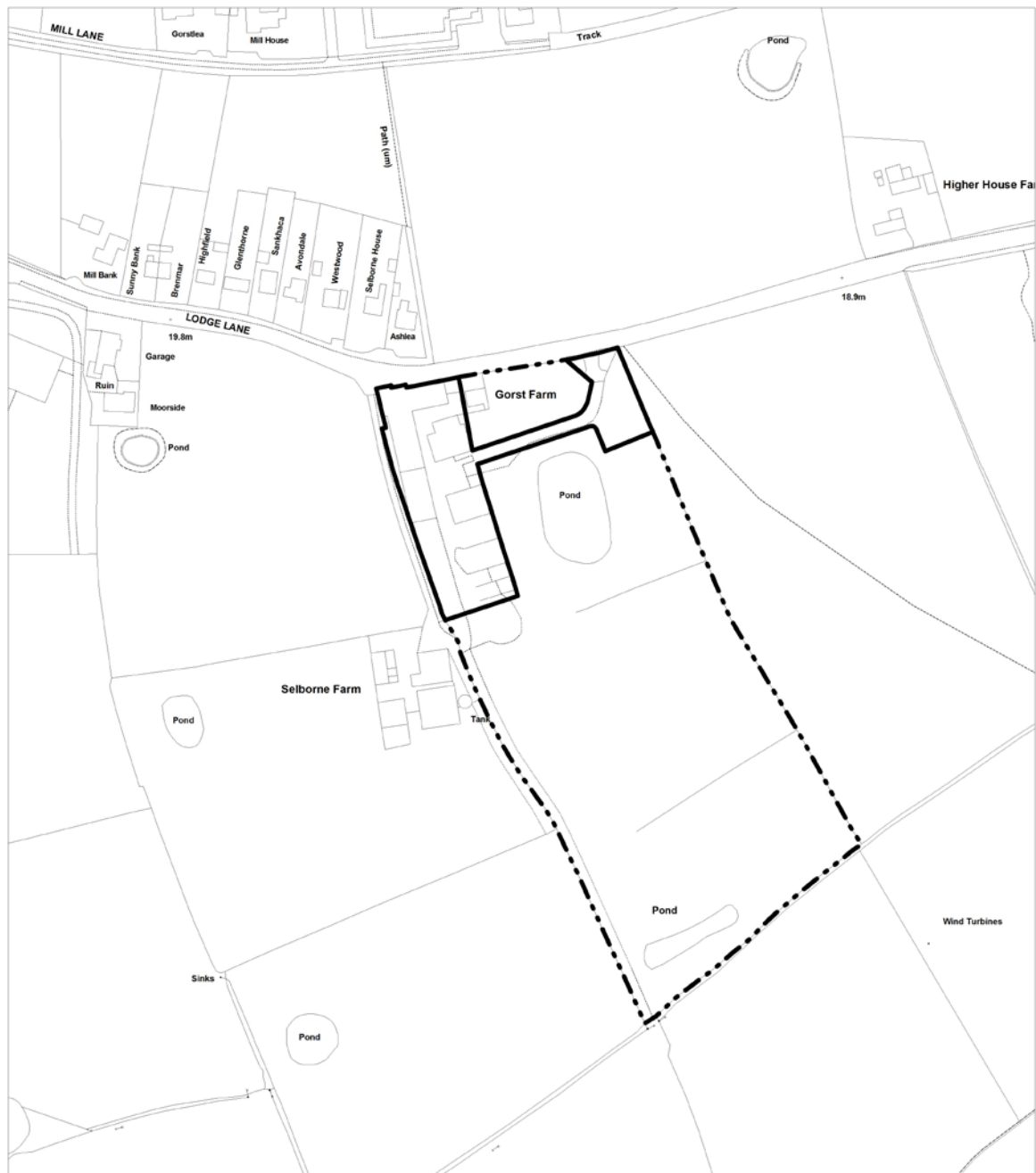
The proposal is therefore, contrary to Policies SP2, SP8, EMP3, EP11, EP27 and EP28 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD4, EC2 and ENV1 of the submission version of the Local Plan to 2032 and the aims of the Framework.

## **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The development is located in the designated countryside where the character of the area is mainly that of open agricultural land and other rural type uses. The change of use of the site for the open storage of plant, machinery and other civil engineering style commercial vehicles results in a significant harm to the established character and appearance of this area as a consequence of the extent of the area of open storage, the nature of the vehicles stored, the siting of modular buildings to facilitate the use and the exposed nature of areas of the site. There is no special justification for this commercial use to be established in this rural location that could outweigh the harm it causes to the visual appearance of the rural location, and so the development is contrary to Policies SP2, SP8, EMP3, EP11, EP27 and EP28 of the Fylde Borough Local Plan and to Policies GD4, criteria c, g, j and t of GD7, EC2 and ENV1 of the submission version of the Fylde Local Plan to 2032, and to the aims of the Framework.
2. The activities within the site associated with the uses proposed in this application will result in a level of noise and general disturbance that is harmful to the amenity of nearby residential neighbours to the site. The frequency of vehicle movements associated with the operation of the site as proposed, the nature of those vehicles, and their inevitable need to travel along rural roads that are unsuited for them will cause harm to residential amenity around the site and could compromise road safety.

Accordingly the development is contrary to the requirements of Policies SP2, SP8, EP27 and EP28 of the Fylde Borough Local Plan, to Policy GD4 and criteria b, g and p of Policy GD7 of the submission version of the Fylde Local Plan to 2032, and to the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0540	Address Gorst Farm, Lodge Lane, Elswick	Grid Ref. E.3426 : N.4381	Scale 0 10 20 30 40 m 

Item Number: 4

Committee Date: 08 November 2017

<b>Application Reference:</b>	17/0595	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Robinson	<b>Agent :</b>	The Energy Partnership
<b>Location:</b>	LAND ADJ TO 12A OAK LANE, NEWTON WITH CLIFTON, PRESTON, PR4 3RR		
<b>Proposal:</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 30 DWELLINGS INCLUDING 10 AFFORDABLE DWELLINGS (ACCESS AND LAYOUT APPLIED FOR AND OTHER MATTERS RESERVED)		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7703378,-2.8438202,277m/data=!3m1!1e3?hl=en>

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

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

The proposal for consideration by Members is an Outline application for 30 dwellings, seeking matters relating to access and layout, on land adjacent to Oak Lane, Newton. The majority of the site is located within a Countryside Area and a portion is designated within the settlement boundary of Newton, as per the adopted Fylde Borough Local Plan. The submission version Fylde Local Plan to 2032 has altered the site's designation with the majority of the site now being a housing allocation, the same area to the south is retained within the settlement boundary and a small portion within designated countryside.

Despite the majority of the site being designated as a countryside area in the adopted Local Plan, the principle of residential development on the site is considered acceptable due to the site's housing allocation in the submission version Fylde Local Plan to 2032. The access road serving the development is part within the settlement boundary and part Countryside area in both the adopted and submission version Local Plans, but is considered to be the most suitable point of access to the development. Any landscape importance of this part of the site is currently formed by its connection to the countryside beyond, and this has been severed by the housing allocation. On this basis, siting of the new access road within the countryside designation is considered acceptable and in any event is outweighed by the housing need of the development.

As the application site has been allocated for housing development the landscape impact of developing the site has been considered through the call for sites and site allocations process, with the landscape impact of developing this site considered acceptable.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development, or in combination with the Woodlands Close approval, would not have a severe impact on the safe and efficient

operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses, including listed buildings in the area, and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage.

There are no other technical issues which would warrant refusal of the proposal.

On balance, the officer recommendation is that members support the application, subject to conditions and a legal agreement to secure affordable housing, and contributions toward public open space and primary/ secondary education provision.

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

The proposal is a Major planning application recommended for approval and so it is necessary for the application to be presented to Committee for a decision.

### **Site Description and Location**

The application site is located adjacent to the western boundary of Newton, being bound by open fields to the north and west, and, existing dwellings within the village to the south and east. The agricultural field immediately to the north (Woodlands Close) has recently been granted planning consent for housing on appeal (ref: 16/0554).

The site is approximately 1.23 hectares in size and is an irregular shaped land parcel, comprising of a relatively flat, grassed field. Trees, hedgerow and residential fencing define the current site boundaries.

A small area of the site to the south is located within the settlement boundary of Newton, the remainder is located within the Countryside Area in the adopted Fylde Borough Local Plan. The site is a housing allocation in the submission version Fylde Local Plan to 2032, a portion to the south is within the Village boundary and designated countryside.

### **Details of Proposal**

Outline planning consent is sought for 30 dwellings on the site, seeking approval of vehicular access arrangements and layout. Detail relating to appearance, landscaping, and scale are to be assessed through subsequent reserved matter application(s).

The submission indicates that the sole vehicular access to the development will be by via field gap between existing housing on Ash Lane. This proposed arrangement will provide for a new footpath to the north side of Ash Lane up to 4 Ash Lane, and a continuation of this footpath within the development.

Revision has been received to the original layout. The proposed housing is now sited to provide a back to back or side on relationship to existing houses on Bryning Lane and Ash Lane, a rear facing aspect to open fields to the north and dual aspect properties where side elevations are exposed to the countryside edge or internal street scene. A landscape footpath connection to a village store on Bryning Lane is provided to the north east and pedestrian connectivity to Parrox Lane to the west. Existing mature trees and hedgerows to the north are shown for retention.



The dwellings provided are all 3 bedroom properties, 20 are indicated to be semi-detached units with the remaining 10 units in two blocks of 5 number mews dwellings. The mews properties are identified as being the on-site affordable provision.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

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

**Newton with Clifton Parish Council** notified on 06 October 2017 and comment:

*“The Parish Council support the development subject to a Section 106 Agreement to include public open space, affordable housing, education, highways and improved sewerage infrastructure etc. A new residential development can place extra pressure on the social physical and economic infrastructure which exists in the area. This obligation will aim to balance the pressure created by the new development with improvements to the surrounding area.*

*The Highway Authority should be consulted and Section 278/ 38 Agreements arranged for Widening of Oak Lane access/ egress by improving visibility splay in the interest of highway safety, and, maintenance of the proposed roads and footways.*

*Detailed measurement are to be provided and boundaries agreed with the Parish Council relating to the proposed footway access to Bryning Lane. This element of the scheme effects the frontage of Sandy Gap/ Lane and related land which is not in the factual possession of and is maintained by the Parish Council.”*

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

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

They have provided details comments which are summarised here:

#### **Overall Position**

No objections in principle to the development, subject to conditions relating to egress in forward gear, construction of new access road, provision of visibility splays, detailed design and construction of the new access and off site highway works, construction method statement.

Oak Lane is an unclassified road and is categorised as a Local access road with a speed limit of 20mph fronting the site access. There is currently no footpath fronting the site with Oak Lane; the carriageway width varies in width with an approximate width of 4.9m on the eastern boundary and 5.3m on the western boundary. The footpath opposite the site also varies in width with an approximate width of 1.37m opposite the proposed new site access. The existing fence line along Oak Lane is set back approximately 1.04m with a hedge fronting the fence.

The proposed development does not affect any public rights of way.

### Highway Capacity

The development will generate an estimated 140 two way vehicular movements a day with an estimated am and pm peak flow of 18 two way vehicle movements. This equates to approximately 1 additional vehicle movement every three minutes during the am and pm Peak periods.

The National Planning Policy Framework paragraph 32 states "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". The (LCC) Highways are of the opinion that the proposed 30 dwellings will not have a severe impact on highway capacity in the immediate vicinity of the site.

### Highway Safety

The Lancashire County Council five year data base for Personal Injury Accident (PIA), was checked on 7 September 2017. The data based indicates there has not been any reported incidents near the access to the new development.

The existing highway network surrounding the site is therefore considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.

From observations on site the (LCC) Highways are of the opinion that the 85th percentile speed of drivers using Oak Lane is at the classified speed of 20mph.

Using table 7.1 from Manual for Streets and the classified speed of the road of 20mph the sight lines of 2.4 x 25m to be provided in both directions. AHP Design drawing 1712-410 "Proposed Site Access" now shows the recommended sight line provision can be achieved over the existing adopted highway and land within the applicant's ownership

The AHP Design drawing 1712-410 "Proposed Site Access" now shows an acceptable site access for all road users and the provision of a 2m wide footway from the site access to No 12 Oak Lane.

The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe" and "safe and suitable access to the site can be achieved for all people".

LCC Highways are of the opinion that the proposed development should not have a severe impact on highway safety in the immediate vicinity of the site and a safe and suitable access to the site has been provided for all road users.

### Sustainable Transport Links

The pedestrian links to Parrox Lane and Bryning Lane are suggested to be improved to accommodate a cycle lane.

### Internal Layout

Comment regarding the internal layout is provided and it is suggested that these are considered as part of any reserved matters submission – garage size, driveway size,

parking requirements, driveway visibility.

#### Future Road Adoption Considerations

Comments regarding the future highway adoption under a section 38 agreement with Lancashire County Council and the applicant is advised to consider these comments as part of any future reserved matters application – provision of a 2m wide footpath or service verge, design of cycle link.

#### Visibility to Ash Lane

With specific reference to concerns raised to the proposed visibility with Oak Lane, the Highway Authority comment that ‘from our highway adoption records the verge is part of the adopted highway, as this land is part of the adopted highway the sight lines can be protected by Lancashire County Council acting as the Highway Authority and they can control obstructions etc. within the sight lines as such the sight lines can be provided over this land as with every other development.’

#### Cumulative Impact

The Highway Authority do not have a highway capacity issue regarding the cumulative impact of the two developments (16/0554 - Woodlands Close, Newton).

The signal improvements as part of a Unilateral Under takings for planning application 16/0554 which was approved by the planning Inspectorate as part of Planning Appeal decision APP/M2325/W/17/3166394, would ease congestion for vehicles leaving the village on Bryning Way onto the A583 and also aid sustainable walking links across the A583.

This scheme would generate an estimated 18 two-way vehicle movements during the morning peak period between 8am and 9pm. This equates to approximately 12 vehicle leaving the site and 6 vehicles arriving at the site. The impact of 12 cars on the signals equates to about one additional vehicle using the signals every 5 minutes.

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

No objection subject to conditions requiring surface water drainage to be submitted with the reserved matters application, implementation of agreed surface water drainage prior to any occupation of the development and scheme for long term management/ maintenance of the agreed surface water drainage scheme.

The proposals indicate that the applicant intends to discharge surface water into unnamed watercourse to the north and west of the development site at the rate of 7.3l/s. Under the Land Drainage Act consent from the Lead Local Flood Authority will be needed to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

The FRA indicates that works to the watercourse may involve the highway (Parrox Lane). Further investigations are needed to determine the feasibility of this option in conjunction with the highway authority.

Subject to the findings of further investigations to establish the condition of the

culverted ordinary watercourse, the feasibility of discharging surface water to the culverted watercourse an agreed acceptable rate may be subject to appropriate mitigation measures and may be subject to an appropriate legal agreement.

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

No objections subject to condition requiring no site clearance during the bird nesting season, lighting scheme to safeguard protected species and provision of biodiversity enhancement measures.

Based on the findings in the report, the site appears to have limited ecological value with most of the interest being in the hedgerows and trees on the site boundary. It appears from the proposed site plan that these features are being retained. In line with the requirements of the National Planning Policy Framework any reserve matters application should include biodiversity enhancement measures for the site demonstrating net gain for biodiversity.

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

No objection, subject to condition requiring separate drainage systems for foul and surface water, a scheme of surface water drainage to be agreed, agreement of the management/ maintenance of and SuDS solution.

#### **LCC Contributions**

No objection subject to contributions towards primary and secondary education provision, as follows:

Primary provision for 5 places - £71086.55 at Freckleton Strike Lane Primary School.  
Secondary provision for 3 places - £64269.81 at Ashton Community College, Preston.

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

No objection subject to restrictions on construction hours.

#### **Environment Agency**

Are not required to be formally comment on the application.

#### **Natural England**

No objection. The proposed development will not damage or destroy features for which Newton Marsh SSSI has been notified. It is advised that the SSSI does not represent a constraint in determining the application.

We have not assessed this application for impacts on protected species.

#### **Archaeological Service**

No objection subject to condition requiring a programme of archaeological work in accordance with a written scheme of investigation,

This based on the historic importance of Newton which recorded in the Domesday Book of 1086 (as *Neutune*), suggesting that it was established as a formal settlement between 1066 and 1086 (Ekwall 1922 *The Place-Names of Lancashire* p.150). Any buried remains from such medieval occupation are unlikely to be of national importance. They would, however, be of sufficient importance to merit formal recording prior to their loss to development.

### **Parks & Coastal Services Manager**

There is a need for investment into the existing playground – therefore the securing of section 106 to improve the space would be of great benefit.

### **Newton Residents Association (NRA):**

Object to the proposed development.

The NRA have commissioned Sanderson Association (consulting engineers) Ltd to advice on the highway implications of the proposal, and the main points raised in this report and that of the Newton Resident Association are summarised as:.

#### Highways, Access & Road Safety

Inadequate junction visibility at the site access on to Oak Lane – submitted drawings depict 2.4m x 22m visibility for the new access with Oak Lane. In the absence of any road speed evidence the required visibility should be 2.4m x 33m. The proposed visibility splay is also affected by a number of trees to the south west which would need removal. The presence of these trees reduced visibility to 2.4m x 15m, adequate for speeds of up to 12mph.

Inadequate junction layout at the site access on to Oak Lane – 4m radii is below the standard 6m requirement, and has been proposed since there is insufficient room on site without encroaching into the blue edge of the application site. These radii are not adequate for larger service vehicles to safely turn into and out of the site, pushing vehicles into the oncoming traffic lane of Oak Lane. The radii will also encourage vehicles to overrun kerb lines and mount pavements, especially during the construction period when larger vehicles may be used.

Impact of the new site access on on-street parking on Oak Lane – Site access restricts resident parking to the opposing side of Oak Lane. In accordance with the Highway Code, drivers should not park within 10m of a junction, meaning 4-5 on street spaced opposing the access would be lost. Significant on street parking exists on Oak Lane, the new access would only serve to increase this pressure elsewhere, to the detriment of pedestrian safety.

Lack of adequate pedestrian facilities connecting the site to the wider footway network:

A new footpath on Oak Lane is proposed, but terminates before reaching the existing footpath network. Resulting in pedestrians having to cross the road to join the existing footpath, or, walk in the road for a distance of 50m to the east or 30m to the west.

A pedestrian link is proposed to Bryning Lane, but no proposals are shown as to how this connects to the existing footpath network, with a large patch of grass located between the site and existing footpaths. It is unclear if the applicant has ownership of this land or is within the highway, impacting on possible delivery. If this is not deliverable then walking distances to bus stops and shops/ services will increase from the development, beyond acceptable walking distances.

A further link is proposed to Parrox Lane, whilst increasing permeability, it may also create highway safety issues as Parrox Lane is unlit, has not footpath provision and subject to national speed limits.

Inadequate traffic calming features – A single speed hump within the development only, with no feature on a 100m straight stretch of road. This is considered inadequate to maintain acceptable design speeds of 20-25 mph, features are typically expected to be provided every 40m interval.

Inadequate internal road geometry, including lack of turning facilities – The S bend design could result in restricted forward visibility (15m) if fencing were to be erected back of highway, adequate only for 12mph road speeds and is unlikely to be achieved given the lack of traffic calming in the development.

The S bend will also be very difficult to negotiate by large service vehicles and would need the entire road width to negotiate the bends over a 50m distance of road. If it met an oncoming car or parked car, then the two would not be able to pass, resulting in dangerous reversing manoeuvres.

Turning head to the northern site boundary is inadequate for a service vehicle. There is no turning head for the road serving the affordable units, requiring service vehicles to undertake dangerous reversing manoeuvres back down the road.

#### Accessibility

The submitted Transport Statement suggests that the site is served by a frequent bus service on Bryning Lane. Such services are relatively infrequent, with more frequent service on the A583 some 450m from the site. Even if the pedestrian link to Bryning Lane was provided, residents would still have to walk beyond the normal acceptable walking distance, and is therefore not considered to be well served by public transport.

The Woodlands Close application (50 dwellings) was approved on appeal and has been required to fund a number of highway improvement measures, including the upgrade of bus stops on the A583. This development should also provide similar improvements if proceeding first.

#### Traffic Impact

There are existing capacity problems at the Bryning Lane/ A583 signalised junction, hence why the Woodlands Close scheme has been required to fund upgrade works at this junction. This development should also fund these works if proceeding first.

Without these improvements existing congestion problems at Bryning Lane/ A583 junction will be made worse, and traffic is also likely to seek alternative routes to exit the village in order to avoid the congestion. Use of Parrox Lane is likely to be prejudicial to highway safety given the substandard nature of this road.

With regards to Highways, the NRA also comment:

1. The proposed site access drawing has been taken from the OS plan, and does not reflect site circumstances including presence of trees and concrete post in the garden of 22 Oak Lane which are all omitted.
  - Oak Lane is unsuitable for access by emergency vehicles due to the presence of residents parked cars on street.
  - The Bryning Lane/ A583 is an accident hotspot with 13 collisions, 3 categorised as serious, at the junction or on approach since August 2012.
  - Furthermore, the cumulative impact of the Woodlands Close approval must be considered.

- The road network is already straining under demands of existing housing, as there are only 2 access roads and 2 exit roads when discounting the lack of safe use of Parrox Lane.
- The NRA opines that the proposal fails to demonstrate satisfactory access/ egress with no adverse impact on the safe and efficient operation of the network as required to comply with Policy HL2/ GD7 and the NPPF.

#### Waste Water & Drainage Services

The NRA report an ageing surface and foul water system and refer to United Utilities comments that the Bryning Lane to Grange Lane foul sewer is overloaded and in need of upgrade.

