



Agenda

Planning Committee

Date:	Wednesday, 12 December 2018 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Heather Speak, Ray Thomas.</p>

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 14 November 2018 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23.	1
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Background Papers

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

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

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

Planning Committee Schedule 12 December 2018

Item Number: 1 **Committee Date:** 12 December 2018

Application Reference:	15/0875	Type of Application:	Discharge of Conditions
Applicant:	Hallam Land Management Limited	Agent :	Pegasus Group
Location:	LAND OPPOSITE BLACKFIELD END FARM, CHURCH ROAD, BRYNING WITH WARTON		
Proposal:	DISCHARGE OF CONDITION 16 (CHURCH ROAD/ LYTHAM ROAD / HIGHGATE LANE JUNCTION LAYOUT) AND CONDITION 18 (LOCATION AND DESIGN OF BUS TURNAROUND FACILITY) ON PLANNING PERMISSION 13/0674.		
Ward:		Area Team:	Area Team 1
Weeks on Hand:	156	Case Officer:	Andrew Stell
Reason for Delay:	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7502912,-2.8937044,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Issue

Summary of Officer Recommendation

The application relates to the consideration of details submitted in an attempt to discharge conditions imposed on a residential planning permission allowed on appeal in Warton.

One of the conditions relates to the provision of a bus stop and a turnaround facility to support a bus service that was initially intended to travel into the site. That facility is no longer required as the bus service that the development is to contribute to is to remain on Church Road rather than travelling into the site. Accordingly the condition details have already been agreed implicitly through the approval of the reserved matters layouts to the development site without this turnaround facility, and explicitly by officers in advance of this meeting as a consequence of that.

The other conditions is more contentious and relates to the enhancement of the junction of Lytham Road with Church Road and Highgate which is in the centre of the village. This junction will take the majority of the traffic from the development and the decision notice requires that works were undertaken in the interests of traffic movement and highway safety. There is also a need to ensure that the treatments introduced to it are as attractive as possible as it is located at the heart of the village and so needs to provide an environment which will encourage the village residents to use the area.

The submitted scheme is essentially a highway improvement project, and its design and appearance reflects that. Officers have considered the details provided and the physical arrangements that bring improvements to the use of the junction by all road users are welcomed and should be supported. However, there are other aspects of the scheme

where the level of details provided are either unacceptable (in the case of the footpath treatment being tarmac), or absent (in the case of details of the streetlighting and street furniture, bus stops improvements) and so these details cannot be discharged.

It is therefore considered appropriate for Committee to issue a partial discharge of the condition only, and request that the authority to determine the areas of outstanding information to be delegated to the Head of Planning and Housing for his approval as further and improved details are provided in due course.

Reason for Reporting to Committee

The discharge of details reserved by planning condition is a type of application that falls within the Approved Scheme of Delegation. However, due to the planning history on this site the Head of Planning and Housing has concluded that the application should be determined by the Committee.

Site Description and Location

The application relates to the development at the Blackfield End Farm site which is located on both sides of Church Road adjacent to the northern boundary of Warton. This is a residential development site that has planning permission for the erection of up to 360 dwellings under planning permission 13/0674 which was allowed on appeal. This application seeks to discharge the details relating to two of the conditions under that planning permission. Since that outline permission was granted reserved matters approval has been approved for the development of the site, with Miller Homes currently implementing development on the northern side of Church Road and Stuart Milne Homes to undertake the development on the other side, probably in 2019.

This application site is related to those developments, but is remote from them as it relates to the junction in the centre of Warton where Lytham Road meets Church Road and Highgate. Lytham Road is the main arterial route (A584) that connects Preston to Lytham St Annes, Church Road (C292) connects Warton with Wrea Green, and Highgate serves the main gate at BAE Warton. The junction is a major signal controlled junction with residential properties on Church Road and Lytham Road, BAE to the south side and the Village Hall and Scout Hut to the north east side.

Details of Proposal

The application was submitted to relate to the discharge of details required to satisfy two conditions that were imposed on the original hybrid planning permission for the site under reference 13/0674 that was granted in September 2015.

The conditions in question are listed below with the wording from the decision notice. The submitted information is described and assessed in the Comments section of this report.

Condition 16 relating to the Junction Layout

No development shall take place until details of carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane, all within the area edged red on plan ref 0401-F02/G Proposed A584 Lytham Road/ Church Road Improvement Scheme³⁸, have been submitted to and approved by the local planning authority.

Condition 18 relating to the Provision of a Bus Facility

No development shall take place until a scheme to provide an hourly bus service between Lytham and

Kirkham via the site at Blackfield End Farm has been submitted to and approved by the local planning authority. The scheme shall include a bus turning facility within the site and a bus stop to quality bus corridor standard. The scheme shall include arrangements for the delivery of the scheme prior to the occupation of the 26th dwelling for a period of at least five years.

Relevant Planning History

Application No.	Development	Decision	Date
18/0727	NON MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL 17/0129 FOR REVISIONS TO ELEVATIONAL TREATMENT MATERIALS ON ALL HOUSE TYPES	Granted	15/10/2018
18/0568	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 13/0674 FOR A RESIDENTIAL DEVELOPMENT OF 170 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE APPLIED FOR)	Granted	09/11/2018
18/0531	APPLICATION TO DISCHARGE CONDITIONS 10 (BIODIVERSITY SCHEME) AND 12 (GREAT CRESTED NEWT SURVEY) OF PLANNING PERMISSION 13/0674	Advice Issued	27/07/2018
18/0360	APPLICATION TO DISCHARGE CONDITION 9 (AFFORDABLE HOUSING STATEMENT) OF PLANNING PERMISSION 13/0674	Advice Issued	14/09/2018
18/0285	APPLICATION TO DISCHARGE CONDITIONS 2 (PHASING), 4 (MATERIALS), 5 (BOUNDARY TREATMENTS), 6 (PUMP STATION DESIGN), 8 (HARD LANDSCAPING), 10 (OPEN SPACE MAINTENANCE), 11 (ABORICULTURAL METHOD STATEMENT) AND 12 (TREE/HEDGEROW PROTECTION) OF PLANNING PERMISSION 17/0129	Advice Issued	16/08/2018
18/0113	APPLICATION TO DISCHARGE CONDITIONS 5 (PHASING), 14 (EXTERNAL LIGHTING), 22 (FOUL DRAINAGE), 23 (CONTAMINATION) AND 24 (CONSTRUCTION METHOD STATEMENT) OF PLANNING PERMISSION 13/0674	Advice Issued	03/08/2018
18/0015	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0674 CONDITION 10 (BIODIVERSITY) 12 (GREAT CRESTED NEWTS) AND CONDITION 15 (WATER COURSE BUFFER)	Advice Issued	29/01/2018
17/0875	APPLICATION TO DISCHARGE CONDITIONS 20 (TRAVEL PLAN) AND 21 (SURFACE WATER DRAINAGE) OF PLANNING PERMISSION 13/0674	Advice Issued	30/05/2018
17/0129	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS (ACCESS, APPEARANCE, LAYOUT, LANDSCAPING AND SCALE) FOR THE ERECTION OF 333 NO. DWELLINGHOUSES AND ASSOCIATED GARAGES PURSUANT TO OUTLINE PLANNING PERMISSION 13/0674	Granted	05/03/2018

17/0093	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS TO PLANNING PERMISSION 13/0674 - CONDITION 7 (TREE PROTECTION PLAN), CONDITION 10 (BAT, BADGER AND BIRD REPORT), CONDITION 11 (WATER VOLE SURVEY), CONDITION 12 (GREAT CRESTED NEWT SURVEY), CONDITION 15 (GREEN INFRASTRUCTURE SCHEME)	Advice Issued	31/10/2017
16/0860	NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0674 TO AMEND THE WORDING OF CONDITIONS 21 AND 22 RELATING TO SURFACE AND FOUL WATER DRAINAGE	Granted	01/02/2017
16/0567	PROPOSED FORMATION OF STAGGERED ACCESS JUNCTION TO SERVE RESIDENTIAL DEVELOPMENT AT BOTH SIDES OF CHURCH ROAD APPROVED UNDER OUTLINE APPLICATION 13/0674	Granted	20/02/2017
13/0674	OUTLINE APPLICATION FOR ERECTION OF UP TO 360 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (WITH ALL MATTERS RESERVED)	Appeal against non-determination	11/04/2014

Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0674	OUTLINE APPLICATION FOR ERECTION OF UP TO 360 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (WITH ALL MATTERS RESERVED)	Allowed	24/09/2015

Parish/Town Council Observations

Bryning with Warton Parish Council have been notified of various versions of the submission, with the current scheme sent to them for comment on 18 October 2018. Their response to this is:

“At our Full Parish Council meeting this week it was resolved that I write to you to request a deferment of one month. As you are aware, representations have already been made to you by parish councillors about the lack of clarity of LCC's revised scheme and this was reiterated by all at the meeting this week.

Condition 16 requires that the submitted highways scheme provides details of carriageway resurfacing, footpaths, street furniture, landscaping, etc. But the technical drawings and brief covering letter from LCC do not provide this level of detail and therefore does not enable the Parish Council (or other consultees including local businesses) to provide an informed response by the due date of 8th November.

The Parish Council has some outstanding questions about certain technical aspects of LCC's scheme but the main aim of such a deferment would be to allow time for a face-to-face meeting with all parties so that the Parish Council, on behalf of the community, can gain some certainty and confidence that the aspirations of the Village Centre Regeneration Scheme are being factored into

the highways scheme - to avoid duplication and rework at a later stage, e.g. street lighting and furniture, landscaping etc. And that advantage is being taken of available public realm monies to enhance aspects related to Condition 16.

The Parish Council have no desire to delay this scheme but it needs to be right because this will be one of the most significant infrastructure projects in Warton in decades. We have been waiting 15 months for LCC to present their revised scheme but we are now being given less than 15 working days to respond. I understand that you have recently stated that the construction time for the highway works is significantly less than the trigger point (119 dwellings) for completion of the junction so you were not minded to pursue the developer over the breach of Condition 15. So this suggests that there is still time to achieve a positive outcome for all parties.

The Parish Council respectfully requests the deferment of this application and look forward to your response.”

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No comments have been received, but as the scheme has been designed by LCC Highways Consultancy it is assumed that it meets their requirements. Irrespective of Fylde Council's position on the condition the development needs to be subject to various safety audits as part of the implementation of works to the highway, with changes introduced into the scheme during its design as a consequence of these audits.

BAE Systems

No comments have been received although they are aware of the proposed works and attended the public awareness event.

Neighbour Observations

Those properties in the vicinity of the junction were notified of the application when originally received in December 2015, on revision in September 2016 and then again prior to the preparation of this report in October 2018. A public awareness event was also hosted in the Village Hall with the assistance of the Parish Council in 2017. In response the following comments have been received:

The Trustees of the Village Hall

The Trustees commented on the initial scheme in 2016 to highlight their view that:

- 1) The increased use of Church Road from this junction design will create issues for the access to the village hall due to queue congestion across that access point.
- 2) The increased use of the junction will cause additional noise and other amenity harms to the users of the Village Hall and its gardens
- 3) The scheme will negatively impact on the regenerations scheme that is intended to enhance the village centre
- 4) The reduced width of pavements and introduction of cyclists onto those pavements will cause safety issues for all, but particularly the most vulnerable young and elderly pedestrians

They have also commented on the latest scheme as follows:

“The Trustees have asked me to tell you that it is virtually impossible to understand, from the multitude of current and past technical documents on the council's website www.fylde.uk, how this highways scheme might impact the Village Hall and our users. The Trustees are also landlords of 158 Lytham Road (the ex-McColl's retail premises) which this scheme could also significantly impact.

The Trustees politely request that further information is made available that then enables the Trustees to provide a full and considered response to this consultation.”