A UU letter (dated 2012) to a resident is referred which refers to overloading of the public sewer occurring when the sewer is unable to cope with additional flows during heavy rainfall, resulting in the flooding of properties. Intervention has been required at 2 properties to prevent localised overflowing of the public sewer. UU has offered no corrective solution and the Council is requested to reconsult UU regarding the suitability of the foul drainage infrastructure.

It is considered that there is not the capacity to accept another 30 dwellings.

The drainage system also struggles to cope with surface water run off with flooding on School Lane and Bryning Lane a regular occurrence. The development would exacerbate these issues and a significant overhaul of the infrastructure is required if the village is to expand. Building on an open field will disrupt natural dispersion of rain water and could lead to increased surface water flooding, flood photos on Parrox Lane have been provided.

#### Electricity Supply

Is old and unreliable with multiple power cuts. As the village has grown the electrical network has expanded iteratively and capacity has been reached at many points. Additional pressure from development will add to this, therefore significant modernisation and upgrade is needed.

#### School Capacity

Newton Bluecoat and Treales Primary Schools are near capacity. Schools in Kirkham are over capacity. The demands on schooling cannot be met without expansion of the local primary schools and this would serve to further exacerbate congestion and parking problems and drop off/ pick up times.

#### Health & Social Care

The nearest health centre is at Kirkham but evidence now suggests that these services are stretched. This suggests that these services cannot adequately meet the need of new housing in the Kirkham/ Wesham area let alone Newton.

There is no NHS dentist in or near Kirkham, having to travel to Lytham or Preston for NHS treatment.

#### Site Design & Boundaries

Detailed measurements are to be provided by the applicant and boundaries agreed in relation to the footpath link to Bryning Lane, as this relates to land in the possession of

and maintained by the Parish Council.

Residents are also concerned about the potential impact to their curtilage and potential overlaps with their property.

The Parish Council anticipate planning obligations in respect of public open space. There is also a concern about grouping of social housing within the scheme.

#### Setting & Character & Heritage

The development will harm the setting of the village and further erosion of the countryside. It is contrary to the Guidelines for Landscape and Visual Impact Assessment (3 edition) as it will have a detrimental impact on the landscape character of the area. Highly sensitive visual receptors from parts of Bryning Lane and Oak Lane demonstrate an adverse visual and landscape impact.

This is a tranquil rural landscape and magnitude of change is significant. Reference is made to the Statement of Case prepared by the Landscape and Urban Design officer for the Woodlands Close appeal which refers to the importance of landscape pattern, ancient field enclosures which surround the settlement and has done for many centuries, which concludes development would have an unacceptable impact on the landscape and views which cannot fully be mitigated.

Reference is also made to the comments received from the Archaeological Advisory Service to this current application. See above.

#### Residential Amenity

Disturbance to existing residents from car head lights when using the new access road. Visual impact from the front or rear of dwellings, as well as overlooking.

The development does not appropriately consider the impact on existing residents on Oak Lane and should be refused.

#### Habitats & Biodiversity

The development will be to the detriment of biodiversity, ecology and wildlife, failing to perform an environmental role and the sustainable test in NPPF.

Fields to the west and surrounding the village support a variety of wildlife, most notably birds and bats. Bat boxes may alleviate loss of roosting, but there is no mitigation for the loss of fields for the birds. A local bird watcher has recorded sightings of breeding barn owls which uses the field for hunting and pink footed geese who use the green gap between built up areas as a fly away and stop off point.

The greatest impact will be on species which will not tolerate human habitation such as barn owl, fieldfare and red wing and some species in decline such as Tree Sparrow, Lesser White throat Willow Warbler and Greenfinch, all of which presently breed in and around the site.

#### Sustainability

The proposed development fails to contribute to the protection or enhancement of the natural environment. It fails to perform an environmental role and ultimately fails the tests for applying the presumption in favour of sustainable development of the NPPF.



## Neighbour Observations

<b>Neighbours notified:</b>	20 July 2017
<b>Amended plans notified:</b>	06 October 2017
<b>Site Notice Date:</b>	02 August 2017
<b>Press Notice Date:</b>	27 July 2017
<b>Number of Responses</b>	20
<b>Summary of Comments:</b>	

- Land that the access is on is not included in the land put forward for development in the 5 year plan.
- 50 houses submitted on land at Woodlands Close.
- Affordable housing should be peppered throughout the development, this is not inclusive design.
- Land required for visibility splays on Ash Lane is not entirely within ownership of the applicant. As such the applicant has no control over planting or structures which could block required visibility.
- Network capacity – Newton has 1 safe exit route which at certain times of the day is overloaded. The proposal will increase the number of cars, adding to capacity issues, adding to queue times, and force alternative means of access such as Parrox Lane. Parrox Lane is a single track road, used by pedestrians and increased car use will result in accidents.
- Thought should be given to widening Parrox Lane to provide an alternative access road to Newton.
- 120 car movements on a quiet lane (Ash Lane) are considered unacceptable.
- Several major car accidents at the Bryning Lane/ Blackpool Road junction, increased vehicles will increase risk of accident.
- New access encourages cars to other side of Ash Lane when existing from the site.
- 20mph speed limits are ignored, additional vehicles will increase numbers of speeding cars and chance of accident.
- Junction radii do not allow service vehicles to enter and exit the site safely without the need to mount the curb or pavement.
- The new access provides inadequate visibility to the south west on Ash Lane.
- Oak Lane is used by pedestrians and children. Introduction of 30 houses will therefore endanger children's lives.
- Pedestrian safety of new footpath to Ash Lane, due to existing vehicular access to 10 Oak Lane, and, lack of connectivity to the existing footpath on Ash Lane.
- Lack of clarity over land ownership in area of footpath connection to Bryning Lane, it is therefore questionable if this element of the scheme can be delivered.
- Proposed pedestrian links/ cycle routes do not link to the existing network.
- Loss of on street parking on Ash Lane opposing new access, estimate at 4-5 spaces.
- Inadequate traffic calming on site.
- Inadequate internal road layout & lack of turning facilities.
- Lack of accessibility with more regular service bus stops located on the A583, some 450m north of the site.
- Increased pollution due to additional vehicle movements.
- Increased light pollution.
- Overlooking of neighbouring properties from the development, reduction of light levels, increase in noise.
- Article 1 of the First Protocol: Protection of Property – a person has the right to peaceful enjoyment of their property, and, a public authority cannot impose restrictions on a person's use

of their property. Siting of the access fundamentally breaches the humans rights of residents of 11, 13 and 15 Oak Lane and the application should be refused on this basis.

- Property devaluation.
- Detrimental visual impact on the landscape character of the area and community.
- Does not respect local context, street pattern, scale or proportions if surrounding buildings.
- Urbanise the village causing the local ethos and community spirit to be lost.
- 2 storey dwellings proposed are out of character with adjacent bungalows.
- Barn owls, kestrels and hawks fly over and feed at the site, the development will disrupt this pattern of flight.
- Existing drainage is overloaded. Parrox Lane has been impassable recently due to surface water flooding. Capability of existing infrastructure to accommodate the development is questioned.
- Drainage design refers to use of existing dykes for surface water. These dykes were full during the last rainfall and incapable of draining water away.
- Additional housing will worsen existing flooding issues. The Drainage Plan does not refer to a ditch on the site that has been filled in.
- Gardens currently drain into the application site, and may flood if this is compromised by the development.
- Loss of agricultural land.
- Loss of amenity to residents on Ash Lane through reduction in opportunity to park on the road outside their houses.
- Loss of garden area and parking space to 12 Oak Lane as a result of access revision.
- School in the village is oversubscribed, with no provision to address this shortfall and additional pressure from the development will effect school performance and impact on children’s education. Requested contributions will not guarantee appropriate level of schooling.

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP17	Development in or near Biological & Geological Heritage Sites
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP30	Development within floodplains
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR05	Public transport provision for large developments
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments

**Fylde Local Plan to 2032:**

DLF1	Development Locations for Fylde
ENV1	Landscape

ENV2	Biodiversity
ENV4	Provision of New Open Space
GD7	Achieving Good Design in Development
GD8	Demonstrating Viability
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
SL5	Development Sites outside Strategic Locations for Devt

**Other Relevant Policy:**

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

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues pertinent in the assessment of this proposal are:

- Principle of development.
- Design.
- Residential amenity.
- Highways.
- Flooding and drainage.
- Ecology.
- Trees.
- Heritage.
- Affordable Housing.
- Education.

**Principle of Development**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. In terms of decision taking, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in Framework. It advises that planning decision takers should seek to approve applications for sustainable development where possible.

The southern tip of the application site is located within the settlement boundary of Newton, the remainder of the application site located north of the settlement boundary is located within the

Countryside Area as defined by the adopted FBLP. Policy SP2 is of relevance and seeks to safeguard the natural quality of the countryside area by supporting development related to agriculture, horticulture, forestry or other uses appropriate to a rural area only. The development proposed cannot be categorised as such and is therefore contrary to Policy SP2.

Notwithstanding that, the majority of the application site has been designated as a housing allocation in the submission version Fylde Local Plan to 2032. The site has been allocated in that plan to enable Fylde to meet and maintain a 5 year supply of housing. The Fylde Local Plan to 2032 is now at an advanced stage in the process and as such can be afforded moderate weight in this decision. Therefore given this allocation the site has clearly been found to be in a sustainable location and would comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development.

Members should note that the new access road to the south of the site lies partly within the settlement boundary and within the Countryside Area as designated by both the adopted and submission version Local Plans and is not in the allocation. This location is considered to be the most suitable point of access to the development. Any landscape importance of the site is currently formed by its connection to the countryside beyond and this has been severed by the housing allocation. On this basis, siting of the new access road within this location is considered acceptable and in any event is outweighed by the housing need of the development.

The proposal would, therefore, contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole. The site is considered to be a suitable location for development and the principle of developing the site is acceptable.

### Design

Whilst the application is made in outline form, Layout is a matter applied for and therefore requires consideration in assessment of the proposal.

Paragraph 58 of the NPPF indicates that planning policies and decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Criteria (1), (2), (3), (4) and (8) of FBLP policy HL2 – Development control criteria for new housing estates state that applications for housing will be permitted where they:

- Is acceptable in principle and is compatible with nearby and adjacent land uses
- Would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design.

- Would be developed at a net density of between 30 - 50 dwellings per hectare net with greater intensity of development (i.e. more than 50 dwellings per hectare net) at places with good public transport availability.
- Would not adversely affect the amenity and privacy of neighbouring properties.
- Would not prejudice the future development of a larger area of developable land.

FBLP policy HL6 – Design of residential estates states that well-designed housing schemes which respect the character of the area and provide an attractive, safe and crime free environment for residents will be permitted and that proposals which involve poor designs and/or layouts which would prejudice the character of the area or public safety, or increase the potential for crime will not be permitted.

The publication version of the Local Plan to 2032 Policy GD7 – Achieving good design in development criteria (a), (c), (d), (g), (h) and (j) state that development will be expected to be a high standard of design, taking into account the character and appearance of the local area, including;

(a) Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area;

(c) Ensuring the layout, massing, scale, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed layout relates well to the surrounding context

(d) Taking account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

(g) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the area

(h) Taking opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality design that responds to its context and using sustainable natural resources where appropriate

(j) Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces are of a high quality and respect the character of the site and local area.

As the application site has been allocated for housing development the landscape impact of developing the site has been considered through the call for sites and site allocations process, with the landscape impact of developing this site considered acceptable.

The originally proposed layout raised concerns regarding the internal and external relationships it offered. Discussions have taken place since involving officers and the applicant which has resulted in the layout being revised.

The site will be accessed from the south from Oak Lane, via a landscaped access road culminating in a T junction which runs in an east to west fashion. Housing will be sited north of the access road having a rear facing aspect to existing fields to the north. Whilst a rear facing aspect would not normally be appropriate to the countryside edge, Members should note that the field immediately adjacent to the application site now has the benefit of planning permission for 50 dwellings (Woodlands Close granted on appeal). The resultant impact of this appeal decision being that only the rear elevation of 4 dwellings proposed would be exposed to the countryside once the Woodlands Close development is constructed. Visual impact of any rear facing aspect would therefore be small bearing in mind this neighbouring development site and would be further reduced by retention of trees and hedgerow along the northern boundary. Development opposing the western countryside edge are set back from the site boundary behind retained hedgerow and a landscape buffer. Dual aspect properties are provided to the eastern edge opposing countryside and

internally within the scheme where gable ends are prominent within the street.

Housing will also be sited to the south of the access road, providing for a front to front relationship within the development and side on relationship to existing dwellings which adjoin the site to the east on Bryning Lane.

It is expected that the scale of dwellings proposed is 2 storey. Whilst this does not reflect the bungalow style of dwellings sited to the east on Bryning Lane it is considered that the predominant character in the locality is a mix of bungalows and 2 storey properties. Indeed there are 2 storey dwellings to the south and north of the application site. In addition, dwellings within the Woodlands Close development have also been restricted to 2 storeys by condition despite there being bungalow properties on Woodlands Close. The presence of 2 storey properties on the application site would not therefore be out of character with the general character of the area.

Pedestrian and cycle linkages are provided to the west onto Parrox Lane and north east which links to the existing footpath network on Bryning Lane adjacent to a convenience store. This increases permeability of the site and enables easier pedestrian access to existing shops, facilities and services in Newton. These routes will be landscaped to enhance the visual quality of the development and soften the built form of development when viewed externally. Landscaping within the site includes open plan garden fronted dwellings, the main access roads are tree planted. Members should note that there is no equipped play area proposed within the scheme, with occupants being reliant on the existing facilities which are available within walking distance on School Road. The Parks Manager has confirmed that the existing play area is in need for enhancement and that public open space monies from the development could be used to upgrade this facility.

Policy H2 of the SV requires new housing development of 10 units or more to provide at least 50% 1, 2 or 3 bedroom homes. This scheme provides for 100% 3 bedroom dwellings, it does not seek consent for larger 4 or 5 bedroom dwellings, and is therefore compliant with this element of Policy H2. H2 also requires 33% provision of 1-2 bedroom dwellings, though it should be noted that pre-application discussions relating to this site date back to when the SV had little material weight and so this provision was not requested at this time. It is therefore considered unreasonable to expect the applicant to make allowance for this element of the policy. On balance the mix of dwellings is supported, and would still contribute toward meeting the demographic needs of the borough.

It is considered that the revised scheme provides for a much simpler design which retains and incorporates existing natural features, and, reflects the traditional character of the layout of existing dwellings in the locality, in accordance with the development plan and NPPF.

#### Impact on Residential Amenity.

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

The application is made in outline form with matters relating to Layout sought. On this basis the relationship between the development and those existing dwellings adjacent requires consideration. Objection has been raised with regards to loss of light, overshadowing and overlooking from proposed dwellings. Reference is also made to car headlights/ brake lights shining directly into habitable room windows, noise and disturbance from increased vehicular movements, loss of open

aspect and views and impact to property values.

Existing neighbours which could be affected by the proposal adjoin the application site to the north on Avenham Place, east on Bryning Lane and south on Oak Lane.

Neighbours to the east of the application site on Bryning Lane are bungalow typed properties and have a rear facing aspect toward the proposal. The layout revision ensures that these neighbours oppose the side elevation of dwellings proposed, ensuring no overlooking from the development, and, roof design has been altered to provide for a hip which will act to reduce the dominance of the built form. The revision has increased separation providing for a 25m separation to dwellings associated with the row of shops and 18m to other affected bungalows on Bryning Lane.

The separation between dwellings proposed and those existing to the north on Avenham Place is 35m+, and retained tree planting to the northern boundary will also act to filter and soften views of the development. At the closest interface point, separation to dwellings on Oak Lane is 60m.

With regard to matters raised by residents, the proposal will intensify use of the site and increase the number of vehicles on adjacent roads, including Oak Lane and Bryning Lane. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. 11, 13 and 15 Oak Lane have a front facing aspect to the application site and proposed site access arrangement. It is accepted that ground floor room windows may be affected by car headlights/ brake lights when entering or leaving the site. However it must also be acknowledged that impact from headlights would be restricted to certain parts of the day and that brake lights are only used temporarily when braking. The frequency of impact is therefore considered to be low and in itself not sufficient to warrant refusal of the development. This matter was raised in the Woodlands Close appeal and a similar conclusion was drawn by the Inspector.

It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours including construction hours restriction, wheel wash facility, dust controls and a strategy to inform neighbours of timing and duration of any required piling operations.

The layout of the housing provides an acceptable level of private amenity space for future occupiers and the separation distances and relationships between the buildings would provide an acceptable standard of amenity in terms of privacy, overlooking and overbearing impacts. Each dwelling proposed has an appropriate amount of external amenity space and off street parking, the amenity needs of prospective residents is catered for within the development.

Objection has been received with regards to loss of garden space and a parking bay from the applicants property, resultant from the revised access arrangement. It is recognised that the revisions will reduce the amount of available garden space to the applicants own home, though it is considered that this would not impinge on amenity to any significant degree bearing in mind the amount of garden space that would remain. Alternative parking in lieu of that lost from the frontage of the dwelling is available to the rear of the property and is within ownership of the applicant.

On this basis it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policy HL2 and GD7.

#### Highways

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy HL2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy TR3 requires parking to be accommodated within curtilage, specifying a minimum size for garaging and requiring parking courts to have good surveillance. Policy TR4 of the Neighbourhood Plan states that new development should make provision to link into existing networks for pedestrians and cyclists. SV Policy GD7 refers to similar highway safety matters.

Members should note that a detailed highway objection has been received from the Newton Residents Association which includes comment from an independent consultant. The response is outlined above, though it should be noted that the comment from the consultant provided relates to the original scheme and not the revised proposal which has altered the access arrangement.

The Highway Authority require 2.4m x 25m visibility splays to be provided along Oak Lane, and is based on their own on-site observations that the 85th percentile speed of drivers using Oak Lane is 20mph. Revision has been received which has moved the vehicular entrance 10m in an easterly direction toward the applicant's farmhouse in order to provide the required visibility splay. The revision indicates the visibility to be uninterrupted by planting such as trees or structures, any retained hedgerow along the site frontage is within the ownership of the applicant and could therefore be maintained at a suitable height to ensure that sightlines are not impeded. Concern has been raised with regards to a portion of the western visibility being over a grass verge and not within the ownership of the applicant. Notwithstanding, the Highway Authority confirm that adoption records indicate this verge to form part of the adopted highway, sight lines can therefore be protected by the Highway Authority whom can control obstructions etc. within the visibility splay. The junction radii of the new access has also been enlarged enabling easier passage for larger vehicles. The Highway Authority confirm that sight lines can be provided over the existing adopted highway and land within the applicants ownership and have no objection to the revised access arrangement.

The Highway Authority reports that the development will generate an estimated 140 two way vehicular movements a day with an estimated AM/PM peak flow of 18 two way movements. This equates to approximately 1 additional vehicle movement every 3 minutes during peak periods. Given the low number of movements at peak times the Highway Authority do not consider the development to have a severe impact on highway capacity. Accident analysis undertaken by the Highway Authority states that there has not been any reported incidents near the access to the new development, concluding that the highway network surrounding the site is considered to have a good accident record and indicates no underlying issue which the proposed development would exacerbate.

Objectors refer to accident records at the Bryning Lane/ A583 junction with 13 incidents (3 categorised as serious) at or on approach to the junction since March 2011 and that the development in combination with the Woodlands Close approval will heighten road safety issues at this junction. Concern is also raised to increased use of Parrox Lane resultant from peak time



congestion at the Bryning Lane/ A583 junction. The Woodlands Close approval requires off site highway works including improvement to the signal junction. Objectors suggest that the current proposal should also provide for these improvements to ensure that the offsite highway works are provided by either of the developments as they come to fruition.

The Highway Authority response to the Woodlands Close application referred to similar number of accidents at the Bryning Lane/ A583 junction, but reported that *'whilst regrettable the accident rate is not untypical for a road with the level of traffic the A583 carries.'* The Highway Authority raised no objection to this development, but did require off site highway works to mitigate queuing at the junction of Bryning Lane/ A583, including improvement to the signalled junction and enhancement to Bus Stops on the A583. Members should note that the Highway Authority have not required such improvements from this current proposal, confirming there is no capacity issue resultant from the development due to the minor impact of one additional vehicle using the signalized junction every 5 minutes. Parrox Lane is an adopted single track lane and the development could increase its use. Notwithstanding, given the small amount of peak time trips it is considered that increased use resultant from the development would not have an unacceptable impact on highway safety. In addition there is opportunity for passing places on Parrox Lane in the eventuality of vehicles meeting head on, and, its junction to the A583 provides for good visibility of oncoming traffic. The Highway Authority have not raised use of Parrox Lane as a concern, and have not requested any off site improvements to the junction with Oak Lane.

Whilst the highway concerns raised by objectors is noted, in light of the LCC Highways assessment of the proposal it is considered that the development provides for safe and suitable access and that impact on the network would not be severe, in accordance with Policy HL2 and the NPPF.

### Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused, opportunities to incorporate biodiversity in and around developments should be encouraged.

The site has no specific nature conservation designation in the Local Plan, though is within a Site of Special Scientific Interest (SSSI) impact risk zone associated to a SSSI south of the site. Policy EP15 indicates that development affecting the integrity of a designated European Site will not be permitted. Policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated. Policy EP18 encourages the retention/replacement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted. Emerging Policies ENV1 and ENV2 reflect this current policy position.

Residents have raised concern to the development impinging on the current ecological, including loss of habitat and foraging for barn owls, kestrels and hawks which fly over and feed at the site.

An ecology survey has been submitted in support of the application, additional ecological

information has been provided during assessment of the proposal. The survey confirms that no impacts upon the statutory designation is anticipated due to the small size and enclosed nature of the application site and adjacency of the residential area. None of the habitats on the site are of significant interest, but trees and hedgerow to the site periphery are of local value being suitable for breeding birds and foraging bats and should be retained within the scheme. The report has also considered protected species such as bats, breeding birds and amphibians and concludes that the site has the potential to support roosting birds and that impacts of the development can be mitigated by retention of boundary trees and hedgerow, clearance outside of the nesting season and avoidance of artificial light. Reasonable avoidance measures are also suggested during the construction period.