Neighbour Comments

One letter has been received in response to the October 2018 notification which makes the following points:

- That the plans are difficult to interpret
- That the establishment of a combined cycleway / footpath across the front of the shops on Lytham Road creates a safety risk due to the multiple access points to the shops and the position of the bus stop.
- The short distance available for vehicles to merge is a hazard and will replicate the situation at the Thunderbolt Avenue junction where there have been a number of accidents
- Querying if the new design will reduce the capacity of the junction for vehicles, and if so that it should impact on the overall planning approval
- That the failure to provide a bus turnaround is further evidence that the offers made by the developer at the appeal inquiry are now being withdrawn

A total of nine letters have been received from residents in response to earlier notification exercises, with the points made in those relating to the following:

- The area available for merging traffic is too short and this is a principle that is dangerous as evidenced by the accidents elsewhere in the village
- That the new ‘outside’ lane for vehicles travelling through the junction towards Freckleton will be blocked in the morning by those travelling to BAE and so will serve no benefit in capacity
- The junction is frequently subject to ‘red light running’ and so CCTV enforcement cameras should be imposed
- There is no need to remove the trees on the Lytham side of the junction
- The construction of the junction will cause extensive congestion due to the reduced capacity of it and this will be for a prolonged period
- The developers should be required to provide a bypass instead
- The residential development is not needed and so should not be allowed to proceed
- The road is too wide and so presents an unattractive centre point to the village. This opportunity should be taken to narrow the road in this location on visual grounds.
- A relocation of the bus stop will require the users of the stop to cross the road in dangerous locations, and as there are many school buses on this route this will create a danger to children
- There is no benefit in increasing the capacity of the junction as Church Road becomes very narrow close to the junction and so will reduce the benefits of the increased capacity
- The scheme will not be beneficial to the many commuting cyclists at BAE as a properly demarcated (with red surface) on road cycle lane would be preferable over an off road route.
- The re-design to the junction will cause additional parking pressure on the spaces on Church Road
- Any extension to the duration of red light time at the junction will cause further ‘rat running’

- through the village's residential streets
- The traffic islands that are proposed are too narrow to safely accommodate a push chair

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
M1	Masterplanning the Strategic Locations for Development
SL3	Warton Strategic Location for Development
T4	Enhancing Sustainable Transport Choice

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Given the nature of the application it is appropriate to look at the details for each condition separately:

Condition 16 – Junction Improvements

Background to Submission

The assessment of the details needs to begin with an explanation of the scope of the condition. Whilst the Inspector's decision does not provide a written reason for the imposition of the condition, the relevant section of his decision letter explains that there was no dispute at the Inquiry about the complicated nature of this junction and that it currently does not support the needs of all road users (para 56). The Inspector then explains that the works that were presented to the Inquiry should be implemented *"in the interests of traffic movement and highway safety"* (para 97).

The intention is therefore to maintain the vehicle capacity through the junction along Lytham Road, improve the operation of the junction for those making turning movements involving Church Road, and to improve the safety of the junction for pedestrians and cyclists and improve their safe crossing options.

The condition refers to a specific drawing that was presented to the Inquiry and so outlines the scope of the works to be undertaken, and then the condition lists the matters that are to be assessed to allow that condition to be discharged. These are the *"details of the carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane."*

As such the council's decision on this discharge application is limited to the adequacy of those

arrangements, and cannot go beyond that to require the scheme to provide additional works or to assess it against different criteria. It is simply a case of assessing if the engineering details presented are acceptable to meet the requirements of the condition. Having said that, the presentation of this application to Committee has been delayed as all parties have sought to ensure that the scheme which is presented provides the opportunity to link in with any works that are designed around the junction as part of the emerging works to the village centre that the Parish Council and Fylde Council's Regeneration team are working up.

Proposals

The scope of the works is limited to that shown on the drawing named in the planning condition and the works listed in the condition. To give some background to this, the current situation is that the junction offers a single carriageway width in all directions, albeit the width available on Lytham Road allows for an informal right turning lane to operate in both directions. The only dedicated crossing facility for pedestrians is a pedestrian refuge on Lytham Road opposite the shops, and the only facility for cyclists is an on-road cycle lane along Lytham Road in both directions.

The scheme that is presented for consideration provides the following enhancements:

- For drivers travelling west (towards Lytham) the carriageway is widened to formally accommodate two lanes of vehicles through the junction from the pub to the junction so as to allow for a right turn lane to be accommodated at the junction along with two running lanes through the junction that will then merge back to the single carriageway once through the junction. Ghost island right turn arrangements are also provided at the junction with Harbour Lane and to the shop car park.
- For drivers travelling east (towards Freckleton) the carriageway is widened to two lanes to formally allow two lanes of vehicles through the junction and to allow a right turn lane from the exit to Townsends Garage to the junction before merging back to a single lane at the car park to the shops.
- For drivers on Church Road the carriageway will be re-modelled but will remain at single width, whilst those on Harbour Lane will benefit from the give way line being split to allow a dedicated left turn line and right turn line.
- For cyclists the on-road cycle lane is to be retained on the southern side (BAE Systems) but is to be replaced with an off-road facility between Townsends Garage and a point beyond the Harbour Lane junction on the northern side. This will allow less-confident cyclists to travel through the junction with greater ease and safety as it separates them from vehicles. In addition all arms of the junction will be provided with a cycle box at the stop line to the junction so that they are able to wait for the signals to change at that point,
- For pedestrians the crossing opportunities are to be enhanced through the provision of a traffic island at both sides of the junction to Lytham Road and to Church Road, with those to the east of the lights and serving Church Road to be built into the light sequence to formalise a green-time for pedestrians. The existing island splitting Lytham Road opposite the shops is to be relocated and increased in size to serve as a more effective refuge.
- For bus users the bus stop outside the shops travelling east and outside the former BAE Systems car park travelling west are to be retained in these locations but are to be provided with new stops.
- For all users the signal control works are to be enhanced to modern standards with MOVA technology which will react to the queue lengths and so vary the running times on each arm of the junction to ensure that the junction operates efficiently, whilst also allowing for the formal pedestrian crossing arrangements.
- The works will be undertaken to adoptable highway standards under the supervision of the local highway authority who have designed the works as a consultancy employed by the applicant.

Policy Background

The Fylde Local Plan to 2032 is the development plan for the borough and so is the starting point for the determination of applications. This Plan directs the majority of development to four Strategic Locations for Development, with Warton being one of these. This is secured through Policies D1 and SL3. Whilst these were not in place at the time of the determination of the appeal, they were drawn up with the sound planning intention to ensure that significant scale residential development, such as that involved in the Blackfield End Farm development, makes appropriate provision for the delivery of the full range of infrastructure to ensure that its impacts on the existing infrastructure in an area are appropriately mitigated. Policy T4 is a key test for this particular condition as it requires that measures are introduced to ensure that sustainable transport choices (such as the walking, cycling and bus connections around the centre of Warton) are enhanced under criterion a, and that the environmental effects of the highway network is minimised through its design under criterion b.

The Bryning with Warton Neighbourhood Plan also forms part of the development plan and so is a relevant consideration for this decision. This was prepared with the recognition that the Blackfield End Farm development was approved and so does not specifically promote the development. It does however promote the enhancement of the defined centre of the village, which is the area immediately adjacent to this junction, as a community and retail centre and promotes sustainable transport measures.

Delivery of Scheme

The condition requires that the details of the junction improvements are agreed prior to the commencement of works. With this condition being outstanding the work currently being undertaken to implement the development is therefore in breach of this condition, and challenges have been made to the council about whether enforcement action should be taken to require the development to cease. In response officers advise that such action would not be justified at this time, as the applicant submitted this application in December 2015 and has been in the hands of LCC's Highway Consultancy and the subject of discussions with your officers and the Parish Council since that time. It is therefore the case that the developer made appropriate efforts to resolve this matter in a reasonable time and are continuing to engage with the council in an effort to resolve concerns. It is also the case that the more important trigger is that the works are actually completed, with this being linked to the occupation of the 119th dwelling which is likely to be some years away and so leaving ample time for the scheme to be agreed and implemented without causing any potential default on that trigger. As such officers are clear that it is not expedient to pursue the serving of an enforcement notice and stop notice at this time.

The works are also referred to in conditions attached to the Clifton House Farm, and the Land East of Warton developments that were introduced by the Inspector who granted these planning permissions at appeal. These both currently require those developments to implement the agreed scheme of junction works prior to the occupation of more than 15% of the dwellings in those schemes. Committee will recall refusing applications 17/0851 and 17/1050 which sought to revise this trigger to 33% of their development total at the Planning Committee meeting on 10 October 2018, along with removing obligations that are in those schemes only relating to the delivery of the Preston Western Distributor Road and the opening of the Thunderbolt Way access to the BAE site. These applications have not been the subject of appeals at this stage, and no further applications have been made to revise the triggers and so the obligations remain attached to those developments, albeit neither has been the subject of a reserved matters submission and so are some way from actual development works commencing.

Vehicle Capacity of Junction

The capacity of the junction for vehicles was an area of much contention at the time that the Blackfield End Farm scheme was under consideration, and much of the council's case in opposing the development was based on the views of the local highway authority that the increased use of Church Road from the development would cause a severe capacity issue at its junction with Lytham Road. The Inspector was not persuaded by those arguments in his assessment of the appeal and so granted planning permission albeit with this condition to require that a series of improvements were made to the junction at around one third of the way through the development.

These improvements will assist capacity in that they provide the two running lanes through the junction and a dedicated right turn lane which will assist with the efficiency of its operation. This operation is further assisted by the evidence that has been gathered from recent traffic counts and modelling undertaken as part of the assessment of the appeal schemes in Wrea Green and the applications to vary the conditions of the trigger to contribute to these works from the developments at Clifton House Farm and at Land East of Warton. That work found that the level of movements through the junction has not increased as was envisaged at the time of the Blackfield End Farm appeal.

The primary reason for the imposition of the condition was not to increase the capacity of the junction to vehicles. This was seen as a secondary benefit over improving its operation for cyclists and pedestrians. However, the works will bring about improvements in highway capacity and the works presented to the council as part of this condition discharge will deliver that. As such the details are acceptable in that regard.

Pedestrian Crossing at Junction

The current situation is very poor for pedestrians: there is no pedestrian crossing phase on the traffic signals for any of the roads, the only dropped kerbs to assist road crossings are on Highgate and Church Road, and the only pedestrian refuge is on the eastern side of Lytham Road and is sub-standard in width and not supported with any dropped kerbs to assist its use.

The proposal will introduce a pedestrian crossing phase to the lighting sequence with appropriate road markings, pedestrian texture changes and dropped kerbs to Church Road and the eastern side of the junction on Lytham Road; and will introduced dropped kerbs to Highgate and a dropped kerbs with a pedestrian refuge to the western side of the junction on Lytham Road. This latter feature was introduced following comments made at a public event in August 2017 held at the Village Hall in Warton where the benefits of this feature in providing a more direct route to the and from the west-bound bus stop on Lytham Road were put forward by visitors. The scheme also provides an improved width pedestrian refuge opposite the shops on Lytham Road with appropriate textured surface and dropped kerbs and a similar feature to support crossing the junction of Harbour Lane with Lytham Road.

The scheme therefore delivers the works that are included in the drawing that is specified in the condition. These works will allow improved pedestrian connectivity around this junction and improved safety for pedestrians. This will therefore increase the attractiveness of the area to pedestrians and so should enhance the vitality of the village centre in line with the aims of both the Fylde Local Plan and the Warton Neighbourhood Plan.

Junction Cycle Facilities

The existing situation is suitable for confident cyclists with an on-road cycle route on Lytham Road in both directions, but is not an attractive or particularly safe environment for less-confident cyclists as

a result of the lack of segregation between cyclists and vehicles and the nature of the junction and the volume of traffic using it.