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

### Trees

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

The submitted revision has moved the access road from the main group of trees located to the north of the site, with the back garden of dwellings now in situ. This greatly improves the relationship of the development to trees, by reducing the disturbance within root protection areas and providing for separation of the tree canopy to trees. A condition is suggested to ensure retention of peripheral trees and hedgerow and for construction detail for any works within root protection areas. Additional tree planting to access roads and landscaped areas is expected and this should be reflective of the rural location.

On this basis the proposal is considered to accord with Policy EP12, subject to protection of retained trees and hedgerows, and provision of additional tree planting within the development which can be controlled by condition.

### Flood Risk and Drainage

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

Paragraph 100 of the NPPF states that *"inappropriate development in Flood Zones 2 and 3 should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"*. Policy EP30 states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere.

Policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the SVFLP reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

Residents have raised concern with regard to existing problems of ageing foul and surface water drainage infrastructure and the development heightening these concerns. Reference is made to a United Utility letter (July 2012) which states ‘the cause of flooding has been determined to be overloading of the public sewer which occurs when a sewer is unable to cope with additional flows, usually during heavy rainfall.’ The development is also seen to increase surface water run off and exacerbate flooding problems on Parrox Lane – photos have been provided of such flooding.

The FRA confirms the site to be in Flood Zone 1 ‘Low Probability’, it recognises that the main risk of flooding is from overland flow to the western boundary of the site fronting Parrox Lane but that this would be contained within the highway and a landscape buffer would help mitigate any potential threat. The drainage strategy confirms that foul run off will discharge to the existing network in Oak Lane. The surface water system will discharge to an existing system of drainage ditches. It is recognised that this will increase the speed at which surface water would enter the ditch system and consequently proposes to use a hydro brake to restrict flows to the existing greenfield run off rate in all storm events.

The proposal has been considered by the Lead Local Flood Authority, Environment Agency and United Utilities who have not raised objection to the proposal, but do require specific conditions to be attached to any subsequent approval notice. On this basis, whilst the concerns of residents is noted, it is considered that adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

### Heritage

There are three Grade II Listed buildings located to the south of the application site on Grange Lane, namely 8 Grange Lane, Dagger Cottage and Dixons Farmhouse. Given the presence of these listed structures, the planning authority are obliged to consider the impact of the proposal on the setting of these designated heritage assets.

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

The Grade II heritage assets are located approximately 70m to the south west of the new access, 150m from proposed dwellings. Existing buildings on Oak Lane and Grange Lane act to obscure a direct line of sight between the Assets and the application site. Given this separation and since there is no direct line of sight, it is not considered that the development would have any harmful impact, nor would it diminish significance on the setting of the listed heritage assets, in accordance with the development plan and NPPF.

### Open space

Policy TREC 17 supports new residential development subject to the provision of amenity open space (including facilities for children’s play where appropriate) in accordance with standards

relevant to the number of bedrooms within each dwelling provided. Incidental landscaping is proposed within the development, though no formal open space provision has been provided. There is an equipped play area within walking distance of the application site, 400m to the east, and the Parks Manager comments that there is need for investment into the existing playground. The securing of contributions from the development to improve this facility would be directly related to it and of great wider benefit.

Given the lack of public open space within the scheme, and resultant pressure on existing provision from the development financial contributions are considered necessary in this instance.

#### Affordable housing

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

The submitted Layout drawing provides for 33% affordable housing on the site. Provision on site, as opposed to off site contributions is considered necessary in this instance given the village location. If Members are minded to approve the scheme, the applicant will have to enter into a section 106 agreement to ensure the provision of affordable dwellings on site.

Concern has been raised with regards to the grouping of affordable units together within the scheme. Whilst it is recognised that the affordable units are grouped together, they are surrounded by non affordable development and are not therefore considered to be in an isolated location, being integrated within the private market housing.

#### Education

It is expected that development provides funding to help address any identified shortfall in local education provision. Policy CF2 is of relevance and places such a requirement on development through sealing of a section 106 Legal Agreement.

The response from LCC Education confirms that there is a shortfall of secondary school capacity and that the development will be required to provide a financial contribution equivalent to 3 secondary school places of £64,269.81 at Ashton Community Science College and 5 primary school places equivalent to £71,086.55 at Freckleton Strike Lane Primary School.

It is considered that this request for contributions is CIL compliant, being relevant and necessary to make the development acceptable.

#### Other Matters

The Parish Council have requested precise measurements and agreement of boundaries with the applicant as they maintain a landscape area on Bryning Lane and are of the opinion that they own land in this locality. In response the applicant has confirmed that they own land to the footpath edge on Bryning Lane enabling the footpath connection from the development to the main network to be provided. It would appear that this is a private ownership issue for those parties to resolve, although even if this footpath connectivity could not be provided to link to Bryning Lane direct there are opportunities to provide linkage to a footpath running to the front of the row of shops.

Residents are also concerned that there is overlap of the application site with adjacent residential curtilages. The applicant is duty bound to provide a signed declaration that they are the owners of the application site, or, that they have notified all other owners with an interest in the land. In this circumstance the applicant has provided a signed declaration that they are the owners of the application site. From a planning perspective, this is sufficient information to verify land ownership of the site. The Planning Authority will not involve themselves with land ownership disputes.

### **Conclusions**

Outline planning consent, for matters relating to access and layout, is sought for 30 dwellings on land adjacent to Oak Lane, Newton.

Despite being designated as a countryside area in the adopted Local Plan, the principle of residential development on the site is considered acceptable due to majority of the sites housing allocation in the submission version Fylde Local Plan to 2032. The access road serving the development is located partly within the settlement boundary and Countryside Area in both the adopted and submission version Local Plans and is considered to be the most suitable point of access to the development. Any landscape importance is currently formed by its connection to the countryside beyond and this has been severed by the housing allocation. On this basis, siting of the new access road within the countryside designation is considered acceptable and in any event is outweighed by the housing need of the development.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development, or in combination with the Woodlands Close approval, would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses, including adjacent Listed Buildings, and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage.

There are no other technical issues which would warrant refusal of the proposal.

### **Recommendation**

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

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties.
- a financial contribution of £30,000 towards the improvement of the play area on School Lane.
- a contribution of £64,269.81 towards addressing the expected shortfall of primary education capacity to serve the occupants of the development with this expected to be spent at Freckleton Strike Lane Primary School, Freckleton.
- a contribution of £71,086.55 towards addressing the expected shortfall of secondary education capacity to serve the occupants of the development with this expected to be spent at Ashton Community Science College, Preston.

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

And, that any planning permission granted be subject to any necessary revision and the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

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

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

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:
  - Access roads within the site.
  - Scale.
  - External appearance.
  - Landscaping.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

3. This permission relates to the following plans:
  - Location Plan. revision A.
  - 'Proposed Site Plan' revision C.
  - Proposed Site Access drawing number 1712\_410.

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

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

4. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated on the drawing titled Proposed Site Plan revision C. The scheme shall include, but not be limited to, the following details:
  1. retention of all existing trees, hedgerows and other vegetation on/overhanging the site.
  2. a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development.
  3. the introduction of a landscape buffer adjacent to Parrox Lane.
  4. the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
  5. the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

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

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

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

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

6. That the reserved matters submission pursuant to this permission shall confirm that any dwellings on the site shall be restricted to no more than 2 storeys in height.

Reason: To ensure the development retains the character of the area and safeguards the amenity of existing residents, in accordance with in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

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

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

8. As part of any reserved matters application and prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Those details shall include, as a minimum:

1. Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and

control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD.

2. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
3. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
4. Flood water exceedance routes, both on and off site.
5. A timetable for implementation, including phasing as applicable.
6. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
7. Details of water quality controls, where applicable.

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

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

9. None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

1. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents Management Company.
2. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
  - on-going inspections relating to performance and asset condition assessments;
  - operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
  - any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
3. means of access and easements for maintenance purposes;
4. A timetable for implementation.

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

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

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



1. The parking of vehicles of site operatives and visitors;
2. Loading and unloading of plant and materials used in the construction of the development;
3. Storage of such plant and materials;
4. Wheel washing facilities;
5. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
6. Routes to be used by vehicles carrying plant and materials to and from the site;
7. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties
8. Measures for the control of noise, vibration and dust disturbance created during any on site works.

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

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and footpath to the north side of Oak Lane has been submitted to and approved in writing by the Local Planning Authority.

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

12. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 11 has been constructed and completed in accordance with the scheme details.

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

13. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005).

14. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 25 metres in both directions of Oak Lane as per drawing number 1712\_410 are provided to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reasons: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005).

15. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the communal areas of the development have been submitted to and approved by the local planning authority. These areas shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In the interests of highway safety and visual amenity of the development, in accordance

with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005).

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

Reason: In the interests of highway safety and visual amenity of the development, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005).

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

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

18. There shall be no lopping, topping or felling of any trees or hedgerow on or overhanging the site unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees on the site and to ensure satisfactory landscaping of the site in the interests of visual amenity, in accordance with Policy EP12 and EP14 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

19. Prior to commencement of the development hereby approved, an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority for:

1. any works within or adjacent to the root protection area of trees to be retained on site or overhanging the site.

The AMS shall detail the root protection area (RPA) of affected trees and method of construction for any works within the RPA, in order to minimise disturbance to tree roots and preserve longevity of the tree. The development shall be constructed in accordance with the approved details.

Reason: To protect existing trees and hedgerows on or overhanging the site which are to be retained as part of the development, in accordance with Policy EP12 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

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

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

21. Prior to commencement of the development hereby approved, a scheme providing for Biodiversity Enhancement Measures within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

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

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

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

23. Prior to commencement of the development hereby approved, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
1. identify those areas/features on site that are particularly sensitive to bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.
  2. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To safeguard the biodiversity of the site, in accordance with Policy EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

24. Prior to clearance of any vegetation from the site, the site shall be checked for the presence of brown hare and/ or their young, by a nominated person or ecologist

Reason: In order to avoid harm to Brown Hare and their young, in accordance with Policy EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

25. There shall be no on site works, including site clearance, preparation or demolition until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase of geophysical survey and trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and

significance. If remains are encountered then a phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, archaeological survey, formal excavation of remains or other actions) and a subsequent phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development in accordance with Policy EP4 of the adopted Fylde Borough Council Local Plan and ENV 5 of the submission version Fylde Local Plan to 2032.

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

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

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

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

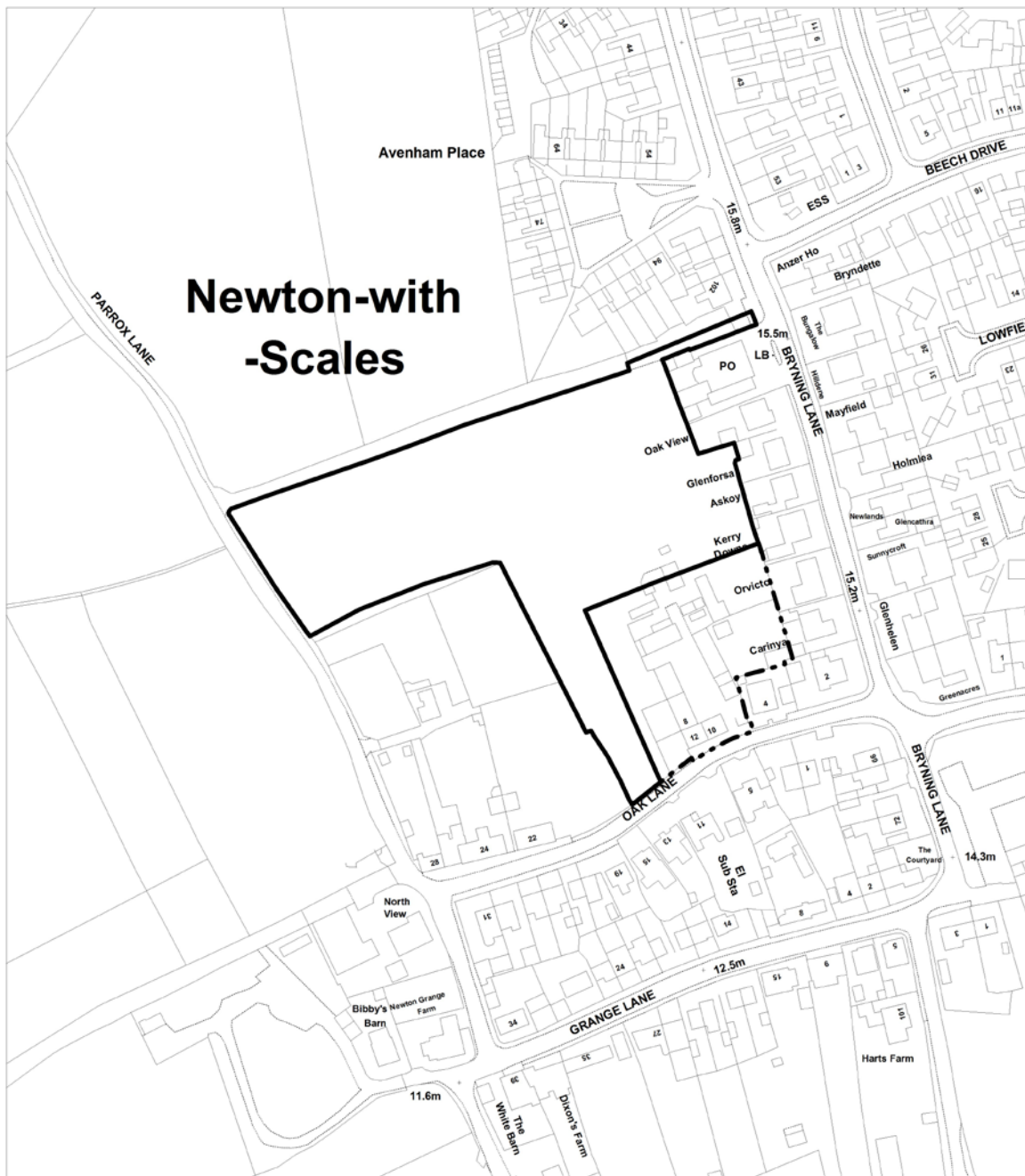
Part 1 Class Variables:

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

Part 2 Class Variables:

A erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Reason: To ensure longevity of retained trees on site, to ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area, and, in the interests of residential amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0595	Address Land adjacent to 12A Oak Lane, Newton	Grid Ref. E.3445 : N.4307	Scale 0 10 20 30 40 m 

Item Number: 5

Committee Date: 08 November 2017

<b>Application Reference:</b>	17/0661	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Star Pubs & Bars	<b>Agent :</b>	JWPC Chartered Town Planners
<b>Location:</b>	THE PLOUGH, 2 LYTHAM ROAD, FRECKLETON, PRESTON, PR4 1XA		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR SITING OF CHILDRENS PLAY EQUIPMENT TO FRONT / SIDE OF PUB (REVISED LOCATION TO THAT APPROVED UNDER PLANNING PERMISSION 16/0564)		
<b>Parish:</b>	FRECKLETON EAST	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	14	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7551449,-2.8667109,139m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

This application site is a traditional pub located in the heart of Freckleton village centre which has recently seen refurbishment. The application is pursuant to planning permission 16/0564 which granted approval for works to the public house associated with that refurbishment including the provision of an outside dining areas and an external children's play area. Subsequent to that approval the play equipment has been installed in a different location to that approved and this application seeks to regularise this revised location.

Whilst the revised location is forward of the main building and so makes the equipment more prominent in the streetscene it is considered that the works that have been carried out are not so harmful to the visual amenity of the area to warrant a refusal when balanced against the additional customers and visitors to the village the development could result in. Accordingly the proposal is recommended for approval by Members subject to a condition relating to staining of the apparatus to soften its appearance.

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

This application is on the agenda as the views of the Parish Council are contrary to the officer's recommendation.

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

The application site is The Plough, 2 Lytham Road, Freckleton. In particular the application refers to a two storey premises in use as a public house located at the junction of Lytham Road and Kirkham Road and situated within the centre of the village of Freckleton.

The site is within the settlement of Freckleton as allocated on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward on the submission version of the Local Plan to 2032.

### **Details of Proposal**

This application is a resubmission of application 16/0564 which was granted in September 2016 for the siting of children's play equipment and other external works to refurbish the public house.

The premises has undergone the proposed up-grade works however, the play equipment has been sited in a different position from that approved being around 3m further forward, which is critical as it means it is now forward of the front elevation of the building rather than behind that 'building line' so increasing views of it considerably.

The equipment consists of a climbing frame and a slide within a fenced area, which measures 2.5 metres by 4 metres and is constructed in timber.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0828	ADVERTISEMENT CONSENT FOR REPLACEMENT AND ADDITIONAL ILLUMINATED AND NON-ILLUMINATED SIGNAGE TO BUILDING FRONTAGE AND FORECOURT	Granted	13/12/2016
16/0740	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/0564, CONDITION 4 – MATERIALS	Advice Issued	22/11/2016
16/0564	EXTENDING EXISTING RAISED PATIO, CANOPY OVER AND NEW EXTERNAL PLAY KIT TO WEST SIDE ELEVATION	Granted	20/09/2016
07/1145	ERECTION OF A GLAZED SHELTER TO FRONT ELEVATION.	Granted	04/01/2008

### **Relevant Planning Appeals History**

None

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

**Freckleton Parish Council** notified on 08 August 2017 and comment:

*"The parish council object to this application due to the play equipment being too close to the road and it is In front of the building line".*

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

#### **BAe Systems**

No comments received at time of writing report, but proposal clearly has no air safety implications.

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

No safeguarding objections.

## **Neighbour Observations**

**Neighbours notified:** 08 August 2017  
**Site Notice Date:** 10 August 2017  
**Number of Responses** none

## **Relevant Planning Policy**

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

SP01 Development within settlements  
CF01 Provision of community facilities

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

GD1 Settlement Boundaries  
GD7 Achieving Good Design in Development

### **Other Relevant Policy:**

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

## **Site Constraints**

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

This application seeks permission for the re-siting of play equipment to the car park and forecourt areas from that approved under 16/0564. The position of the equipment is to the side of the pub in a small fenced 'garden' area and is forward of the line of the front elevation of the building whereas the approved siting was set back alongside the side elevation of the premises and did not project beyond the front elevation. The applicant advises that the play equipment was located in its current position as a result of unsuspected drains being located in the area originally approved for the climbing frame that could not be economically re-routed and prevented the necessary foundations being constructed in that location.

## **Policies**

Policies SP1 and CF1 of the current local plan and Policies GD1 and GD7 of the submission version of the local plan are relevant to this application together with the aims of the National Planning Policy Framework (NPPF).

Policy SP1 directs development to the settlement areas in the borough. As this application is within one of the main settlements in the borough this policy is satisfied.

Policy CF1 refers to the development of community services and requires that five criteria are satisfied:



1. The development is located within a settlement except where necessarily required to provide a service to a rural area.
2. The development is appropriately located having regard to adjacent and nearby land uses and would not prejudice residential amenity
3. The development is appropriately sited, designed and landscaped and would not prejudice visual amenities or the character of the area
4. Adequate vehicular access, parking, loading and manoeuvring areas for vehicles can be provided
5. Satisfactory foul and surface water drainage disposal arrangements can be provided.

Policies GD1 refers to settlements and Policy GD7 to design principles.

### Principle

The principle of development is acceptable given that this site is in one of the main the settlements in the borough.

### Impact on visual amenity

The premises are located on a large corner site at the junction of Lytham Road with Kirkham Road with a large forecourt and car park to the west side of the premises. Whilst it would clearly be preferable for the climbing frame to be located in its approved position, alongside the side elevation of the pub which provides some screening, the scale and location of the play equipment is not so obtrusive in this location as to warrant a refusal of the application subject to a condition to require the climbing frame and fencing be dark stained.

### Impact on neighbours

The nearest dwelling to the premises is the property at no. 6 Lytham Road. Some general noise and disturbance will be experienced by the occupants of this property with the existing public house use. However, given the distance from the building to this property at approximately 60 metres it is not anticipated that the occupants of the dwelling will experience any undue noise which would result in a detriment to their amenity and the play area is not materially closer to them as a result of this revised location.

### Highway impact

Whilst the proposal will utilize an area of the car park this is small scale loss of parking as such the development leaves a large area remaining for vehicular parking. No changes are proposed to the access onto Lytham Road.

### Drainage

The proposal does not result in any requirement for increased drainage capacity.

### Conclusions

Permission was granted, under application no. 16/0564 for works to the public house to provide an outside dining areas and an external children's play area as part of general up-grading and re-branding works. Subsequent to that approval the play equipment has been installed in a different location to that approved. Whilst this is now forward of the front elevation, and its

position has been objected to by the Parish Council, the equipment has been in situ over the summer months and the timber has now weathered and no longer appears so intrusive. If the equipment and the surrounding fencing was stained in a dark woodstain this would further assist to assimilate the structure into the background. Subject to a condition relating to staining of the apparatus it is considered that the works that have been carried out are not so harmful to the visual amenity to warrant a refusal and when balanced against the additional customers and visitors to the village the development could result in, that balance is tipped in favour of a recommendation for approval of the application.