The revised scheme improves this through providing cycle waiting areas at the head of the queue on both sides of Lytham Road and on Church Road, and by providing an off-road cycle route through the junction for those on the northern side of Lytham Road. This is in the form of a 3m wide shared cycle/pedestrian route that is to be signed and lined to direct cyclists off the carriageway well before the junction, it takes them across Church Road via a signalised Toucan crossing, maintains the off-road route across the front of the shops and across the Harbour Lane junction before returning to an on-road lane beyond that junction.

This brings benefits for cyclists travelling through the village and for those wishing to visit the shops or entering the village from Church Road. The improvements on the southern side of Lytham Road are more limited as there is less space available within the highway boundary to provide any enhanced facilities, but the improved crossing arrangements will allow those on that side of the road easier access to the facilities on the northern side.

The scheme under consideration incorporates all the elements that are specified in the plan that was approved as part of the appeal decision. There has been some public comment about whether a shared pedestrian / cycle route across the shops between the Church Road junction and beyond Harbour Lane will lead to safety concerns for pedestrians. However, it is considered that this is an acceptable arrangement as firstly it is shown on the plan approved as part of the appeal scheme, secondly it is a location where cycling speeds will inevitably be lower due to the need to cross the two roads and the slightly congested environment in this location, and thirdly the highway design is subject to a safety audit that will ensure that such features are only introduced where they meet the necessary safety standards.

Bus Stop arrangements

There are currently two bus stops in the village centre: one to the northern side of Lytham Road in front of the shops which supports services travelling east, and one to the southern side on the other side of the junction which supports the west bound services. The condition requires that details of the bus stop enhancements are provided. As part of the assessment of this submission, there has been consideration given to the potential for both stops to be relocated.

The stop on the northern side is in a congested location between the Church Road and Harbour Lane junctions, is outside of the shops, is adjacent to the car park entrance, and is a location where the carriageway width begins to narrow from its greater width at the junction. The road designer has considered relocating this stop to the east so that it frees up space in this location for the pedestrian / cycle improvements. However this has been discounted for three reasons: firstly the relocation would need to be to the east which brings it closer to the next stop and so makes an uneven spacing of the stops and takes it further away from potential users on Church Road, secondly the bus stop is currently well located for those using the services in the village centre and to move it to the east would take it out of that centre where it is less likely to bring linked benefits to the shops from bus travellers, and thirdly the area to the east is entirely residential and so the bus stop would bring amenity concerns for those residents who live on that stretch of Lytham Road and logistical issues ensuring that their driveways are not obstructed. As a consequence it has been determined that the current location is generally the best for a bus stop. This means that the congestion issues will remain but these are of lesser concern than the matters outlined above and in this location the stop will retain its accessibility to the widest possible range of users in the village.

On the southern side of the road the stop is currently located adjacent to a disused car park and

whilst the option of moving it to the eastern side of the junction was considered this is not feasible due to the limited carriageway width available and lack of land available to widen the pedestrian environment to accommodate it. Instead, the pedestrian refuge and other pedestrian crossing enhancements will improve the accessibility of this stop for the village given that the majority of residents live on the northern side of Lytham Road.

The condition requires that details of the bus stop enhancements are provided, and it would be reasonable to expect that this was to meet the 'Quality Bus Standard'. This is the standard which LCC promote as it includes enhanced road markings, raised kerbs, timetabling information, etc. that make the stop more accessible for all potential users and makes bus travel a more attractive transport choice. The west bound stop is currently a brick structure of a style found in other locations in the borough, with the east bound stop of a more generic modern design. Whilst these are functional, neither of these meet the requirements for being a 'quality bus stop' at present, and with the lack of any detail of the bus stop design having been provided this aspect of the condition cannot be discharged.

Access to shops and link to village centre works

The scheme presented to the Planning Inspector in 2016 was designed to take account of the access arrangements around the village centre at that time with the village centre car park, the access to the McColl's shop and the servicing arrangements for the parade of shops at the Lytham Road / Harbour Lane junction. The plan that is referred to in the condition reflects those and includes a specific vehicle tracking diagram to demonstrate how the McColl's store could be serviced. Since 2016 there have been no physical changes to the environment in that area and whilst the McColl's store has closed it could reopen at any time and so needs to be considered in the layout. The scheme presented to the council to discharge this planning condition does that.

Since 2016 there has been discussion involving officers at Fylde Council in the regeneration and planning teams, Warton Parish Council, and other local stakeholders about progressing an enhanced village centre environment. There is policy support for delivering this in the Fylde Local Plan to 2032 and in the Warton Neighbourhood Plan, and there is funding for this from a number of sources including s106 agreements associated with developments in the village. As such there is a likelihood that some works will be undertaken in the foreseeable future. However at present there is no agreed detailed plan as to what those works will include as the design is not yet finalised.

There are obvious visual amenity benefits in ensuring that the village centre improvement works are designed to complement the highway works, and vice versa. There are also obvious logistical benefits in the two schemes being implemented as part of a single coherent improvement scheme given that both are likely to involve significant works in the highway and its surroundings. With the scope of the works covered by this condition being fixed by the extent of the adopted highway and the extent of works described in the planning condition it is logical that these should be agreed first, but in a manner that will enable flexibility in the design of the village centre improvement scheme and will not compromise those works.

The nature of the pedestrian / cycle way surfacing, the design and colour of the elements of highways infrastructure such as the height and colour of streetlights, the height and colour of traffic light columns, the design and position of guard rails, the nature of pavement surfacing, the design of any benches and refuse bins, etc. are all elements that could inform this design. These are also areas that would reasonably fall under the scope of works required by the planning condition and are all works that have been the subject of discussions during the time that the application has been with Fylde. Unfortunately they are all areas that the council has yet to receive any suitable details of, and so it is not possible to discharge the condition in respect of these elements.

Assessment of Compliance with Condition Requirements

The commentary in this report explains the works that are to be undertaken through the condition, and how they will relate to the different road users in and around the village centre where the works are located. The decision that the council has to make in this application is whether the details that are provided are such that they satisfy the council that the details supplied are acceptable to meet the aims of the condition, which it is understood are in the interests of traffic movement and highway safety. However, the decision also needs to recognise the other development plan obligations of the Fylde Local Plan and Warton Neighbourhood Plan that the area is to be enhanced as the centre of the village and so an attractive location at the heart of one of the borough's strategic locations for development.

The condition requires that a series of specified details are provided and so these are listed and assessed here:

- **Carriageway surfacing** – It is proposed that this will be standard tarmac carriageway surfacing. Given that the roads involved are part of the strategic highway network it is appropriate that they are surfaced in accordance with those standards, and so this surfacing is considered to be acceptable.
- **Footways** – The design of the revised footways (and the cycleway that shares the footway on the northern side) with the various crossing points and facilities to improve crossings are benefits from the development. This aspect should be supported. However, the surfacing that is proposed is a tarmac surface with coloured chippings, and this has been a subject of much discussion during the time that the application has been with the council for a decision. There have been a series of requests by officers and others for enhancements to this to be introduced, such as a tegula block to the paving areas, but this has not been carried through to the final design. This is seemingly as LCC are concerned that a higher standard finish would be more costly to implement, less durable and more costly to maintain/replace than their standard finishes. This is disappointing given the importance of providing an enhanced physical environment in the village centre, and so officers do not believe that this should be accepted and so this aspect of the condition should not be discharged.
- **Street furniture** – It is assumed that there will be some guard rails, street lighting, refuse bins, benches, etc. in addition to the traffic signal columns. It is standard practise for these to be grey in colour with black utilised where a site is within a conservation area to provide a higher quality and more subtle appearance to these essential features of street furniture. In this case the site is not located within a conservation area but it is clearly designated in the development plans as the village centre and so is worthy of an enhanced appearance and potentially the use of street furniture which will provide a 'Warton identity' to the area. No details of the proposed street furniture are provided and so this aspect of the condition cannot be discharged.
- **Landscaping** – Whilst no landscaping details are provided, the areas of the designated junction area which are not hard surfaced are very limited. It is assumed that these areas will be grassed as highway verge, and on that basis this aspect of the condition can be discharged. The existing trees to the west of the junction would be removed as a result of the carriageway works having significant impact on their root systems and to ensure visibility of the proposed traffic signals.
- **Upgrading of two bus stops** – The location of the bus stops is to remain generally as existing. The west bound stop is a brick structure of a style found in other locations in the borough, with the east bound stop of a more generic modern design. Neither of these meet the requirements for being a 'quality bus stop' at present with the enhanced road markings, raised kerbs, timetabling information, etc. that this involves. No details of the bus stop design have been provided and so this aspect of the condition cannot be discharged.

- Traffic signals for drivers emerging from Highgate Lane – The current road network includes traffic signals in this location, and so it is not clear why specific reference to these was made in the condition. The submitted information includes a plan that locates traffic signals, and confirms that signals will be retained in this location and so this aspect of the condition is discharged notwithstanding the lack of detail of the design of them as discussed in the street furniture section of this list.

The intention of the condition is to improve the physical environment of the village centre for all road users and whilst the works will bring clear enhancements in its use for all road users, the design elements provided are disappointing with many areas remaining unclear. As such the recommendation to Committee is that the condition can be partially discharged with the details of the carriageway surfacing, landscaping and traffic signals to Highgate accepted, but the footways, street furniture and bus stop details not discharged. The recommendation that requests that the authority to determine the condition in respect of the other elements be delegated to the Head of Planning and Housing so that he can determine the application on receipt of satisfactory details regarding the remaining elements.

Condition 18 – Provision of Bus Facility

At the time that the appeal was determined it was envisaged that the development would provide for the diversion of the service that connects Preston to Blackpool via Warton and Lytham St Annes to the site. This service would have been diverted from Lytham Road along Church Road and into the development site before returning to Lytham Road. To facilitate this the developer was to contribute funding through a planning obligation and this condition was to ensure that a turnaround facility was incorporated into the development.

Following some discussions between the developer's agent and Lancashire County Council, as the local transport authority with a role to coordinate the provision of public transport in the area, it was determined that the diversion of the service was unlikely to be viable long-term once the developer's funding had expired. Instead it was determined that the funding could be more appropriately spent on the provision of a service that ran from Lytham St Annes to Warton and then along Church Road passing this site to Wrea Green, Kirkham, Elswick and then Blackpool. This service has since been introduced as the No. 76 and runs on a two hourly daytime service.

The planning obligation associated with the planning permission was varied in February 2017 to ensure that the development contributes to this service, with the amount retained at £250,000 spread over 5 annual payments of £50,000 each beginning with the occupation of the 26th dwelling on site. Whilst this money has therefore not been triggered at this time, the service is currently operational with funding from other developments assisting its operation, and the highway access works have been designed and approved under planning permission 16/0567 to provide bus stops on Church Road close to the site access to facilitate the use of this service. As this is a linear service as it passes the site on Church Road there is no need for the bus stops or turnaround facility within the site. Furthermore the respective reserved matters applications for the residential development have been determined on this basis without any facility being provided. These Committee decisions accepted that the bus stop and turnaround facility would not be required as the public transport access is secured by an alternatively located stop.

With the variation of public transport arrangements negating the need for the service connection into the site officers have confirmed that the condition details are satisfied, and so this element of the application is reported for information only.

Conclusions

The application relates to the consideration of details submitted in an attempt to discharge conditions imposed on a residential planning permission allowed on appeal in Warton.

One of the conditions relates to the provision of a bus stop and a turnaround facility to support a bus service that was initially intended to travel into the site. That facility is no longer required as the bus service that the development is to contribute to is to remain on Church Road rather than travelling into the site. Accordingly the condition details have already been agreed implicitly through the approval of the reserved matters layouts to the development site without this turnaround facility, and explicitly by officers in advance of this meeting as a consequence of that.

The other conditions is more contentious and relates to the enhancement of the junction of Lytham Road with Church Road and Highgate which is in the centre of the village. This junction will take the majority of the traffic from the development and the decision notice requires that works were undertaken in the interests of traffic movement and highway safety. There is also a need to ensure that the treatments introduced to it are as attractive as possible as it is located at the heart of the village and so needs to provide an environment which will encourage the village residents to use the area.