Accordingly, the proposal complies with the above policies of the local plan and the aims of the NPPF.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

Approved plans:

- Location Plan - Blackwell's mapping
- Proposed Plans and Elevations - drawing no. P/SP&B/PL03

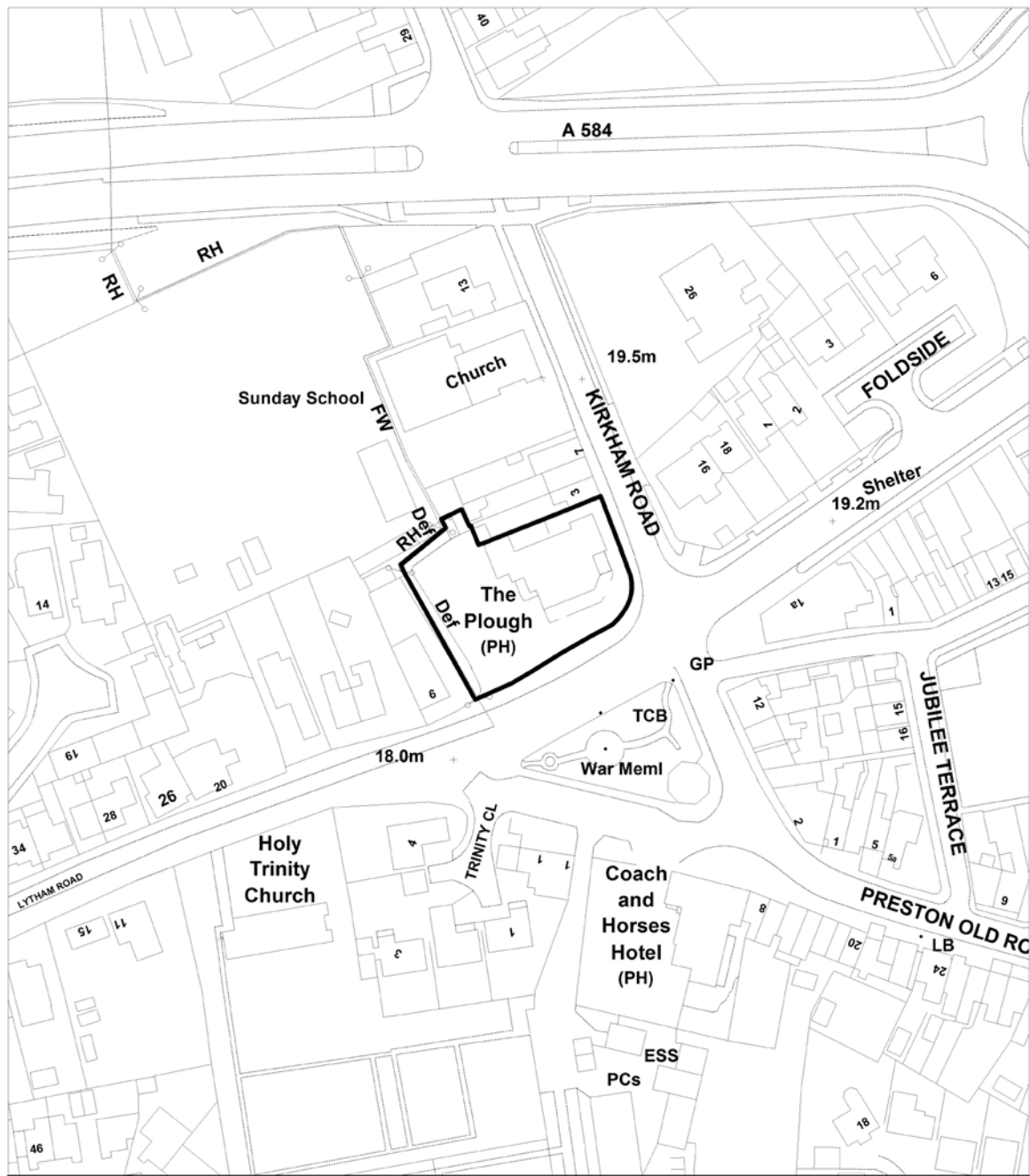
Supporting Reports:

- Supporting statement - JWPC - dated 31st July 2017

Reason: To provide clarity to the permission.

2. Within 2 months of the date of this decision the climbing frame and timber fencing shall be treated with a dark timber stain and thereafter the timber shall be maintained and retained in its approved form.

Reason: In the interest of visual amenity in accordance with Policies CF1 of the Fylde Borough Local Plan, as altered (October 2005) and Policy GD7 of the submission version of the Fylde Local Plan to 2032 and the aims of the NPPF.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0661	Address The Plough, 2 Lytham Road, Freckleton	Grid Ref. E.3429 : N.4290	Scale 0 6 12 18 24 m 

Item Number: 6

Committee Date: 08 November 2017

<b>Application Reference:</b>	17/0665	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	RP Tyson Construction	<b>Agent :</b>	Croft Goode Limited
<b>Location:</b>	CHURCH ROAD METHODIST CHURCH, CHURCH ROAD, ST ANNES, LYTHAM ST ANNES, FY8 3NQ		
<b>Proposal:</b>	ERECTION OF 10.NO AFFORDABLE RESIDENTIAL DWELLINGS FOLLOWING DEMOLITION OF EXISTING CHURCH ROAD COMMUNITY CENTRE		
<b>Parish:</b>	CENTRAL	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Awaiting consultation replies		

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

<https://www.google.co.uk/maps/@53.7563257,-3.0193317,139m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application site is a broadly square area of land that currently contains the buildings last used as the Church Road Community Centre. It is located within the settlement area of St Annes adjacent to the Church Road Methodist Church and Hall. The existing building is single storey, with the remainder of the site providing parking and a servicing yard.

The application is for full planning permission for the erection of 10 residential units comprising of 4 x two-storey dwellings and an adjoining two-storey block of 6 flats. All the proposed units are for affordable housing and consist of 1, 2 and 3 bed properties. They are arranged in an appropriate layout within the development when viewed from off site, and create no concerns over their relationship to each other or off-site neighbours, both residential and non-residential.

The proposal offers a good opportunity to redevelop a brownfield site within the settlement that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and Policy HL2 relating to the design of residential estates and so is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application. A condition will be imposed to ensure the scheme is entirely delivered as affordable housing.

Whilst the development is of a scale where financial contributions towards education provision and public open space enhancement are considered, no such contributions are sought in this case. This is because the applicant has provided evidence to support their claim that with the land costs, remediation works and actual property values, that the scheme would not be viable if it were to be required to make such contributions. In addition, as the scheme is delivering 100% affordable housing in an area where it has been identified there is a significant need which is a material matter that can out-weigh the requirement for financial contributions in order to facilitate the development.

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

The application involves major development and so the Scheme of Delegation requires that the decision on the application is made by the Planning Committee.

### **Site Description and Location**

The application site is the existing Church Road Community Centre located within the settlement boundary of St Annes. The site lies on the corner of St. Albans Road and Curzon Road and attaches to the Church Road Methodist Church Hall. The site comprises of a single storey building, comprising of several sections and there is a row of off street parking spaces along the St. Albans Road frontage.

The building is to the northeast of the Church Road Methodist Church and Hall which sits on the corner of Church Road and St. Albans Road. On the opposite corner fronting Church Road is the Victoria Hotel Public House. To the southeast there is an access road which serves the application site, the Church and Church Hall and the properties on Church Road and Curzon Road.

The neighbouring buildings to the northwest and northeast on St. Albans Road and Curzon Road respectively are residential properties of varying appearance. To the southeast there are further residential properties which front Curzon Road. To the immediate south there is a detached commercial property which is accessed off the rear access road. This building is two-storey in height.

The immediate area is predominantly residential which the nearest shops to the south of Church Road on St. Albans Road which is designated as a local centre in the adopted Fylde Borough Local Plan.

### **Details of Proposal**

The submitted proposal is for the clearance of the site and the erection of 10 residential units comprising of 6 x 1-bed apartments, 2 x 2-bed dwellings and 2 x 3-bed dwellings. The application proposes that all are presented as affordable housing.

The units are in a single two-storey block which fronts St. Albans Road and Curzon Road. To the front on St. Albans Road there are parking spaces and to the rear accessed off the access road there are additional parking spaces, a cycle store and bin store. Fronting Curzon Road there is soft landscaping. The roof of the block is pitched with gable ends and the elevations consist of facing brick and render.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0664	ERECTION OF SINGLE STOREY BUILDING AS LINK BETWEEN CHURCH AND FUNCTION ROOM FOLLOWING DEMOLITION OF EXISTING LINK CORRIDOR. FORMATION OF ACCESS RAMP TO MAIN CHURCH ENTRANCE	Granted	09/10/2017

### **Relevant Planning Appeals History**

None

## Parish/Town Council Observations

**St Anne's on the Sea Town Council** notified on 17 August 2017 and comment:

*We would wish to encourage more attention be paid to HOU4 of the Neighbourhood Plan re renewable energy / solar panels / water recycling technology.*

## Statutory Consultees and Observations of Other Interested Parties

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

No comments have been received at the time of writing this report and will be included on the Late Observations schedule should they be received in time.

### **Strategic Housing**

Confirm that they support the scheme.

### **Regeneration Team (Heritage)**

Raise no objections.

## Neighbour Observations

<b>Neighbours notified:</b>	17 August 2017
<b>Site Notice Date:</b>	12 September 2017
<b>Press Notice Date:</b>	24 August 2017
<b>Number of Responses</b>	2 responses received, both raising objections.
<b>Summary of Comments</b>	The comments received raise objection to the development on the following grounds: <ul style="list-style-type: none"><li>• Overdevelopment of site</li><li>• Flats are out of character with the area</li><li>• Loss of parking</li><li>• Development will add to existing parking problems</li><li>• Impact to highway safety</li><li>• Site is not a brownfield site</li><li>• Existing building should be retained as it is a community asset</li><li>• Existing social housing stock in the area is not managed properly</li><li>• Loss of property value</li><li>• Disturbance during construction</li></ul>

## Relevant Planning Policy

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

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP14	Landscaping of new developments
EP25	Development and waste water
TREC17	Public Open Space within New Housing Developments

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

GD1	Settlement Boundaries
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GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
H4	Affordable Housing
ENV4	Provision of New Open Space
T5	Parking Standards
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**

None

**Environmental Impact Assessment**

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

**Comment and Analysis**

The principle of the development

The site is located within the settlement boundary of St Annes where the principle of residential development is accepted under Fylde Borough Local Plan (FBLP) Policy SP1 and Policy GD1 of the submission version of the Fylde Local Plan to 2032 (FLP32). Policy HL2 of the FBLP and H2 of the FLP32 provide the development management criteria for housing proposal and seek to ensure, amongst other things, that proposals are acceptable in design terms, do not adversely affect neighbouring amenity, are compatible in land use terms, are situated in sustainable locations, are acceptable in highways safety terms and maintain or enhance local biodiversity.

As the council needs to maintain housing supply performance it is imperative that sites which are brownfield and in accessible settlement locations are brought forward to meet that supply unless there are compelling reasons why not. This site is clearly previously developed brownfield land, and is not of high environmental value. It is located near to public transport routes and community facilities such as a Medical Centre (0.6 miles) and a Primary School (0.3 miles) and is across the road from a designated local centre which offers a range of services and goods. This makes it a site where the principle of residential development should be supported, subject to the detailed considerations in the remainder of this report, so as to assist in maintained housing supply performance.

Design and impact to the street scene

The proposed development is one building comprising of two elements: the block of flats and the four dwellings. The design of the block is in a contemporary style respecting the local vernacular with some more modern elements on the elevations to give a degree of individuality.

The proposed building is of an appropriate design and it is proposed that they are constructed of materials that would complement the surrounding area. Its scale and massing is comparable to the neighbouring houses on St. Albans Road and Curzon Road and will not appear out of keeping nor incongruous within their setting or wider area.

Its foot print and general size/massing will not appear overly dominant within the site and will create a greater sense of space within the site when compared to the size of the existing building due to the greater areas of openness in and around the edges of the site. Both hard and soft landscaping is also proposed as part of the development and this is considered important to the result appearance of the site. It is considered that an appropriately worded condition can be attached to any permission ensuring an appropriate landscaping scheme is agreed.

Policy HOU4 of the adopted St. Annes Neighbourhood Plan seeks to encourage new developments to have regard to renewable energy provision and energy efficiency. The applicant has outlined that their development strategy requires that all homes and apartments are built to a high level of energy efficiency in accordance with their specification requirements (equivalent to CfSH Level 3). Each will include Category A rated high efficiency gas boilers which are being provided to ensure that the new homes are built to minimise residents heating bills. It is considered that these provisions go some way to meeting the requirements of Policy HOU4 although the solar panels and water butts specifically quoted in the Town Council's response have not been brought forward due to the applicant's concerns over additional build and maintenance costs.

Overall the general location is one where two-storey dwellings are prevalent and so the development proposed here will not dominate the surrounding area and the overall height and size is considered appropriate. Their general appearance and setting are considered appropriate and the design is of a good standard that will enhance and compliment the surrounding area. The design and style of the properties is considered to comply with Policies HL2 and GD7 of the Fylde Borough Local Plan.

#### Mix of proposed housing

The councils Housing Officer has provided comments supporting the scheme and has confirmed that a Regional Social Landlord (RSL) with local connection criteria has been agreed for Affordable Rent. The scheme proposes 6 x 1-bed apartments, 2 x 2-bed dwellings and 2 x 3-bed dwellings. The Strategic Housing Manger has confirmed that there is a significant demand for affordable housing in St Annes, and that the proposed mix and location of the units proposed will assist in meeting that need.

The Councils Housing Officer confirmed that Church Road Methodist Church scheme will be used as a demonstration project by Fylde Council to develop an approach to deliver community led development initiatives across the borough. Part of the funding, £100,000, will be used to replace funding from S106 funds that have been approved to support Church Road Methodist Church Project, (Committee 17 October 2016) and free up S106 funds to support affordable housing development elsewhere in the Borough.

As such it is considered that the proposal complies with Policy H4 of the submission version of the Fylde Borough Local Plan to 2032 relating to the delivery of affordable housing in residential development schemes.

#### Impact to neighbouring amenity

The neighbouring residential properties fronting St. Albans Road and Curzon Road will not suffer a detrimental impact to their existing amenity. The proposed building is two-storey in height and benefits from good separation distances to the neighbouring properties. The distances are 23m to the properties on St. Albans Road, 20m to the properties on the northeast side of Curzon Road and 13m between the side elevation of the proposed flats and No. Curzon Road which is to the southeast. These separation distances are considered sufficient for there to be no detrimental impact in terms of overbearing, loss of light and loss of privacy.



The proposed off-street parking is located along St. Albans Road and to the rear off the rear access road and concern has been raised by a couple of residents over the number of vehicle movements the development will create. Looking at this aspect, the proposal benefits from dedicated off-street parking specifically for the occupiers and visitors of the units in accordance with the parking standards so ensuring that the general amenity of the area will not be detrimentally affected. The site currently provides off street parking is for users of the existing building and with that building being removed its parking demands will also cease. Accordingly the development will make little change to the existing parking pressures and supply in the area.

#### Relationship to Commercial Neighbours

The application site is immediately adjacent non-residential properties including the Church and Church Hall and a Public House, therefore there is the potential for noise disturbance from the lawful operation of the adjacent and nearby sites. However, it is considered that the on-going use/operation of these sites will not have a detrimental impact to the amenity of the proposed residential units and the surrounding area, in particular the local centre, is an area where activity throughout the day is expected.

#### Highway Safety

The site is located within a settlement location where it is served by roads that allow access from a range of directions, and as a community centre it will attract traffic movements from these directions. The proposal is for a comparative scale of development on the site and will also attract and lead to travel movements in a range of directions. It is considered that the surrounding road network will comfortably be able to accommodate these movements, with the location of the site close to series meaning that there is a likelihood that many of the journeys will be undertaken on foot/cycle.

The scheme provides appropriate parking levels and an appropriate access from the site to the road network. Whilst the highway authority have not provided comments on the scheme at the time of writing this report, it is not envisaged that they will have any objections to the proposal given its scale, the parking levels and its location. Officers are satisfied that the highway safety arrangements are such that the development complies with the relevant criteria of Policy HL2 and Policy GD7.

#### Loss of Community Facility

The proposal would result in the loss of the community centre which provides space to use for community groups and other members of the public. Although this space would not be provided elsewhere it is considered that the remaining church hall with its intended improved facilities would continue to offer appropriate facilities for the wider community. In addition as the scheme is for 100% affordable housing and it is considered that the public benefit of providing these dwellings outweighs the loss of the Community Centre.

#### Developer Contributions

As the proposal is for 10 residential units the Local Education Authority has assessed the capacity of the local education facilities to accommodate the needs generated by the site. They have found that a shortfall is expected, although with the small size of the dwellings the actual yield of school age children is limited to 1 primary place. Using their adopted methodology the County Council have therefore made a request for £14,217.31 toward Primary education places. Furthermore Policy TREC17 seeks contributions towards off site Public Open Space should not be provided on-site. In this case none is provided and therefore the Council would normally seek in the region of £500 per unit.

The applicant has submitted information relating to the land cost, demolition and build costs and likely sales values of the resultant properties as affordable housing which argues that the provision of these contributions would make the proposal unviable.

Officers have assessed this evidence and accept that the figures provided do indicate that the development could be unviable if it were to make any contribution towards education and public open space. Whilst it would be usual for a residential development to secure the necessary infrastructure requirements officers believe that the greatest priority is to deliver sustainably located affordable housing properties, especially in a highly sustainable area such as this where the need for such housing is high. This is in line with guidance in para 205 of the NPPF which requires that planning obligations must not be imposed which could involve development being stalled.

Should Committee not accept this point and believe that the development should make other contributions then additional clauses would be appropriate for a S106 agreement requiring £500 per plot for public open space improvements and the £14,217.31 quoted above for increasing education capacity.

#### Other matters

The representation received raised concerns over the impact on property values and the management of the proposed residential units.

Impact to property values is not a material planning consideration and therefore does not form any part of this assessment.

The management of the proposed affordable units in terms of those people which qualify will be set out in the agreed affordable housing scheme and the company responsible for managing the units and their occupancy will be bound by this agreement and separate regulations governing RSL's. The behaviour of occupants is not a material planning consideration.

#### Conclusions

The application site is a broadly square area of land that currently contains the buildings last used as the Church Road Community Centre. It is located within the settlement area of St Annes adjacent to the Church Road Methodist Church and Hall. The existing building is single storey, with the remainder of the site providing parking and a servicing yard.

The application is for full planning permission for the erection of 10 residential units comprising of 4 x two-storey dwellings and an adjoining two-storey block of 6 flats. All the proposed units are for affordable housing and consist of 1, 2 and 3 bed properties. They are arranged in an appropriate layout within the development when viewed from off site, and create no concerns over their relationship to each other or off-site neighbours, both residential and non-residential.

The proposal offers a good opportunity to redevelop a brownfield site within the settlement that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6/H2 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application. A condition will be imposed to ensure the scheme is entirely delivered as affordable housing.

Whilst the development is of a scale where financial contributions towards education provision and

public open space enhancement are considered, no such contributions are sought in this case. This is because the applicant has provided evidence to support their claim that with the land costs, remediation works necessary, and actual property values, that the scheme would not be viable if it were to be required to make such contributions. In addition, as the scheme is delivering 100% affordable housing in an area where it has been identified there is a significant need this is a material matter that can out-weigh the requirement for financial contributions in order to facilitate the development.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

#### Approved plans:

- Site Location Plan - 16-2134 EX001 Rev C
- Proposed Site Layout - 16-2134 PN001 Rev B
- Proposed House Types - 16-2134 PN101
- Proposed Apartment Types - 16-2134 PN102
- Proposed Elevations - 16-2134 PN201 Rev A
- External Works/Boundary Treatments - 16-2134 PN009 Rev B
- Demolition Plan - 16-2134 PN002

#### Supporting Reports:

- Design and Access Statement - 16-2134 PN901 (Prepared by Croft Goode Architects)
- Preliminary Risk Assessment - 15-B-10891 (Prepared by Carley Daines & Partners)
- Planning Statement (Prepared by Shepherd Planning. Dated July 2017)

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

3. The development hereby approved shall comprise of not less than 100% affordable housing, and shall not commence until a scheme for the provision of the affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing scheme shall confirm that the affordable housing meets the definition of affordable housing in Annex 2 of the National Planning Policy Framework (or any future guidance that replaces it), and shall include:
  - a) the tenure and type of the affordable housing provision;
  - b) proposals for the management of the affordable housing and the arrangements for the transfer of the affordable housing to an affordable housing provider if any of the affordable housing is to be so transferred;
  - c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and that the dwellings remain affordable in perpetuity;
  - d) the occupancy criteria to be used to assess eligibility of potential occupiers of the affordable housing and the mechanism for the enforcement of such occupancy criteria.

The development shall be implemented and occupied in accordance with the approved scheme at

all times.

Reason: To ensure the dwellings are provided and remain as affordable housing in perpetuity, and that they meet the identified local affordable need in accordance with the requirements of policy H4 of the Submission Version of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

4. Notwithstanding any denotation on the approved plans details of all the external materials to be used in the construction of the development, hereby approved, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.

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

Reason: In order to ensure adequate and proper drainage of the site.

6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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

The development shall be completed in accordance with the approved details.

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

7. The access and parking areas shall be constructed in accordance with the approved details shown on submitted plan ref: 16-2134 PN001 Rev B, and the parking areas indicated for each dwelling shall be made available prior to the first occupation of that property, with those areas thereafter retained available for the parking of motor vehicles.

Reason: In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area.

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

Reason: To ensure that the development has an acceptable impact on neighbouring amenity and visual impact.

9. Notwithstanding any denotation on the approved plans details of all boundary treatments (including the cycle store and bin store), including their means of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development on site. Thereafter only those approved details shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: To ensure a satisfactory standard of development.