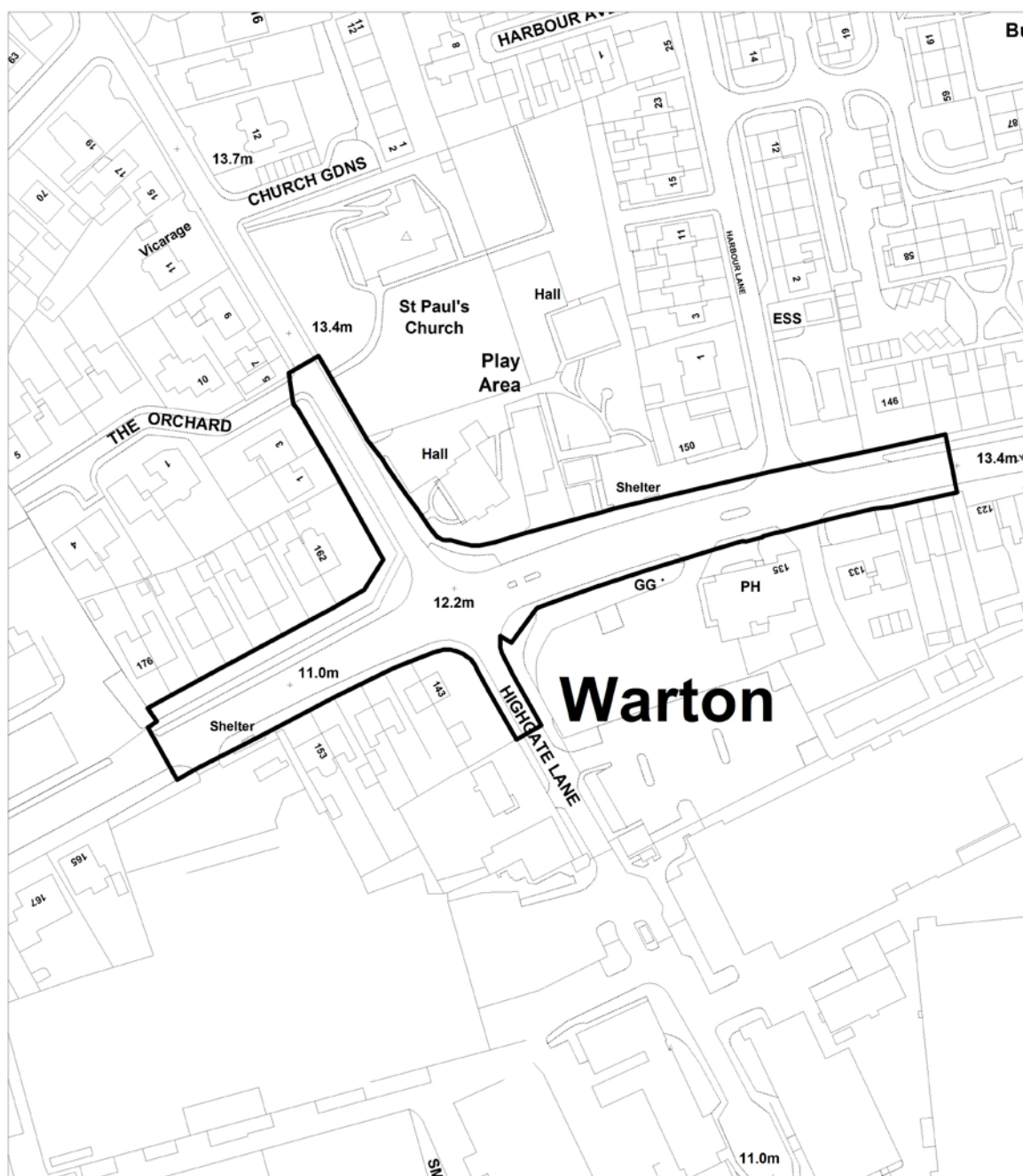
The submitted scheme is essentially a highway improvement project, and its design and appearance reflects that. Officers have considered the details provided and the physical arrangements that bring improvements to the use of the junction by all road users are welcomed and should be supported. However, there are other aspects of the scheme where the level of details provided are either unacceptable (in the case of the footpath treatment being tarmac), or absent (in the case of details of the streetlighting and street furniture, bus stops improvements) and so these details cannot be discharged.

It is therefore considered appropriate for Committee to issue a partial discharge of the condition only, and request that the authority to determine the areas of outstanding information to be delegated to the Head of Planning and Housing for his approval as further and improved details are provided in due course.

Recommendation

1. That in respect of the following details supplied in respect of condition 16, the Committee confirm that the details provided in regard to the following are acceptable:
 - Highway (vehicular carriageway, cycleway, pedestrian crossing facility) layout
 - a. Carriageway surfacing
 - b. Landscaping
 - c. Location of bus stops / shelters
 - d. Traffic signals from Highgate
2. That in respect of the following details supplied in respect of condition 16, the Committee confirm that the requirements of the condition are not discharged:
 - e. Footway / cycleway surfacing and pedestrian refuges
 - a. Street furniture (streetlighting column, traffic signal design, guard rails, refuse bins, benches, etc.)
 - b. Design of bus stops / shelters

3. That the authority to approve alternative and additional details in respect of the areas outlined in recommendation 2 of this decision be delegated to the Head of Planning and Housing.
4. That in respect to condition 18 the decision of the Head of Planning and Housing to confirm that the made in respect of the public transport arrangements to serve residents of the site be confirmed.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/15/0875	Address Land opposite Blackfield End Farm, Church Road, Warton	Grid Ref. E.3411 : N.4285	Scale 0 6 12 18 24 m

Item Number: 2

Committee Date: 12 December 2018

Application Reference:	18/0469	Type of Application:	Full Planning Permission
Applicant:	CUMPSTY PROPERTIES	Agent :	Alan Jones Chartered Surveyors
Location:	LAND OFF HALLAM WAY, WESTBY WITH PLUMPTONS		
Proposal:	PROPOSED DEVELOPMENT OF TWO DETACHED BUILDINGS TO PROVIDE SIX INDUSTRIAL UNITS AND CAR PARKING (USE CLASSES B1, B2 AND B8)		
Ward:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	22	Case Officer:	Alan Pinder
Reason for Delay:	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7881866,-2.9860497,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This application proposes the construction of two single storey industrial type buildings for B1/B2/B8 uses on a vacant piece of land located within Whitehills Business Park.