10. The recommendations outlined on page 9 of the submitted "*Preliminary Risk Assessment*" prepared by Carley Daines & Partners (ref: 15-B-10891) shall be implemented in full. Should contamination be found on the site works shall cease and the Local Planning Authority shall be notified in writing. A new remediation strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the recommencement of works on site.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the identification of the site access for construction traffic
- b) times of construction activity at the site
- c) times and routes of deliveries to the site
- d) the parking of vehicles of site operatives and visitors
- e) loading and unloading of plant and materials
- f) storage of plant and materials used in constructing the development
- g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- h) wheel washing facilities
- i) measures to control the emission of dust and dirt during construction
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works
- k) means of demolition of the existing buildings
- l) nature/type of machinery to be used in both construction and demolition

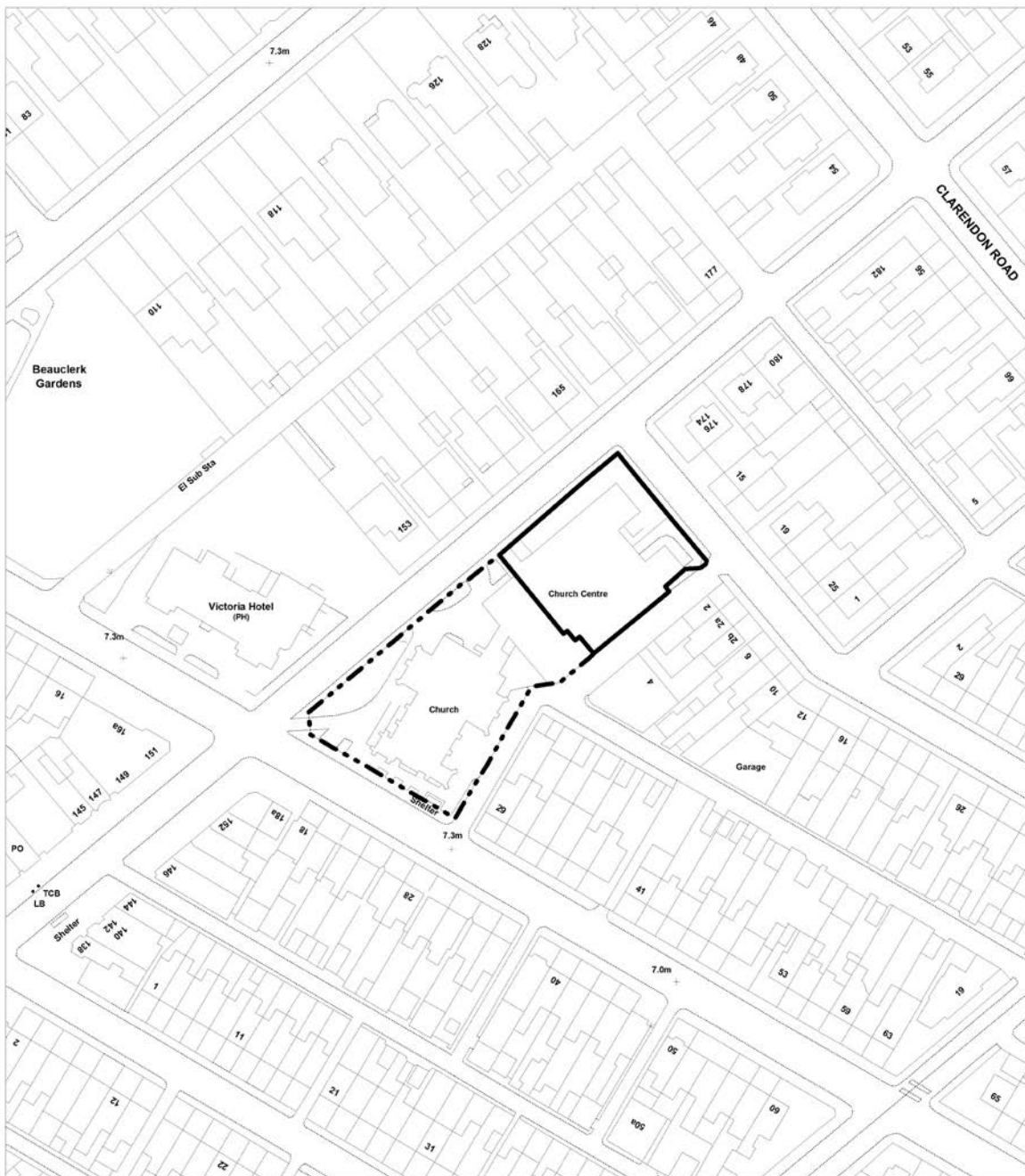
Reason: To maintain the safe operation of the pedestrian and highway network in the area limiting the impact on adjacent uses given the proximity to residential properties.

12. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, hard surfacing materials, refuse receptacles, lighting and services as applicable. Soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality.

13. The whole of the landscape works, as approved in condition 12, shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current sylvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0665	Address Church Road Methodist Church, Church Road, Lytham St Annes	Grid Ref. E.3329 : N.4293	Scale 0 6 12 18 24 m 

**Item Number:** 7

**Committee Date:** 08 November 2017

<b>Application Reference:</b>	17/0667	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Fox Bros. (Elswick) Ltd.	<b>Agent :</b>	CFM Consultants Ltd
<b>Location:</b>	GORST FARM, LODGE LANE, ELSWICK, PRESTON, PR4 3YH		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF AGRICULTURAL LAND TO FORM A STONE-SURFACED STORAGE SITE/COMPOUND ASSOCIATED WITH RAILWAY IMPROVEMENT WORKS (TEMPORARY USE SOUGHT UNTIL 31 MARCH 2018)		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8361763,-2.8717598,553m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

Gorst Farm is a former farm and associated land that is located off Lodge Lane outside of Elswick Village. The farming use has ceased but the farmhouse, a barn and some outbuildings remain.

This application seeks permission for a change of use of agricultural land to form a storage compound and an enlargement of the existing access track, for use by Volker Rail in connection with Network Rail's up-grade works to the Preston to Blackpool railway line.

Whilst the development results in a limited visual impact and some disruption for neighbours and wider village residents this is to be balanced against the limited duration of the works and the benefits the rail improvement works will bring about in the long term. These benefits tip the planning balance in favour of the development subject to conditions limiting the length of time the land is in such a use and that works are carried out to return the land to its previous agricultural state.

Accordingly the application is recommended for approval by Members.

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

The application is on the agenda as it is a major application and such applications are to be determined by the Planning Committee given the officer recommendation for approval. This recommendation is also contrary to the views of the Parish Council and the application is subject to a request from the ward councillor (Cllr Hayhurst) for Committee consideration.



## **Site Description and Location**

The application site is land forming part of Gorst Farm, Lodge Lane, Elswick. In particular the site area is 15,365 square metres (1.536 Ha) of agricultural land situated to the east and south of the buildings associated with Gorst Farm and include an access track leading off Lodge Lane to serve the former farmstead.

The land applied for is on differing levels dropping from Lodge Lane to the southern (rear) boundary of the site which has a pond and landscaped bund to the west side of the access track.

To the north and west are the farmhouse and farm building associated with Gorst Farm, due west is Selborne Farm and to the north are residential properties.

The site is located outside of designated as countryside on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Local Plan to 2032.

## **Details of Proposal**

This application seeks permission for a change of use of agricultural land to form a stone surfaced, storage compound and enlarged and extended access track measuring 7 metres in width, leading from the existing access (off Lodge Lane) together with the re-profiling of the land used for the storage compound with the spoil forming a bund 2.5 metres high.

The application originally sought approval for a temporary period of 18 months to provide a storage compound for Volker Rail who are the contractor engaged in the Network Rail up-grade works to the Preston to Blackpool railway line. However, during the course of the application the period applied for has altered and permission is now sought for storage use up to the end of March 2018, with remedial works to take place after that and expected to be completed in 3 months.

The use is ongoing and so the application is applied for retrospectively.

## **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0576	OUTLINE APPLICATION FOR ERECTION OF 2 NO. DWELLINGS AND GARAGES FOLLOWING DEMOLITION OF EXISTING BARN WITH ACCESS, LAYOUT AND SCALE APPLIED FOR WITH OTHER MATTERS RESERVED	Granted	13/10/2016
16/0102	RESUBMISSION OF APPLICATION 15/0576 FOR OUTLINE APPLICATION FOR ERECTION OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARN. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Refused	11/05/2016
15/0576	OUTLINE APPLICATION FOR ERECTION OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARN. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Refused	15/10/2015
DISC/15/0018	APPLICATION TO DISCHARGE PLANNING CONDITION 3 (MATERIALS), CONDITION 6 (ARCHAEOLOGY REPORT), CONDITION 9 (BIRD	Advice Issued	17/09/2015

15/0018	BOXES) & CONDITION 14 (LANDSCAPING) OF PLANNING PERMISSION 15/0018 RE-SUBMISSION OF 14/0088 - PROPOSED CONVERSION, PARTIAL DEMOLITION, EXTENSION AND SUBDIVISION OF EXISTING BARN TO FORM TWO NO. DWELLINGHOUSES	Granted	26/03/2015
14/0088	PROPOSED CONVERSION, PARTIAL DEMOLITION, EXTENSION AND SUBDIVISION OF EXISTING BARN TO FORM TWO NO. DWELLINGHOUSES, AND ERECTION OF GARAGES TO REAR	Withdrawn by Applicant	08/01/2015
13/0777	COUNTY MATTER FOR RETROSPECTIVE APPLICATION FOR THE RETENTION OF IMPORTED INERT MATERIALS, PARTIAL INFILLING OF THE POND, CREATION OF A LAKE, FORMATION OF A NEW ACCESS AND LANDSCAPING AND EXTRACTION OF SAND.	Withdrawn by Applicant	03/03/2014
11/0827	CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B8 STORAGE	Granted	01/05/2012
08/0863	CHANGE OF USE FROM DWELLING TO OFFICES, ERECTION OF REPLACEMENT DWELLING, CONVERSION OF AGRICULTURAL BUILDINGS TO 3 NO. OFFICES FOR B1 USE AND REMAINDER FOR B8 STORAGE AND DISTRIBUTION USE FOR THE SECURE STORAGE OF CARAVANS ALONG WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS IMPROVEMENTS AND LANDSCAPING (AS AMENDED)	Refused	29/10/2010
05/0795	CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO WOOD FUELLED RENEWABLE ENERGY PLANT.	Granted	16/12/2005
04/1195	RESUBMISSION OF APPLICATION 04/241 FOR NEW ACCESS.	Granted	17/01/2005
04/0241	PROPOSED NEW ACCESS	Withdrawn by Applicant	12/08/2004

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0102	RESUBMISSION OF APPLICATION 15/0576 FOR OUTLINE APPLICATION FOR ERECTION OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARN. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Dismiss	15/12/2016

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

**Elswick Parish Council** notified on 17 August 2017 and comment:

#### Visual Impact

*The Parish Council considers the works currently being undertaken on this site to be totally out of keeping within the local rural area, is hugely inappropriate and potentially will destroy this pleasing*

*and uplifting approach to Elswick. To continue to allow these developments is having a significant and detrimental visual impact on the character of the village in this location.*

*Whilst Point 2.1 of the applicants Planning, Design and Access statements notes 'The actual physical works to enable the use are relatively minimal with an area being cleared and stoned', the Parish Councils view is that this site is the subject of considerable and intensive engineering works, which are altering the physical characteristics of the land. These works by their scale and nature are more akin to an industrial development.*

*The site is floodlight and causing a significant detrimental impact due to light spillage and light glare.*

#### Transport/Traffic and Road Safety

*There are multiple haulage vehicle movements accessing the road network within Elswick. As per previous requests, the Parish Council would ask Fylde Borough Council to consider recent concerns raised by Highways England with regard to the increased development coming forward in this area and the safety issues in relation to the Thistleton junction. The Parish Council is extremely concerned about the adverse impact of increased use of the roads within the village areas. The vehicles that are using this site include 45-foot flatbed wagons and large-scale specialist delivery wagons. The access/ingress to the site has limited visibility is wholly inappropriate and cannot safely accommodate these large vehicles. It is not uncommon for the large delivery vehicles to block the road on both sides whilst arriving and leaving the site.*

*Lodge Lane is a long lane with no footpath. The increased flow traffic on this lane, particularly HGV traffic is causing serious safety concerns particularly for pedestrians, cyclists (this is part of the Lancashire Cycle Route) and horse riders. There are also safety issues for oncoming traffic.*

*Point 2.2 of the applicants Planning, Design and Access Statement notes 'There are generally 2-3 loads sent out each night between 9:00pm and 4:00am. This is not every night and occurs 4 – 5 times per week (i.e.; out of 7 days).' The Parish Council was informed at the public meeting that this has not been the case and that transport movements are significantly more than stated and are causing loss of sleep for some residents.*

*The Parish Council asks Fylde Borough Council to request a traffic impact assessment report.*

#### Land Use

*The land included in the proposal is high quality agricultural land has already been significantly altered. Fylde Borough Councils local plan to 2032 detail areas where there will be industrial development – this area is not detailed on the local plan.*

#### Noise Pollution

*The Parish Council has been informed that the construction of the compound resulted in weeks of noise and disruption. This disruption now continues with the sound of large scale vehicles moving.*

*Local residents voiced their concerns at a recent public meeting regarding the significant noise nuisance being suffered from this site and the resultant detrimental impact upon their enjoyment of life in a rural location.*

*The noise is having a considerable impact on local residents located in close proximity to the site which is preventing residents from enjoying their homes in this peaceful village.*

*The site is floodlight and causing a significant detrimental impact due to light spillage and light glare.*

*The Human Rights Act states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.*

*The Parish Council asks Fylde Borough Council to request a Noise Impact Assessment report.*

#### Summary

*Elswick Parish Council strongly objects to this planning application by virtue of its harmful visual impact and an unacceptable adverse impact on the rural landscape. As previously stated, the current operations at this site are affecting the quality of life of neighbouring residents and the Parish Council respectfully requests Fylde Borough Council to reject this application.*

*The Parish Council would further request that as 58 local residents attended a public meeting and unanimously voted against this application, that this application is determined by the Development Management Committee to give the residents the opportunity to address the Committee directly.*

**Greenhalgh-with-Thistleton Parish Council** - notified as neighbouring parish on 15 August 2017:

*While the location associated with these applications is outside our Parish the impact of the associated activities is being affected in Thistleton village.*

*The two companies involved, Fox Bros Ltd and Volker Rail Ltd, have HGV's accessing the site primarily from the A585 which is putting yet more pressure on the two Thistleton junctions and continued use of these vehicles on the country roads is potentially hazardous. In the case of the former company, in particular, the HGV's in use include large vehicles such as low-loaders carrying large digging machines and I have witnessed trees in the village, all with a TPO on them, being damaged by such vehicles.*

*The Greenhalgh with Thistleton Parish Council would like to object to these two retrospective applications but should Fylde Borough Council decide to grant them we would like a condition to state that the southern Thistleton junction on the A585 must not be used by vehicles from both companies.*

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

*The Highway Development Control Section does not have any objections in principle to the temporary proposed change of use.*

*There are concerns raised with the oversize haulage wagons using the site entrance. A swept path analysis is requested for the much larger trailer units.*

*The site access and egress requires improvement to aid the large trailer movements.*

*Temporary signs either side of the site are requested to warn other highway users of the turning wagon movements. It is requested the relevant sign plates and locations are submitted to LCC for approval.*

*It is requested after the 18 month period / railway works completed the planning enforcement officer reviews the impact on the amenity and highway users in Elswick.*

#### **Highways England**

*No objection.*

*Having considered the updated Transport assessment, which also contains a 'swept path' HGV vehicle track analysis that we had requested, Highways England has come to a final view on this application of 'no objection, which is confirmed by the attached response Notice. In coming to this view, we do however make the following comments that we wish to make Fylde Council aware of:*

- a) The vehicles that are proposed to be used are of a type permitted for use on UK roads, and as such, both junctions with the A585(T) that would be affected by this application are suitable for use by such vehicles. Highways England makes no comment on the suitability of the routes between the application site and the A585(T), as these are matters for LCC as the local highway authority to consider, particularly in terms of the difference in standard of the southern Thistleton Road approach to the A585(T) when compared with the northerly junction with Mile Road – LCC and Fylde Council may wish to consider any conditions as appropriate relating to which route should be utilised as part of any Travel Plan.*
- b) Notwithstanding this, the swept path analysis has shown that, due to the size of the vehicles that are proposed to use the junction associated with this application, the tractor unit will behave differently to the trailer unit; the tractor unit having to take a wider path such that it will stray into the dedicated central 'right-turn' lane at both junctions. This raises the concern that, when making a manoeuvre from either Thistleton Road onto the A585(T), the driver will need to make sure that A585(T) traffic has cleared of approaching vehicles, but also that no vehicle approaching on the A585(T) has moved onto the dedicated right-turn lane – this would create a serious risk of collision. It is our view therefore that the responsibility for avoiding such a situation lies with the driver of the HGV associated with the application site and that this should not be a problem for a competent driver that is qualified to operate such vehicles that are road-legal.*
- c) The frequency and timing of the proposed vehicle movements would not be expected to generate a severe traffic impact upon the strategic road network that we operate.*

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

*The most significant ecological consideration on this site is the presence of the highly protected species great crested newt in the pond on site and the potential of the temporary development to cause harm to newts, both by direct impacts and through temporary losses to terrestrial habitats that could be used by newts.*

*I note that this constraint has been properly considered by the applicant and that a Method Statement for the avoidance of harm to newts has been developed, and is being implemented, for this development. On the basis of the Method Statement an application to register the site under the Great Crested Newt Low Impact Conservation Licence was made to Natural England on 8th June 2017. Natural England accepted the application, the mitigation proposed and the information provided to satisfy the 'Imperative Reasons of Over-riding Public Interest (IROPI) test and confirmed registration of the site on 9th June 2017. The GCN reference is GCN1RC017-41A. The Method Statement is being implemented appropriately under the terms of this Licence.*

*I am therefore satisfied that the development can be allowed without causing harm to the nature conservation status of great crested newts.*

## Natural England

*Natural England has no comments to make on this application.*

## Neighbour Observations

<b>Neighbours notified:</b>	17 August 2017
<b>Site Notice Date:</b>	22 August 2017
<b>Number of Responses</b>	Correspondence from 43 properties
<b>Summary of Comments</b>	<p>All respondents raise objection to the proposal. Their comments are summarised below, although some points will also relate to application 17/0540</p> <ul style="list-style-type: none"><li>• constant vehicle noise</li><li>• exhausted through lack of sleep</li><li>• not appropriate development for quiet village</li><li>• new roadway being constructed</li><li>• waste on site an eyesore</li><li>• Fox Bros Plant Hire moved on site</li><li>• new signage installed</li><li>• site contains portacabins, security lighting plant and equipment</li><li>• constantly woken in early hours</li><li>• lorries causing pollution</li><li>• increase in traffic and speed plus heavy goods makes it difficult to get out of drive</li><li>• like home to be peaceful</li><li>• why not on a site nearer to train line</li><li>• no benefit to village stores</li><li>• if approved allows applicant to further develop the land</li><li>• up-grade works unlikely to be completed on time</li><li>• should be no overnight works</li><li>• materials could be delivered during the day for overnight work on railway line</li><li>• Fox Bros operating illegally from Gorst Farm</li><li>• Elswick is a Tier 2 village and the most rural</li><li>• why should be suffer from arrogant and bullying tactics</li><li>• lived here for 25 years village not safe to walk a dog, ride a bike or a horse</li><li>• roads do not have adequate footpaths or roads suitable to accommodate large HGV's</li><li>• pedestrians have to walk on road at site entrance</li><li>• this application will not make roads safer</li><li>• infrastructure limits, roads are 'B' roads and struggle with volume of traffic</li><li>• HGVs make travelling on road hazardous</li><li>• roads not built to withstand heavy vehicles</li><li>• enormous potholes, roads being eroded</li><li>• no regard for residents</li><li>• turning area into an industrial estate</li></ul>

- noise pollution throughout day and night
- air pollution caused by HGV's
- traffic hold ups
- house shaking
- concerns over structural damage to house
- Thistleton road junction inadequate for traffic
- road has no speed humps, child would not survive collision with 48 tonne vehicles at speed
- should look for industrial site to operate from
- not commensurate with village life
- heavy vehicles drag mud onto road, causing hazardous road surface
- site used not granted permission for Class B8 storage
- complete disregard for planning legislation
- cycling club members involved in near misses
- Fox Bros avoid the routes being surveyed and took detours
- times of operation exceeding stated use
- on prime agricultural land
- no regard for planning acts and regulations
- if they get away with it what's to stop Cuadrilla
- lights visible at night
- lorries parked on road cause cars to pass on wrong side

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
TR04	Safeguarding of land for public transport improvements
TR10	Car park design
EP11	Building design & landscape character
EP19	Protected species
EP22	Protection of agricultural land
EP27	Noise pollution
EP28	Light pollution

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

GD4	Development in the Countryside
EC2	Employment Opportunities
T4	Enhancing Sustainable Transport Choice
ENV1	Landscape
ENV2	Biodiversity

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

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

#### **Site Constraints**

## Environmental Impact Assessment

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

## Comment and Analysis

This application seeks permission for a change of use of agricultural land at Gorst Farm to form a storage compound and an enlarged and extended access track, for use by Volker Rail in connection with Network Rail's up-grade works to the Preston to Blackpool railway line.

## Planning Background

The site forms part of the land associated with Gorst Farm which has long since ceased farming activities. Planning permission has been granted for the conversion of the former farm buildings for B8 storage use together with caravan storage within the concrete silo areas, under application no. 11/0827.

Since 2011 various applications have been submitted for residential use of the site with those approved being for the conversion of the existing barn abutting the highway to two dwellings (application no. 15/0018) and application no. 16/0576 an outline application for the demolition of the same barn and the erection of two dwellings in its place.

The permission for B8 storage use applied for in 2011 has not been implemented and has now lapsed and the Reserved Matters for the new dwellings has not been pursued to-date.

However, there are two further applications for Gorst Farm yet to be determined. Application no. 17/0623 is an outline application for three dwellings and application no. 17/0540 a retrospective application for a change of use of land for use of land in the main farmstead area associated with a plant storage use and is on this agenda.

## Policy Compliance

Policy SP2/GD4 of the local plan refer to development in countryside areas. These policies seeks to restrict development to that needed for the purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area.

The development is not required for any agricultural purpose and so fails to comply with the above policies. It is therefore necessary to consider the development with regard to other policies of plan and whether there are other material considerations to overcome the principle objection to the above countryside policies.

Policy SP8/EC2 refers to expansion of existing businesses and employment opportunities.

Policy EC2 (FLP 2032) advises that the council seeks to retain continued employment uses of existing employment sites. *"This could include any type of employment use, including agriculture, and may not be restricted to B1, B2 and B8 land uses"*

Policy SP8 permits the reasonable expansion of existing businesses and commercial operations in countryside areas subject to compliance with four criteria relating to the visual impact of the development.



## Visual Impact

The land in this application forms part of an existing access to the farm buildings, but is largely an open field to the south of the site. The development has resulted in the re-profiling of the land to widen and level the access, the scraping of the field to remove the top soil and the formation of a 2.5 metre high bund with the removed spoil. The area has then been stoned, several portacabins sited on the former field, flood lighting erected and the area used as storage for large pieces of equipment. This scale and nature of works has a real potential to impact on the character of the countryside.

The protection of the countryside is supported in the core planning principles in the Framework and by local policy. This development is undeniably harmful to these, but this needs to be balanced against other planning considerations. In this case the views of the main part of the site is limited from public vantage points due to the drop in land levels and natural screening. This has been helped to a degree by the retention of top soil on the site which has been formed into a mound on the western side of the compound area and so assists in reducing views of it from Lodge Lane and other public vantage points. In addition the use as a storage compound is sought for a temporary period only with approximately 5 months remaining, so making any visual harm a temporary issue only.

## Rail transport network

Policy TR4 refers to the implementation of rail schemes in particular (at 2.) the electrification of the Blackpool to Manchester Line.

Policy T4 (FLP 2032) refers to enhancing sustainable transport choices in order to secure the long term viability of the Borough. The policy advises that the council "*will work with transport providers to improve accessibility across the Borough, improve safety and quality of life for residents and reduce the Borough's carbon footprint.*".....

This application is proposed as a storage compound for the storage of equipment in association with the electrification of the Preston to Blackpool railway. It is understood that land had previously been secured for a compound located elsewhere in the borough but this arrangement fell through shortly before construction works on the project were to commence, and the land at Gorst Farm was offered to Volker Rail and works commenced without permission.

The railway improvement works being undertaken at Kirkham and elsewhere along the line clearly comply with the local plans transport policies and the aims for sustainable transport in the Borough and bring sub-regional benefits. This benefit has to be balanced against the harm caused by the particular siting of this storage compound and its impact on the visual and neighbour amenity.

## Impact on neighbours

Policy EP27 refers to noise pollution "*Development which would unnecessarily and unacceptably result in harm by way of noise pollution will not be permitted.*"....

Policy EP28 to light pollution. "*In relation to development proposals involving external lighting facilities, regard will be had to the issue of light pollution. Proposals should avoid or minimise harm relating to loss of local character, loss of amenity or reduction in highway safety.*"...

The site is proposed for use in association with the rail up-grade works which are scheduled to take place overnight to minimise disruption for rail users. As a consequence visits to the site mainly take place during late evening and the early hours of the morning, with some HGV deliveries taking place during the day. The applicant's Transport Statement advises that *"the materials can only be transported to the railway line working areas at night between 9.00 pm and 4.00 am. On average there would be 2 to 3 such transports on 4 to 5 nights of the week"* with this being borne out by correspondence on actual movements from local residents.

In addition employees of Fox Bros driving for the company arrive early morning, park their own cars on the car park near the entrance off Lodge Lane and take out the haulage vehicles. Neighbours advise that Fox Bros employees generally start around 6 am which potentially leaves a 2 hour slot without noise and disturbance.

The noise arising from vehicular movements is no doubt distressing for residents, particularly those living close to the site itself as the nuisance is over longer periods as the vehicles travel from the site compound to the access point and then away from the site. However, this disturbance is scheduled for a relatively limited timespan and is on limited occasions at night albeit that the haulage uses movements will exacerbate that disturbance.

#### Highway safety

The application is accompanied by a Transport Statement and plan to show the paths of the HGV's leaving Thistleton Road to join Fleetwood Road. Highways England and Highway Engineers at LCC have been consulted on the documentation produced for this application.

Highways England advise *"The frequency and timing of the proposed vehicle movements would not be expected to generate a severe traffic impact upon the strategic road network that we operate."*

LCC Highway Engineers comment that *"There are concerns raised with the oversize haulage wagons using the site entrance. A swept path analysis is requested for the much larger trailer units."*

However, both authorities conclude that they have no objection to the development.

Paragraph 32 of the Framework advises that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe"*. Whilst the majority of letters received from neighbours raise concern in respect of HGV's travelling through Elswick village, regard is had to the advice of the above highway bodies and the guidance set out in the NPPF. It is considered that the limited number of movements and limited continued duration of the use are such that this application has an acceptable impact on highway network.

#### Agricultural land

Policy EP22 refers to the best and most versatile agricultural land, described as land within Grades 1, 2 and 3A. The land in this application is classified as Grade 2 and so is one of the best grades of agricultural land. The application is proposed for a temporary period after which time it is stated that the land would be returned to its former condition.

The application does not expand on how the imported hardcore and aggregate would be scrapped and removed from the land and the consequences this might have on its later use for agricultural purposes. Clarity on this is being sought from the applicant for Committee, and as part of the recommendation on this application a condition for remedial works to be carried post completion to

return the land to its former state is required.

### Ecology

An ecological survey and assessment has been submitted with this application, dated August 2017.

The surveys confirmed the presence of GCN, a European and UK protected species, within Pond 1 (within the site). The clearance of topsoil and operation of machinery in the grassland will cause the temporary loss of GCN terrestrial habitat and there is a risk of causing the injury or death of GCN.

Temporary amphibian fencing has been erected around the immediate site and either sides of the access track and a post and rail timber fence alongside the pond has also been installed. The survey advised that a Natural England licence will be needed to facilitate the works. The presence of other protected species is 'reasonably discounted' in the survey conclusions.

The council's ecologists have confirmed that an application to register the site under the Great Crested Newt Low Impact Conservation has been submitted to Natural England on 8th June 2017 and that this has been accepted on the basis of the 'Imperative Reasons of Over-riding Public Interest'.

On this basis the development complies with the requirements of Policies EP19/ENV2 of the local plan and the aims of the NPPF.

### Conclusions

The development for which permission is sought in this retrospective application is a change of use of the site for a storage compound for a temporary period of for use by Volker Rail the contractor appointed by Network Rail to carry out the railway up-grade works.

These up-grade works are necessary and much need infrastructure works for the electrification of the Preston to Blackpool line to improve travel times to/from the borough and so this is a benefit from development as it is facilitating those works.

There are harmful impacts from the scheme though with it having some harmful visual impact and generating some vehicle movements at unsociable hours that are causing disturbance to neighbours. However, the use sought is a temporary one, and this has been reduced from the 18 months originally sought to be for a further 5 months only, with the land returned to its former condition and appearance upon completion of the temporary works.

The benefits brought about by the railway improvements works is to be balanced against the harm caused by the development in respect of the appearance of the countryside and the harm to the amenity of residents. In this case it is considered that the benefits that the rail improvement works will bring about in the long term are undisputed, and this tips the balance in favour of the development subject to conditions limiting the length of time the land is in such a use and that works are carried out to return the land to its natural state.

Consequently the development is in accordance with Policies SP2, SP8, EP11, EP22, EP27 & EP28 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4, EC2, ENV1, GD7 of the submission version of the 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 use of the site as a storage compound shall be limited to use in association with the Preston to Blackpool rail improvement works only, and shall be laid out as shown on plan PF/04544/004 Rev D.

Reason: To provide clarity to the permission.

2. The on site storage use hereby permitted shall be discontinued no later than 31 March 2018.

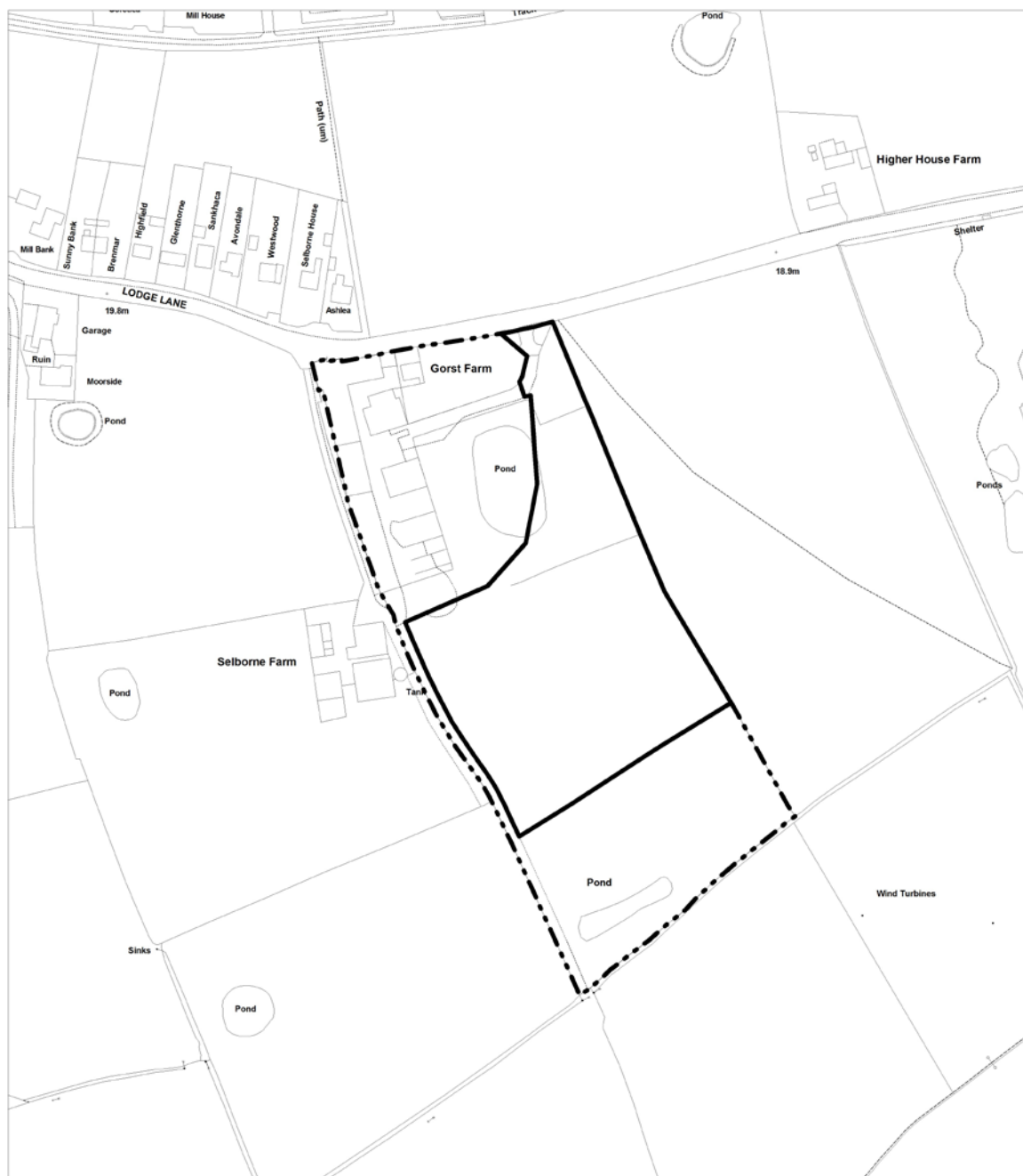
Reason: To enable the Local Planning to retain a measure of control over the use of the site in the interests of visual and neighbour amenity and highway safety in accordance with Policies SP2, SP8, EP11, EP22, EP27 & EP28 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4, EC2, ENV1, GD7 of the submission version of the Local Plan to 2032 and the aims of the National Planning Policy Framework.

3. That within 2 weeks of the date of this permission the signs indicated on plan PF/04544/004 Rev D shall be erected within the confines of the adopted highway at either side of the site access in the locations shown on that plan. These signs shall be retained during the operation and remediation of the site.

Reason: In order to provide advance warning of the site access point to delivery vehicles and other road users in the interests of improving highway safety in the vicinity of the site.

4. Within 2 months of the date of this permission a scheme for the remedial works to re-instate the site to its make it available for agricultural use shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of landscaping, levels, method of disposal of hardcore materials, and the routeing / timing of vehicular movements associated with the remediation. The approved scheme shall be implemented immediately upon cessation of the use of the site as a compound and shall be completed no later than 30 June 2018.

Reason: In the interests of visual and neighbour amenity in accordance with Policies SP2, SP8, EP11, EP22, EP27 & EP28 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4, EC2, ENV1, GD7 of the submission version of the Local Plan to 2032 and the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0667	Address Gorst Farm, Lodge Lane, Elswick	Grid Ref. E.3427 : N.4380	Scale 0 10 20 30 40 m 

**Item Number:** 8

**Committee Date:** 08 November 2017

<b>Application Reference:</b>	17/0690	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mill Farm Ventures	<b>Agent :</b>	PWA Planning
<b>Location:</b>	MILL FARM SPORTS VILLAGE, CORONATION WAY, MEDLAR WITH WESHAM		
<b>Proposal:</b>	CHANGE OF USE OF SECOND FLOOR OF MAIN STAND TO USE AS A 19 BEDROOM HOTEL (USE CLASS C1) WITH ASSOCIATED ALTERATIONS TO EXTERIOR OF STAND		
<b>Parish:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.7974965,-2.8920077,1108m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application site is the Mill Farm Sports Village in Wesham and specifically the main stand of the football stadium.

The application proposes the change of use of the entire second floor of the stand to provide a 19 bedroom hotel with associated supporting accommodation in a single meeting room, a linen store and a furniture store. The rooms are arranged so 12 face to the pitch and 7 to the countryside to the west.

The application is considered acceptable as it complies with the site's emerging Local Plan policy allocation as an employment and leisure site, and also with the NPPF support of economic development. The development will not have any unacceptable impact on residential amenity or car parking levels and so there are no issues with the application that should prevent its support.

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

The application is 1160 square metres in size and as such constitutes a major application that needs to be considered by the Planning Committee under the scheme of delegation.

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

The application site is the Mill Farm development granted planning permission through 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium with the second floor of the main stand of this being the subject of this application. The permission included a hotel (class c1) and various other uses. The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. The site is allocated as a Countryside

Area within the Fylde Borough Local Plan. Within the emerging Fylde Local Plan to 2032 the land is allocated as a mixed employment/leisure use. This application relates to the stadium part of the site which received planning permission in full albeit no specific use was identified for the second floor of the stand in that permission.

### **Details of Proposal**

The application has been made in full and constitutes a change of use of the second floor of the main stand of the football stadium to that of a 19 bedroom hotel. Minor changes are proposed to the external appearance of the stadium to provide windows to the bedrooms. The 19 bedrooms would be accessed via the main stand main entrance and its lift and staircase. At the arrival point is a reception point which leads to a central corridor with the bedrooms accessed either side of this. The application proposes 20 designated hotel parking spaces in the existing car park that is located directly to the north of the stadium.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0551	APPLICATION FOR INSTALLATION OF ATM AND LAMINATE PANEL SURROUND.	Granted	04/09/2017
17/0016	CONSTRUCTION OF PERMANENT CAR PARK BETWEEN STADIUM AND FLEETWOOD ROAD (60 SPACES) AND TEMPORARY CAR PARK ON PROPOSED HOTELAND BULKY GOODS SITE (95 SPACES) FOR AFC FYLDE FOOTBALL CLUB	Granted	28/07/2017
16/1016	ERECTION OF TWO-STOREY BUILDING TO PROVIDE COMMUNITY SPORT (CHANGING AND FUNCTION ROOM FACILITIES ) AND EDUCATION CENTRE TOGETHER WITH ALTERATIONS TO APPROVED CAR PARKING ARRANGEMENTS.	Granted	16/03/2017
16/0397	DISCHARGE OF CONDITIONS ON APPLICATION 13/0655 FOR CONDITION 33 (CAR PARKING MANAGEMENT STRATEGY), AND CONDITION 46 (HOURS OF OPERATION) ASSOCIATED WITH USE OF BRADLEY'S SPORTS BAR AND AROMA CAFE	Advice Issued	07/03/2017
15/0898	PROPOSED EXTENSION.OF CAR PARK TO NORTH OF STADIUM TO PROVIDE NET INCREASE OF 95 SPACES	Granted	21/03/2016
15/0742	DISCHARGE OF CONDITION 3 ON APPLICATION 15/0309 FOR A SCHEME (DRAWING NO. 2255 - 13) IS SUBMITTED WHICH SHOWS A BUND / CHANNEL TO CONNECT THE APPROVED ATTENUATION POND WITH THE ADJACENT BROOK	Advice Issued	
15/0733	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.	Approved with 106 Agreement	11/07/2016
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE	Granted	20/08/2015

15/0309	LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED. APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	04/02/2015
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)  FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE  OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.	Approved with 106 Agreement	17/02/2015

### **Relevant Planning Appeals History**

None

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

**Medlar with Wesham Town Council** notified on 29 August 2017 and comment:

*“The Council were concerned regarding the legality of considering this application when the conditions on original application (13/0655) have not be met. If the committee have a mind to consider this application, the Council would wish to make the following comments:*

- *There are no additional car parking spaces as part of this proposal*
- *Currently car parking is in sufficient and number required have not be built*
- *Parking bay shown on application have not been built*
- *What will the land originally designated for hotel what is happening to it/ what alternative use?*
- *Concerns were expressed regarding possible variations in licensing of the premises due to the residential nature of the change in use.”*



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

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

No comments received at the time of writing this report.

## **Neighbour Observations**

**Neighbours notified:** 29 August 2017  
**Site Notice Date:** 05 September 2017  
**Press Notice Date:** 21 September 2017  
**Number of Responses** None

## **Relevant Planning Policy**

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

EMP3 Business & industrial uses outside defined area

### **Other Relevant Policy:**

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

### **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

The main issues when considering this proposal are;

- The principle of the development
- Highways and parking

### **Principle of the development**

Application 13/0655 was the hybrid planning permission for the whole site which included the second floor of the main stand subject to this application. This area was labelled as a 'future fit-out space' on approved drawing 4884 10C and condition 15 of the permission stated that; "*Prior to the fitting out or use of the second floor of the main stand an application for the use of this area shall be submitted to and approved in writing by the local planning authority*". Subsequently application 15/0899 was submitted which approved the use of the second floor as class B1 office space. This permission has not been implemented and it is now being proposed that this area be used as a 19 bedroom hotel. As alterations are required to form windows in the elevations the application has been submitted as a full application.

The applicants have submitted a supporting statement with the application that outlines that whilst

the wider site benefits from outline planning permission for a hotel (within a parcel of land to the south of the stadium and west of the ALDI supermarket as identified on drawing no. 4884\_06 Rev G as approved under 13/0655), due to a lack of market interest it is unlikely that this site will come forward. This is reinforced by the fact that the site owners recently obtained full planning permission for the use of this land as car parking for the football stadium (application 17/0016). If an application was to come forward for this area as a Reserved Matter then this would need to be submitted before February 2018. As such this is unlikely and the outline permission will cater for the hotel use on the site.

However, the impact of a 2196 sqm hotel on the site was considered as part of the original application which concluded that this non-retail use was ancillary to and dependent upon the football stadium to ensure its viability. This proposal is for 1160 sqm and as such the impact has already been considered acceptable. If a full application was made for a hotel on the site elsewhere then the impact of anything beyond the 2196 sqm approved taking into consideration the 1160 sqm proposed by this application would need to be considered. As such the application complies with the NPPF part 2 'ensuring the vitality of town centres'. This application outlines how the 19 bedroom hotel within the stadium will mean the hotel will play an ancillary role to the football club and that it is likely that most of the hotel's custom will be derived from spectators of AFC Fylde's football matches, especially in light of the club's recent promotion to the Conference League in which games will be played against clubs from across England, with supporters of said clubs travelling longer distances to the site than has the case previously when the Club was in regional leagues.

This development therefore relates to use of space which already exists but is without a current productive use within a football stand. The proposal is an effective use of an existing space to provide a 19 bedroom hotel. In addition the Football Club as well as the football/leisure side of the site offers several commercial functions including a sports bar and restaurant. The proposal can be considered sustainable development as it results in a mixed use development on a commercially used site which will provide a source of income/economic growth to the Football Club which as stated above is something supported by the NPPF. There will also be some inevitable trade draw to nearby towns from those staying at the hotel.

Another material consideration as outlined by NPPF paragraph 216 is the emerging Fylde Local Plan to 2032 which allocates the land under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham. This allocates the site as a mixed use site, stating that it is a mixed use site for employment, leisure and retail. The proposed hotel use complies with the sites allocation in the emerging Local Plan. Furthermore the use is considered an appropriate one located in a football stadium as such developments often incorporate a hotel within them to broaden the range of their use and take wider advantage of the facilities they offer than has traditionally been the case. This includes at neighbouring football club Blackpool. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work. The application is therefore acceptable in principle.

### **Highways and parking**

The highways issues surrounding the application site as a whole were considered by LCC Highways at that time and a number of conditions were placed on that permission which will apply to this application, these include conditions requiring the submission of a delivery management plan, car parking being in place, a Car Parking Management Strategy and a Travel Plan being submitted. At the time of writing there are negotiations ongoing with regard to the car parking strategy and event

management arrangements for the site.

The changes proposed to parking levels on site with the allocation of 20 spaces to the hotel will not have a significant impact above what has already been assessed, and because the hotel use during match days is likely to be taken up by people who would be attending the match anyway there will be no real loss of car parking at the site. The application site plan shows a designated 20 spaces for the 19 rooms that will be made available to users of the hotel. At the time of writing the report LCC have not commented on the application but these will be made available in the late observations.

### **Other issues**

Given that the proposal is for the change of use of part of a building that is already in situ there are no issues in relation to drainage, ecology or residential amenity. With regard to the design and appearance of the football stand the application proposes the inclusion of additional windows / areas of glazing to the two side elevations and the front elevation of the stand. These changes are minor and complement the existing design of the stadium and will have no visual impact.

### **Conclusions**

The application as proposed is an acceptable given the sites allocation in the emerging Local Plan and the NPPF's support of economic development. The development will not have any unacceptable impact on the Town Centre or car parking. There are therefore no issues with the application.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

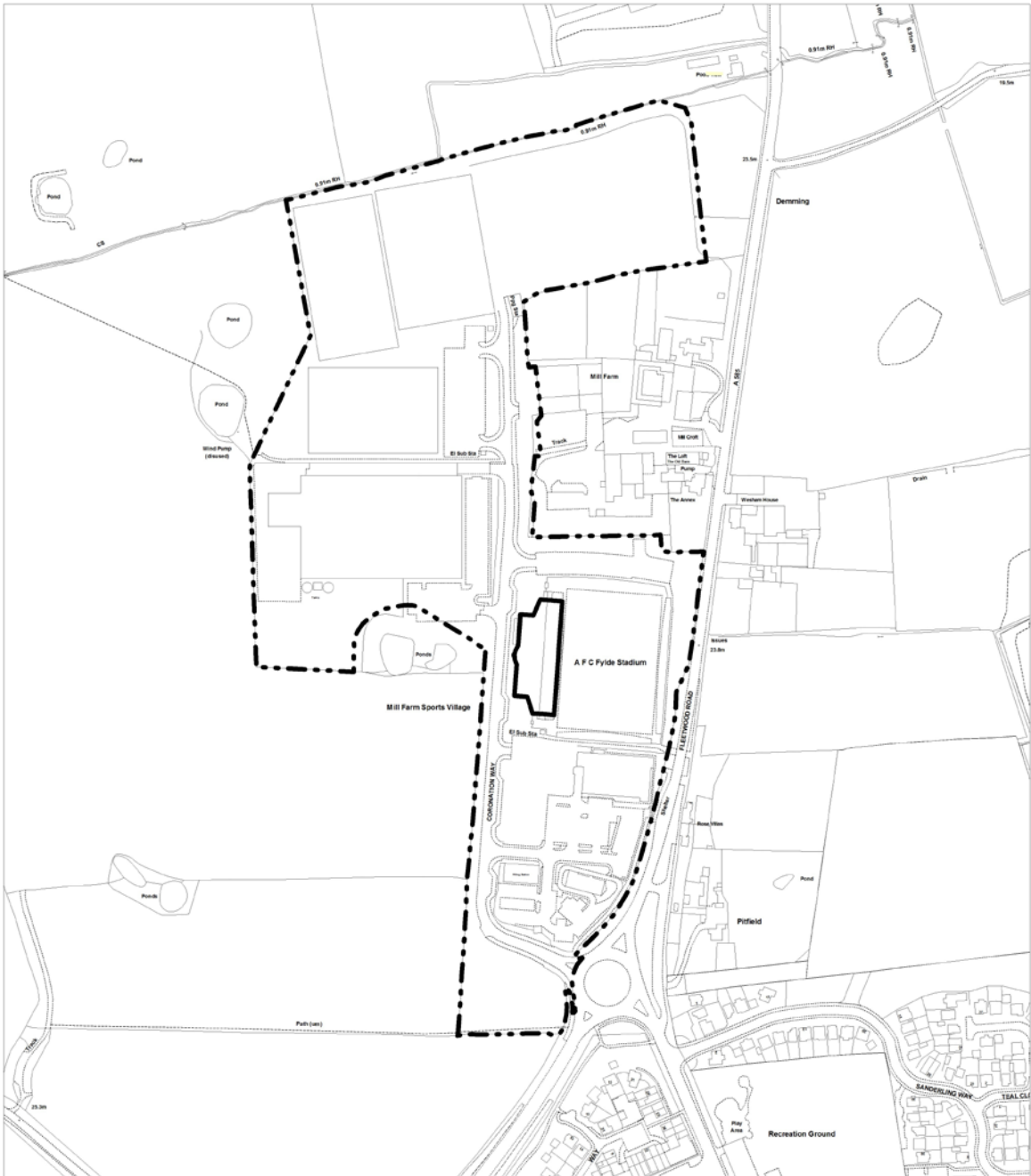
#### Approved plans:

- Location Plan -5949\_L100
- Existing and proposed site plan - 5949\_L101
- Proposed window details - 5949\_L108
- Proposed second floor plan 5949\_L103

Reason: To provide clarity to the permission.

3. That prior to the first use of the second floor area as a hotel the 20 parking spaces indicated on the site plan approved under condition 2 of this planning permission shall be made available for the use of patrons at that hotel. These spaces shall remain available at all times thereafter other than when there is inadequate demand from hotel guests for their use when they are to be made available to help meet the parking requirements of other activities on the wider Mill Farm site.

Reason: To ensure that an appropriate level of parking is made available for the hotel use, but that this parking is available for other site activities if needed.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0690	Address Mill Farm Sports Village, Coronation Way, Wesham	Grid Ref. E.3414 : N.4338	Scale 0 20 40 60 80 m 

Item Number: 9

Committee Date: 08 November 2017

<b>Application Reference:</b>	17/0692	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Mr Cusworth	<b>Agent :</b>	
<b>Location:</b>	LAND ADJACENT TO STANLEY BANK FARM, SINGLETON ROAD, WEETON WITH PREESE, PRESTON, PR4 3PA		
<b>Proposal:</b>	TEMPORARY VARIATION OF CONDITION 6 OF PLANNING PERMISSION 94/0399 TO EXTEND THE MODEL AIRCRAFT FLYING TIMES TO 9.00 - 21.00 ON MONDAY - FRIDAY / 9.00 - 19.00 ON SATURDAY AND SUNDAY IN PERIOD 1 MAY - 30 SEPTEMBER 2018. (FOR REST OF YEAR HOURS REMAIN AT 9.00 - 21.00 WEDNESDAY ONLY WITH 9.00 - 19.00 ON ALL OTHER DAYS)		
<b>Parish:</b>	STAINING AND WEETON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Awaiting Further Information		

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

<https://www.google.co.uk/maps/@53.8049734,-2.9500604,1107m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

This application relates to the lawful use of a field to the west of Weeton settlement for the flying of model aircraft, granted under planning permission 94/0399. It seeks a temporary variation of the terms of condition 6 of 94/0399 to allow model aircraft to be flown between the hours of 0900 and 2100 Monday to Friday for the period 01 May 2018 to 30 September 2018, after which the flying times will revert back to those originally approved. The terms of the existing condition already allow model aircraft to be flown until 9.00pm on Wednesday evenings, and up to 7.00pm on all other weekday evenings. The revised flying times are intended to encourage membership of the club by allowing members who work late time to fly their model aircraft after work.

The council has no record of any noise nuisance complaints against model aircraft flying at the application site. Hence it is considered that a variation of the flying times for the temporary period sought is acceptable and in accordance with the relevant policies of the Fylde Borough Local Plan.

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

This application is on the agenda as the views of the Parish Council are contrary to the officer's recommendation.

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

This application relates to a large open field located just outside the western boundary of Weeton

and to the north of Mythop Road. The field abuts the rail line to the west and Plenco Stables to the east. The field has a lawful use for the flying of model aircraft granted under planning permission 94/0399

### **Details of Proposal**

Condition 6 of permission 94/0399 permits model aircraft to be flown at the following times and was imposed to control the 'amenities of the neighbourhood'.

- 0900 to 1900 hours Monday to Saturday (excluding Wednesdays)
- 0900 to 2100 hours Wednesdays
- 1000 to 1900 hours on Sundays and Bank Holidays.

This application seeks a temporary variation of the terms of condition 6 to allow model aircraft to be flown between the hours of 0900 and 2100 Monday to Friday for the period 01 May 2018 to 30 September 2018. These revised flying times are intended to encourage membership of the club by allowing members who work time to fly their model aircraft.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
97/0473	REMOVAL OF PLANNING CONDITION NO. 1 ON 5/94/399 AND MAKE PERMANENT USE OF LAND FOR THE FLYING OF MODEL AIRCRAFT	Granted	13/08/1997
96/0492	MODIFICATION OF CONDITION NO. 6 RE: APPLICATION NO. 5/94/399 TO ALLOW FLYING UNTIL 9.00 PM ONE NIGHT PER WEEK FROM MAY TO END AUGUST.	Granted	11/09/1996
94/0399	USE OF LAND FOR FLYING OF MODEL AIRCRAFT	Granted	17/08/1994

### **Relevant Planning Appeals History**

None

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

**Weeton with Preese Parish Council** notified on 18 August 2017 and comment:

*"Parish Council objects to the application on noise intrusion."*

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

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

Aware of the parish council's dislike of noise from the current operation, however no formal complaints have ever been made to, or received, by Fylde Borough Council and agreeable to a temporary variation of the condition for the period 01 May to 30 September 2018. They also provide the applicant with a Code of Practise that was published by central government some years ago.

#### **Network Rail (use for all consultations)**

No comments to make.

**National Air Traffic Services**

No safeguarding objections

**Neighbour Observations**

**Neighbours notified:** 18 August 2017

**Number of Responses** None

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
TREC10	Countryside Recreation

**Fylde Local Plan to 2032:**

**Other Relevant Policy:**

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

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

**Comment and Analysis**

The principle issue to consider in the determination of this application is the potential for mid evening noise nuisance. Weeton Parish Council has objected to the variation of flying hours on this basis. However the council's environmental protection team have been consulted on the application and have raised no objection to a temporary variation of the flying hours, which would allow the originally approved flying times to be reinstated should the proposed times result in a noise nuisance. It is noted that the terms of condition 6 already permit model aircraft to be flown until 9pm on Wednesday evenings, and this authority has no record of any complaints from local residents in respect of noise or other nuisance resulting from the flying of model aircraft.

At the end of this period the controls over flying times would revert back to their previous extent. The Club could then apply to make a further trial period or to make a permanent extension should they wish, with suitable supporting evidence concerning the extent of the use in the trial period provided to support that application.

**Conclusions**

The existing permission (94/0399) allows model aircraft to be flown until 9.00pm on Wednesday evenings, and up to 7.00pm on all other weekday evenings. This application seeks a temporary

variation of condition 6 of 94/0399 to allow model aircraft to be flown until 9.00pm on all weekday (Monday to Friday) evenings for the period 01 May 2018 to 30 September 2018, after which date the flying times will revert back to those originally approved under 94/0399. The council has no record of any nuisance complaints against model aircraft flying at this location and hence it is considered that a temporary variation of the flying times is considered acceptable.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

4. No model should be operated which gives a noise measurement at 7 metres of more than 82dB(A). (Measurements taken in accordance with the appendix to the Code of Practice in Noise from Model Aircraft 1982).

Reason: To safeguard the amenities of the neighbourhood

5. The point of launch of radio controlled models should not be nearer to any noise sensitive premises than 500 metres

Reason: To safeguard the amenities of the neighbourhood

6. The flying of model aircraft shall not take place outside the hours of 09.00 and 21.00 Monday to Friday, outside the hours 09.00 and 19.00 on Saturdays, and outside the hours 10.0 and 19.00 on Sundays and Bank Holidays, for the period 01 May 2018 and 30 September 2018. After the 30 September 2018 the flying of model aircraft on Monday to Friday shall only be between 09.00 and 19.00, except Wednesdays which shall be between 09.00 and 21.00.

Reason: To allow a trial extension of the permitted flying hours whilst providing appropriate controls to protect the amenity of neighbouring residences and users of the countryside should the extended hours lead to operations at a scale that generates noise nuisance. The condition is imposed to ensure compliance with Policy EP27 of the Fylde Borough Local Plan.





Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0692	Address Land adjacent to Stanley Bank Farm, Singleton Road, Weeton	Grid Ref. E.3378 : N.4347	Scale 0 25 50 75 100 m 

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	8 NOVEMBER 2017	5

### BLACKPOOL AIRPORT ENTERPRISE ZONE MASTERPLAN CONSULTATION

#### PUBLIC ITEM

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

#### SUMMARY

Blackpool Airport Enterprise Zone (the EZ) was designated in November 2015, and came into existence with effect from 1 April 2016 with a programmed 25 year lifespan and aspirations to host 3,000 new jobs, secure in excess of £300m private sector investment with 180 plus new businesses locating to the EZ.

It has the potential to secure more than £50m of retained business rates over its lifetime to be utilised to support provision of enabling infrastructure, marketing and promotion, together with an objective of securing a long term sustainable future for Blackpool Airport.

The EZ is centred on the existing Squires Gate and Blackpool Business Park employment areas, and much of the operational infrastructure of Blackpool Airport is included in the zone, although this excludes the main runway. The EZ covers an area of 144 Ha (much larger than many of the UKs other EZs) straddling the boundary between Fylde (55% of the site area) and Blackpool (45%), much of the site sits within designated greenbelt and has multiple stakeholders with approaching 40 freehold and long leasehold property interests and over 200 occupiers, all of which offer a series of challenges to successful delivery.

The ambitions for the EZ will be supported through the production and adoption of a Masterplan, as set out in the Fylde Local Plan to 2032, by both Fylde and Blackpool Councils. This report outlines the key findings of the draft Masterplan and sets out a proposed public consultation, which will be jointly undertaken by both Local Authorities concurrently. It is envisaged that the consultation will conclude on 21<sup>st</sup> December 2017. The Masterplan will then be amended accordingly before the final version is presented to both Local Authorities in January 2018 for adoption.

The Masterplan is the latest of a number of key documents needed to support the delivery of the economic, social and environmental ambitions of the BAEZ. Blackpool and Fylde Councils have to date agreed the '*Blackpool Airport Enterprise Zone Business Rates Relief Policy*' and a '*Memorandum of Understanding*'.

#### RECOMMENDATIONS

1. That the draft Masterplan (shown at appendix 1, 2 and 3) is approved for public consultation.
2. That the consultation (as set out in this report) commences and that a summary report of responses received and any suggested alterations be reported to the Planning Committee in January 2018.
3. That the Planning Committee receive a final version of the Masterplan for consideration and adoption in January 2018.

## SUMMARY OF PREVIOUS DECISIONS

### Finance and Democracy Committee, 20<sup>th</sup> June 2016 – Item 5: Blackpool Airport Corridor Enterprise Zone – Business Rate Relief Policy

*It was RESOLVED to approve the Blackpool Airport Corridor Enterprise Zone Business Rate Relief Policy as attached at Appendix A of the report*

### Finance and Democracy Committee, 26<sup>th</sup> September 2016 – Item 5: Support the Delivery of Blackpool Airport Enterprise Zone

*The committee RESOLVED to*

- 1. Approve the attached draft Memorandum of Understanding (MoU) and authorise officers to undertake non-material alterations to the MoU as necessary;*
- 2. Note that the Council's potential £1m commitment to the Moss Road project was included within the list of infrastructure investment schemes that are identified within the Memorandum of Understanding (in a non-prioritised order) as contributing towards the unlocking of growth potential within the Enterprise Zone;*
- 3. Note the establishment of a Project Team to provide the primary resource infrastructure necessary for the delivery of the Enterprise Zone and to maximize occupancy of the site to be funded initially by Blackpool Council and in time by income arising from business rate growth across the enterprise zone site according to an agreed formula;*
- 4. Note the arrangements agreed with the Lancashire Enterprise Partnership for the creation of a Programme and Project Board to support the delivery of the Blackpool Airport Enterprise Zone; and*
- 5. Recommend that the Chairman of the Finance and Democracy Committee be nominated to the Project Board of the Blackpool Enterprise Zone for consideration by council.*

### Finance and Democracy Committee, 25<sup>th</sup> September 2017 – Item 12: Blackpool Airport Enterprise Zone Progress Report (Information Item Only)

## CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	√
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	√
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	√

## REPORT

### 1. Background

- 1.1 Blackpool Airport Enterprise Zone (BAEZ) was designated in November 2015, and came into existence with effect from 1 April 2016 with a programmed 25 year lifespan and aspirations to host 3,000 new jobs, secure in excess of £300m private sector investment with over 180 new businesses locating to the BAEZ.
- 1.2 It has the potential to secure more than £50m of retained business rates over its lifetime to be utilised to support provision of enabling infrastructure, marketing and promotion, together with an objective of securing a long term sustainable future for Blackpool Airport.
- 1.3 The BAEZ is centred on the existing Squires Gate and Blackpool Business Park employment areas, and much of the operational infrastructure of Blackpool Airport is included in the zone, although this excludes the main runway. The BAEZ covers an area of 144 Ha (much larger than many of the UK's other EZs) straddling the boundary between Fylde (55% of the site area) and Blackpool (45%), much of the site sits

within designated greenbelt and has multiple stakeholders with approaching 40 freehold and long leasehold property interests and over 200 occupiers, all of which offer a series of challenges to successful delivery. The BAEZ is designed to operate in a way to compliment the offer of its near neighbours, the Hillhouse Technology Enterprise Zone in Wyre and the Warton Enterprise Zone.

- 1.4 The BAEZ offers two mutually exclusive financial incentives for new occupiers, NNDR (Business Rates) relief of up to £55,000 per annum for five years (available in designated areas until 31st March 2022) or Enhanced Capital Allowances for investment in new fixed plant and machinery, (available until November 2023) offering a very tight window of opportunity to kick start the BAEZ, given the likely level of enabling infrastructure that will be required to open up development and investment opportunities.
- 1.5 The BAEZ has a wider variety of target sectors than most and will seek to attract investment from Aviation, Energy, Advanced Manufacturing, Food and Drink manufacturing and Digital and Creative sectors and back office administration but will not be closed to other suitable employment opportunities being hosted.

## **2. Masterplan Background**

- 2.1 Following a competition run by the Department for Communities and Local Government (DCLG) an award of £50,000 was secured in January 2017 to support the provision of detailed master-planning for the EZ. In March 2017, following completion of a competitive tendering process led by Blackpool Council and supported by Fylde Council, a consultant team led by Mott McDonald and including How Planning, BE Group and IBI architects, were appointed to undertake the Masterplan preparation for the BAEZ.
- 2.2 The final cost of producing the Masterplan and the subsequent Implementation, Delivery and Marketing strategies will be approaching £150,000, of which £50,000 has been paid by DCLG via the Lancashire Enterprise Partnership (LEP). The balance will initially be met from the provisional funding allocation by Blackpool Council as accountable body.
- 2.3 The Masterplan presented in this report has been the subject of extensive 'stakeholder' consultation over many months and represents an eminently sensible and practicable approach to achieving the objectives of the BAEZ over its 25 year lifespan. It is not the final or finished version and indeed one of the objectives of the BAEZ is that the Masterplan is regularly reviewed over the lifetime of the project to ensure it is up to date and reflective of the changing economic circumstances as the project develops.

## **3. Masterplan – non-technical summary**

- 3.1 The Masterplan seeks to achieve the vision of "Creating space for leadership in activity, business, thought and creation". BAEZ will be one of the North West's Premier Business Locations offering connected, high quality business and industrial premises within an excellent setting.
- 3.2 The Enterprise Zone will build upon:
  - its location within the Lancashire Advanced Manufacturing and Energy Cluster – a key part of the Northern Powerhouse
  - its legacy, as an airport, to connect Blackpool, the region, and globally
  - its proximity to Blackpool town centre and links to skills, knowledge and services
  - a growing knowledge base delivered from the state of the art Blackpool and Fylde College within the BAEZ
  - its excellent accessibility from the M55 and improving public transport connectivity (via tram and bus)
  - its proximity to an internationally significant energy and chemical industries cluster (the Energy Coast)
  - its coastal setting and links to both Blackpool and Lytham St Annes.

- 3.3 The following objectives have been set out to help deliver the vision. These are:

<ul style="list-style-type: none"> <li>● Objective 1: Meeting the Demand from a Diverse Range of Sectors - To continually adapt the masterplan in a planned manner through the promotion of distinct character areas which meet the demand of modern businesses and industries from a diverse range of sectors.</li> </ul>
<ul style="list-style-type: none"> <li>● Objective 2: Improving Accessibility - To provide a fully connected business and industrial park which provides enhanced transport infrastructure with an emphasis on sustainable transport, which increases accessibility to, and navigation in, the EZ.</li> </ul>
<ul style="list-style-type: none"> <li>● Objective 3: Delivering Critical Infrastructure - To ensure that utilities and other business critical infrastructure is competitive with the premier business locations nationally and internationally and seeks out low carbon alternatives where feasible.</li> </ul>
<ul style="list-style-type: none"> <li>● Objective 4: Marketing and Promotion - To maintain high levels of new investment in Blackpool and Fylde through strong branding and marketing which promotes the Enterprise Zone and the Town Centre as a leading location for inward investment.</li> </ul>
<ul style="list-style-type: none"> <li>● Objective 5: Supporting Competitive Businesses, Knowledge and Innovation - To provide supporting actions which help existing and new companies to improve their competitiveness and create an environment for exchange of ideas where future knowledge is captured for sustainable growth within the region.</li> </ul>
<ul style="list-style-type: none"> <li>● Objective 6: Create an Active, Productive and Liveable Environment – Deliver a high quality and sustainable urban environment where cutting-edge architecture is complimented with healthy, safe and connected spaces to create an interesting, active and engaged place to work and do business.</li> </ul>

3.4 The proposed Masterplan (as shown at appendix 1, 2 and 3) illustrates the desired outcome of the EZ at the conclusion of the 25 year lifespan of the project. The Masterplan will necessarily be delivered over this time period given the considerable size and scale of the potential development opportunities.

#### 4. Consultation

4.1 A public consultation on the Masterplan will run from **Thursday 9<sup>th</sup> November until Thursday 21<sup>st</sup> December 2017**. Both Blackpool and Fylde Council will manage the consultation process in their respective areas. A drop-in event will be held during this period at either the Lancashire Energy HQ (Blackpool and the Fylde College’s facility within the BAEZ) or Blackpool Airport’s Offices. Final details are yet to be fully agreed, although this event will likely take place at the end of November or early December.

4.2 The Masterplan will be available on the websites of both Local Authorities and feedback will be taken online, by email, letter and in person at the drop-in event. It is hoped that the ambitions, layout, design and many other matters can be improved through the comments and feedback from a detailed public consultation.

IMPLICATIONS	
Finance	There are no direct implications arising from this report. The cost of producing the Masterplan and the subsequent Implementation, Delivery and Marketing strategies will be met by DCLG via the Lancashire Enterprise Partnership (LEP) and by Blackpool Council as the accountable body for the Airport Enterprise Zone.
Legal	There are no direct implications arising from this report.
Community Safety	There are no direct implications arising from this report.
Human Rights and Equalities	There are no direct implications arising from this report.
Sustainability and Environmental Impact	There are no direct implications arising from this report.
Health & Safety and Risk Management	There are no direct implications arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Steve Smith	<a href="mailto:Stephen.smith@fylde.gov.uk">Stephen.smith@fylde.gov.uk</a> 01253 658445	26/10/17

Attached documents

Appendix 1 – Draft 25 Year Masterplan Illustration

Appendix 2 – Draft 25 Year Masterplan CGI Visualisation

Appendix 3 – Draft Blackpool Airport EZ Masterplan – Summary Document (to follow)





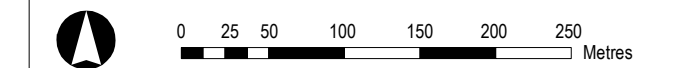
- This drawing is copyright
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Key Plan

**Legend**

— = Airport Boundary

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Rev	Date	Revision Note	Dn	Rv
C	12/10/17	Blackpool Airport Masterplan for Information	AA	MG
B	20/09/17	Amendments to Airport	AA	MG
A	18/09/17	Amendments from Comments	AA	MG
-	04/09/17	First Issue	AA	MG

Client / Contractor  
**Blackpool, Fylde and Wyre Economic Develop Company (BFWEDC)**

**IBI** Intelligence Buildings Infrastructure www.ibigroup.com

Project  
**Blackpool Airport Enterprise Zone Masterplan**

Drawing Title  
**Blackpool Enterprise Zone Illustrative Masterplan**

Job Number 51181	Drawing Originated Date 19/07/17	PAS 1192 Status Code -
Scale@A2 1:5000	Purpose For Information	

Drawing Number <b>51181-PL-T-100-08</b>	Revision <b>C</b>
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## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	8 NOVEMBER 2017	6
<b>PLANNING APPEALS</b>			

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

An examination of appeal decisions has been carried out for the period from 1 October 2016 to 30 September 2017. During this 12 month period, 26 appeals were determined which was slightly higher than the previous 12 month period (21 appeals). Of those appeals that progressed to a decision, 58% were dismissed which is below the England average of 67% and below the previous period (81%). The majority of the allowed appeals (9 of the 10 appeals allowed) related to proposals for residential development. As with the previous 12 month period, a limited number of public inquiries were held during the period (2), which will have reduced the demand on Council resources compared to previous years.

### SOURCE OF INFORMATION

Head of Planning & Regeneration from information held on Accolaid, the Service's computerised records System & PINS Table 2.4

### LINK TO INFORMATION

Breakdown of planning appeal decisions received between 1 October 2016 and 30 September 2017 attached.

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The Policy Development Scrutiny Committee considered a report on 9<sup>th</sup> October 2014 outlining the background to planning appeals, an assessment of the appeal decisions over the previous 2 year period and the policy on reducing the number and cost of those appeals. The committee resolution included that the success rate in defending planning appeals continued to be monitored, with a similar monitoring report to be brought to the Development Management Committee annually. Poor appeal performance may also result in a local planning authority being placed under "special measures" and so it is important to monitor appeal results in order to gauge the quality of planning decisions that have been made.

### FURTHER INFORMATION

Contact: Mark Evans, Head of Planning & Housing, 01253 658460 mark.evans@fylde.gov.uk

**Breakdown of planning appeal decisions received between**  
**1 October 2016 and 30 September 2017**

**Table 1. No of appeal decisions received during period**

Appeal Method	No of Appeals Determined	% age of Appeals	Allowed (Number)	Allowed (%)	Dismissed	Part Allowed	Average Allowed England (16/17) *
Householder	4	15%	1	25%	2	1	
Written Representations	15	58%	4	27%	11	0	31%
Hearing	4	15%	3	75%	1	0	41%
Public Inquiry	2	8%	2	100%	0	0	54%
Advertisement & Minor Development	1	4%	0	0	1	0	No data available
<b>Total</b>	<b>26</b>	<b>100%</b>	<b>10</b>	<b>38%</b>	<b>15</b>	<b>1</b>	<b>33%</b>

(\* Source – PINS Table 2.4 S78 decided- decided, allowed – up to June 2017)

**Table 2. Appeal decisions by scale and decision**

Type of Appeal	Number	Allowed	Dismissed	Part Allowed
Major	5	4	1	0
Minor	14	5	9	0
Householder	5	1	3	1
Listed Building	1	0	1	0
Prior Notification	1	0	1	0
<b>Total</b>	<b>26</b>	<b>10</b>	<b>15</b>	<b>1</b>
<b>%age of appeals</b>		<b>38%</b>	<b>58%</b>	<b>4%</b>

**Table 3. Appeal decisions by category of development**

Category	Number	Allowed	Dismissed	Part Allowed
Commercial	0	0	0	0
Leisure	0	0	0	0
Housing (>10)	13	5	8	0
Housing (10+)	5	4	1	0
Extensions and alterations	6	1	4	1
Advertisement	1	0	1	0
Heritage	1	0	1	0
<b>Total</b>	<b>26</b>	<b>10</b>	<b>15</b>	<b>1</b>

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	8 NOVEMBER 2017	7
<b>FYLDE LOCAL PLAN</b>			
<b>SUMMARY OF RESPONSES TO THE EVIDENCE CONSULTATION</b>			

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

Following the Stage 2 Hearings of the Examination in Public of the Fylde Council Local Plan to 2032, the Inspector stated that it would be necessary for the Council to consult on the evidence documents that it had introduced since the submission of the Local Plan to the Secretary of State. These were: the document (Fylde Addendum 3 to the Fylde Coast SHMA) that was presented to members on 8<sup>th</sup> May 2017, a corrected edition of the 5-year housing land supply statement, a note supporting the settlement hierarchy as set out within the submitted Local Plan, the update to the Gypsy and Traveller Accommodation Update, which was introduced to members at the 18<sup>th</sup> January, and a LCC Highways document relating to M55 Junction 4. The consultation took place in August and September.

The document provided through the link below is a Summary of Responses received to the consultation. The document includes a brief response from the Council to each of the issues raised. The individual responses can also be viewed through separate documents also on the Council's Examination webpage.

Following publication of this document, the Inspector has determined that additional hearing sessions will be required on 12<sup>th</sup> December onwards

### SOURCE OF INFORMATION

Head of Planning and Housing

### LINK TO INFORMATION

<http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA4ADYAOAA2AHwAfABUAHIAdQBIAHwAfAAwAHwAO>

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members of the outcome of the consultation and issues that have been raised in relation to the Local Plan Examination

### FURTHER INFORMATION

Contact Eddie Graves 01253 658419

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	8 NOVEMBER 2017	8

### 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 attached appeal decisions between 29/9/17 and 27/10/2017.

#### SOURCE OF INFORMATION

Development Services

#### INFORMATION

List of Appeals Decided attached.

#### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

#### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## APPEAL DECISIONS

The council received decision on the following appeal in the period 29 September 2017 to 27 October 2017.

Rec No: 1			
20 June 2017	16/1026	QUERNMORE TRADING ESTATE, CROFT BUTTS LANE, FRECKLETON, PRESTON, PR4 1RB DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 10 BUNGALOWS.	Written Representations Case Officer: KPB

Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 18 October 2017

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## Appeal Decision

Site visit made on 22 August 2017

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2017

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**Appeal Ref: APP/M2325/W/17/3176657**

**Quernmore Industrial Estate, Croft Butts Lane, Freckleton, Preston, Lancashire PR4 1RB**

- 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 Steven Norwood for Applethwaite Ltd against the decision of Fylde Borough Council.
  - The application Ref 16/1026, dated 21 December 2016, was refused by notice dated 22 March 2017.
  - The development proposed is the demolition of existing buildings and the erection of 10 bungalows.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Steven Norwood for Applethwaite Ltd against Fylde Borough Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The Council is unable to demonstrate a five year housing land supply. As such, policies relating to housing supply are not up to date and should be afforded less weight in determining development proposals. Notwithstanding this, the adopted policies relevant to this appeal do not directly relate to housing supply. Therefore, I have given these policies significant weight in assessing this appeal.
4. I note references made to policies within the Submission Version Fylde Local Plan to 2032 (Submission LP) and that the document is the subject of an examination in public. Due to the stage at which the draft plan and its policies have reached, and noting that the examination in public is not yet completed, I have given the relevant emerging policies moderate weight in determining the appeal.

### Main Issues

5. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - whether the proposed development should provide a financial contribution for affordable housing.

## Reasons

### *Character and appearance*

6. The appeal site is an industrial estate with a lawful planning use for employment. The site is accessed from Croft Butts Lane to the north and, at the time of my visit, was not in use. There are several existing buildings and areas of hardstanding on the site. The property at 33 Naze Lane (No.33), known as Quernmore, is adjacent to the appeal site at its northwest corner. No.33 is a large detached house surrounded by a significant amount of trees and planting along its boundaries with Croft Butts Lane and Naze Lane. The submitted evidence suggests that similar planting extended along the site boundary with Naze Lane. However, at the time of the site visit, that boundary was formed by a 2 metre high close board timber fence with a small grass verge in front. The site is surrounded by residential development of mostly semi-detached single and two storey dwellings.
7. Paragraph 58 of the National Planning Policy Framework (the Framework) states that local plans should have robust and comprehensive policies that set out the quality of development expected for the area. Policy HL6 of the Fylde Borough Local Plan, amongst other things, states that proposals which involve poor designs and/or layouts which would prejudice the character of the area will not be allowed.
8. Furthermore, draft Policy GD7 of the Submission LP sets out general principles of good design and states that development will be expected to be of a high standard of design and takes into account the character and appearance of the locality. This includes ensuring that the layout of the development relates well and responds to the surrounding context, is sympathetic to neighbouring land uses and occupiers and avoids demonstrable harm to the visual amenity of the area. Development should also make a positive contribution to the local distinctiveness of the area.
9. The appellant argues that the character of Naze Lane is mixed and is not solely characterised by dormer bungalow development. Furthermore, it is stated that the industrial estate and the enclosed boundary of Quernmore to the north are clearly of a different character to the properties on the western side of the Naze Lane and that the site is a long-established element of the street scene which pre-dates the development of the nearby dwellings.
10. Notwithstanding this, whilst the existing timber fence, inward facing industrial development and lack of built frontage or access to Naze Lane characterises the appeal site, it does not reflect the prevailing residential character of the wider street scene and area. I appreciate that the boundary of Quernmore to the north and the site boundary form a blank frontage for more than half the length of the east side of Naze Lane between Croft Butts Lane and Green Lane. However, I find that the proposal would not enhance the character of this part of Naze Lane which is predominantly residential with dwellings set back from the highway and set within an open street scene.
11. The appellant states that there is no over-arching design policy requirement for the proposed development to have outward-facing frontage development and nor is there any relevant supplementary guidance which specifically seeks such an approach. As such, it is argued the Council's assertion that the proposed scheme must face outward and form frontage to Naze Lane is subjective opinion.
12. Whilst I acknowledge the appellant's view, the proposed positioning of the dwellings at plots 4, 5 and 6 would significantly affect the wider street scene and the overall pattern of development in the area. The relevant policies to this appeal, particularly Policy HL6 of the Fylde Local Plan, state that poor design, including the layout of development and its relationship to its are, will not be

- permitted. I appreciate that design issues are subjective. However, the proposed scheme would create a layout and relationship with the existing street scene of Naze Lane which would be visually at odds with each other. From what I have seen, there are few, if any, properties in the local area which do not face the street. As a result, along Naze Lane, the proposal would appear incongruous and out of keeping with the wider street scene and prevailing pattern of development.
13. None of the neighbouring occupiers of properties on Naze Lane which face the appeal site have objected to the scheme. Furthermore, I appreciate that the occupiers of those properties may have been looking onto the existing site and timber fence for several years and note the appellant's efforts to replicate that view to some extent with the proposed boundary treatment for Naze Lane. Notwithstanding the above, a lack of objection to a scheme does not automatically result in an acceptable proposal. I must assess the proposal before me on its own merits and circumstances and consider its wider impact on the locality.
  14. Moreover, the proposed boundary treatment of dwarf walls, railings and planting, as shown on submitted Drawing No. EWC002 SK01 P4, would open up the site to Naze Lane more effectively than the existing timber fencing. However, due to its height and railings, amongst other matters, I find that the proposed boundary would be inappropriate and would not be in keeping with the low level walls and hedging of existing dwellings within the open street scene on Naze Lane.
  15. The appellant argues that the relocation and repositioning of the dwellings at plots 4, 5 and 6 would result in blank frontages to the street scene within of the site. Furthermore, I note the intention to create an inclusive development around a cul-de-sac to allow residents better opportunities to interact with the community and increase neighbourliness. However, the inward looking proposal and the rear elevations of properties on Naze Lane would not result in a positive visual impact on the surrounding area. It would have only a limited impact in enhancing connections between the scheme and its surrounding residents, properties and street scene. Therefore, I am not persuaded that the proposal would be more socially cohesive by being inward looking rather than effectively engaging with the wider area and community. As a result, I find that the proposal would not be in keeping with basic design principles and the Council's relevant design policies.
  16. The appellant argues that any harm resulting from the proposal would be limited and subjective. Furthermore, it is argued that any harm would subside as the appearance of the proposed boundary wall softens over time and the hedge and tree planting becomes established and grows. I acknowledge that the appellant has attempted to address the frontage concerns with an alternate solution. However, this would not address the significant impact that the proposed layout of the scheme would have on the area. The proposal would remain out of step with the character of the street scene where properties front onto the public highway and have low level, open boundaries to the front.
  17. Whilst the proposal would improve the appearance of the appeal site, it is evident that it would fail to enhance the character of its surroundings. The proposed layout would not relate well to its surrounding context and it would have a visually incongruous and a significantly harmful impact on the locality.
  18. Consequently, I conclude that the proposed development would have a significant adverse impact on the character and appearance of the surrounding area. It would therefore be contrary to Policy HL6 of the Fylde Borough Local Plan and the relevant sections of the Framework. Amongst other matters, this policy and guidance seeks to ensure that development does not have a significant detrimental impact on its surroundings.



### *Affordable housing*

19. I have had due regard to this matter and to the evidence before me in relation to it, including the Unilateral Undertaking submitted by the appellant relating to affordable housing and others matters.
20. From the evidence before me, the reason for refusal relating to affordable housing only emerged at a late stage in the determination of the application. Furthermore, there appears to have been no discussion between the Council and appellant regarding affordable housing contributions. Moreover, I note that at one stage the Council indicated to the appellant that no contribution towards affordable housing would be sought from the proposed development. Notwithstanding this, the Council has now identified a requirement for affordable housing on the basis that the emerging Policy H4 of the Submission LP has gained weight due to its progress through to an examination in public.
21. The examination in public of the Submission LP is not yet complete. Whilst I note the consultation responses to the proposed site threshold of 10 or more dwellings for affordable housing contributions within the draft Policy H4 have attracted no objections, I give only moderate weight to this due to the status of the policy and the stage in the plan making process which has been reached.
22. I appreciate the Council's approach with regard to emerging policy and the support for its case taken from other identified sources, including the Housing White Paper 'Fixing our broken housing market', dated 7 February 2017. Furthermore, I note the Council argues that the matter at issue turns on differing interpretations of policy. Notwithstanding this, it is evident that an untested, draft planning policy holds less weight than the relevant policy and guidance within the Framework, the Planning Practice Guidance (PPG) and the Written Ministerial Statement, dated 28 November 2014 (WMS). Therefore, I find that such considerations do not outweigh national planning policy and guidance, including the WMS.
23. Consequently, I conclude that the proposed development would not be required to make a contribution towards affordable housing, in accordance with the relevant policies and guidance within the Framework, the PPG and the WMS. Amongst other matters, these policies and guidance identify that proposals of 10 units or less are not required to make a contribution towards affordable housing.

### **Conclusion**

24. The proposal would provide housing in a location which is predominantly residential in character. Furthermore, it would provide these dwellings in an area currently unable to demonstrate a 5 year supply of housing land. Whilst this has significant weight, the impact of the proposal on the character and appearance of the area is also significant. Furthermore, the proposal would not be providing any contribution towards affordable housing in the area. As such, I find that the overall planning balance in this case is finely set. Nonetheless, having weighed all matters before me in the balance, I conclude that the significant harm I have identified would outweigh the benefits of the proposal.
25. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Andrew McCormack*

INSPECTOR



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## Costs Decision

Site visit made on 22 August 2017

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2017

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### **Costs application in relation to Appeal Ref: APP/M2325/W/17/3176657 Quernmore Industrial Estate, Croft Butts Lane, Freckleton, Preston Lancashire PR4 1RB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Steven Norwood for Applethwaite Ltd for a partial award of costs against Fylde Borough Council.
  - The appeal was against the refusal of planning permission for the demolition of existing buildings and the erection of 10 bungalows.
- 

#### **Decision**

1. The application for a partial award of costs is allowed in the terms set out below.

#### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 49 of the PPG sets out examples of unreasonable behaviour by local planning authorities. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material consideration and failure by the planning authority to provide reasonably requested information when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues being considered being narrowed.
4. The appellant states that the Council has behaved unreasonably on two grounds. Firstly, the Council did not identify that the absence of affordable housing provision would be raised as a reason for refusal until very late during the application period. It is argued that despite requesting the relevant information, no explanation was provided as to the authority's reasoning until after the application had been determined. Furthermore, no copy of the recommendation to refuse the scheme for reasons relating to affordable housing was provided to the appellant and this was still the case at the time of making the appeal.
5. The Council argues that officers were trying to work with the appellant's agent to resolve matters relating to the first reason for refusal and for which the appellant refused to amend the scheme. Furthermore, the Council states that if the proposed development had been amended as per the Council's request, then a legal agreement would have been agreed prior to issuing the Council's decision which would have covered the required contributions relating to public open space and affordable housing. As the application was refused and there was no agreement in place, the Council imposed the second reason for refusal.

6. Having had regard to the above, I find that the Council was partially at fault with regard to a lack of communication with the appellant in relation to its second reason for refusal. This matter should have been raised with the appellant much earlier in the application process in order to provide the opportunity to resolve any difficulties prior to the application being determined. However, although this matter was identified late in the process, I note the Council's argument that officers were focussed on resolving the other substantive issue relating to the layout and design of the proposal, for which some difficulty was experienced. Furthermore, I find that the outcome of the first reason for refusal would, in the Council's view, have had some bearing on the second reason for refusal.
7. The Council could have dealt with the application process more efficiently and effectively. Nonetheless, I find that the Council was reasonable in its approach to determining the appeal in that officers sought to resolve principal issues regarding the acceptability of the proposal visually. In the absence of any agreement on these issues, and having regard to the Council's position on affordable housing site thresholds, the lack of a necessary legal agreement to provide affordable housing was, in my view, justifiably considered as a contributing factor for the use of the second reason for refusal. Therefore, in this regard, I find that the Council has not acted unreasonably and did not cause any unnecessary or wasted expense.
8. The second ground relates to the Council refusing planning permission contrary to national policy and guidance, the Written Ministerial Statement of 28 November 2014 and the PPG, and not providing justification or reasoning for doing so. Furthermore, the appellant states that the Council relies solely on an untested policy, Policy H4 of the Submission Version Fylde Local Plan to 2032 (Submission LP), as the basis for its decision.
9. The Council argues that the matter between the parties is one of a differing interpretation of policy. As such, this cannot be considered to be unreasonable behaviour. The Council refers to the DCLG Starter Homes Regulations (Technical consultation) which proposes that the requirement for affordable homes applies to sites which meet varying criteria, including 10 units or more, stating that this would align with the planning definition of major development. Furthermore, the Housing White Paper 'Fixing our broken housing market', published 7 February 2017 makes reference to a site threshold of 10 or more units for affordable housing contributions. I note also the Council's reference to the results of consultation on the draft Policy H4 and that the indicated threshold of 10 units on a site for affordable housing was not challenged.
10. Notwithstanding the above, I find that due to its stage in the plan-making process, Policy H4 of the Submission LP has less weight than current local and national policies and guidance. I appreciate the Council's approach to assessing the proposal against emerging policy and the other identified sources. However, such considerations do not outweigh national planning policy and guidance. Whilst the Council argues that the disputed matter is based on differing interpretations of policy, it is evident that an untested, draft planning policy holds less weight than the relevant content of the National Planning Policy Framework and Planning Practice Guidance. As such, with regard to the applicant's second ground, I find that the Council's approach was unreasonable and unjustified.
11. Therefore, in that regard, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a partial award of costs is justified.

**Costs Order**

12. In exercising the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990, as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Fylde Borough Council shall pay to Mr Steven Norward for Applethwaite Ltd the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting the Council's second reason for refusal as set out above. Such costs are to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Fylde Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement to the amount.

*Andrew McCormack*

INSPECTOR