The scale and appearance of the buildings, and the nature of their proposed use, would be consistent with the overall character of this main employment site in the borough. The buildings would be sufficiently separated from nearby dwellings as to cause no undue harm to neighbour amenity and provide appropriate access, parking and landscaping arrangements.

The proposal accords with the relevant policies of the adopted Fylde Local Plan to 2032, and so the officer recommendation is to support the application subject to conditions. The decision cannot be made at present as the press notification that is required where major applications are received was not undertaken at the time of receipt. That has now been done and so the recommendation is to delegate the decision to the officers on completion of the statutory timescale for that publicity.

Reason for Reporting to Committee

The proposed development would create over 1000 square metres of floor space and as such represents major development that under the scheme of delegation is required to be determined by the planning committee.

Site Description and Location

The application site is located within Whitehills Business Park, on an undeveloped parcel of land located between Hallam Way and Lytham St Annes Way. Adjoining the site immediately to the north is the site of the new "MKM Building Supplies" premises, and to the east is a further

undeveloped parcel of land beyond which is a Premier Inn hotel. To the west is Neptune Court, which hosts a number of two storey offices/employment units.

Details of Proposal

Planning permission is sought for the construction of six employment units (for Class B1, B2 and B8 uses), set out in two identical buildings of three units each, located alongside each other and facing towards Lytham St Annes Way. The buildings would be set approximately 40 metres back from Lytham St Annes Way and a hardstanding parking/delivery area would be formed to the front of the buildings to provide 77 parking spaces, of which four are allocated as disabled spaces. A new road access would be formed from the existing Hallam Way/Brooklands Way roundabout. Soft landscaping would be provided to the Lytham St Annes Way and the access road frontages to provide a measure of screening and softening of the visual impact of the building and site.

Each building would have a ground footprint measuring 48.5 metres by 26.5 metres (creating a total floor space of approximately 2,500 square metres) and a shallow dual pitched roof measuring 8 metres to the eaves and 9.5 metres to the ridge. The buildings are to be of steel frame construction with clad elevations above a 2m high brick plinth. High bay loading doors and glazed entrance areas are included to the front elevation of the building.

Relevant Planning History

Application No.	Development	Decision	Date
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

Relevant Planning Appeals History

None

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 12 July 2018 and comment:

No objections

Statutory Consultees and Observations of Other Interested Parties

National Grid

Advise that the development is within the vicinity of a Major Accident Hazard Pipeline

HM Inspector of Health & Safety

Do not advise against construction on safety grounds.

Lancashire County Council - Highway Authority

No objections

Environmental Protection (Pollution)

No objections

Lancashire CC Flood Risk Management Team

No comments received.

United Utilities

The submitted drainage strategy is acceptable in principle and appropriate conditions requiring its implementation are advised. Also advisory comment relating to a public sewer that crosses the application site.

Neighbour Observations

Neighbours notified:	12 July 2018
Site Notice Date:	30 November 2018
Press Notice Date:	6 December 2018
Number of Responses	None

Relevant Planning Policy**Fylde Local Plan to 2032:**

EC1	Overall Provision of Empty Land and Existing Sites
EC2	Employment Opportunities

Other Relevant Policy:

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

Site Constraints

- Article 4 direction
- Within countryside area
- Pipelines

Environmental Impact Assessment

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

Comment and Analysis**Principle of the development**

When considering this application regard should be had to the Development Plan which constitutes the adopted Fylde Local Plan to 2032 and the NPPF. The site is allocated as employment land in the adopted Local Plan and policies EC1 and EC2 of that plan relate to development within employment sites; providing support for Class B1, B2 and B8 uses within Whitehills Business Park. Accordingly the proposal accords with these policies and the development is acceptable in principle.

Design and visual impact

The application site as existing is an undeveloped area of land within an existing industrial estate. The proposal is for the construction of six employment units (for B1, B2 and B8 uses), set out in two

identical buildings of three units each, sited alongside each other. The existing built development on Whitehills Business Park comprises a mix of design and materials but all have the general visual character of industrial/commercial type buildings. These proposed units would be visually prominent in views from Lytham St Annes Way but their design, scale and finished appearance would accord with, and reflect, the established character of this designated employment site. Furthermore the proposal includes soft landscaping, in the form of trees and ornamental shrubbery, to the south east and north east site boundaries that would provide a level of screening and soften the visual impact of the development from Lytham St Annes Way. A previously proposed fence on this boundary has been removed from the scheme. Overall the proposal is not considered to represent incongruous development within this employment site.

Highways issues

The application proposes the provision of 73 parking spaces and 4 mobility standard spaces within the site, which accords with the level of parking required for this size of development and B1/B2/B8 uses within a business park as set out in the Joint Lancashire Structure Plan (whilst the JLSP no longer forms part of a development plan it provides useful guidance in respect of parking standards). County highways have been consulted on the application and have raised no objections. They do comment on the inconsistency between parking levels described on the application form and shown on the submitted drawing, and also on the accessibility of some parking spaces to the front of units 3 and 4. The proposal has since been revised and the amended drawing indicates a total of 77 parking spaces which are accessible after the removal of the obstructions to the unit 3 and 4 parking spaces referred to by county highways.

Flooding and drainage

Both United Utilities and the Environment Agency have raised no objections to the development and conditions can be placed on the permission to ensure both foul and surface water are appropriately drained.

Neighbour amenity

The site is bound by commercial premises including office development to the west, a builders merchants to the north, and open undeveloped land to the west with a public house/hotel beyond. The uses applied for are consistent with this locality and would not undermine the amenity of these neighbouring premises. There is a recently completed housing development located on the south side of Lytham St Annes Way, opposite the site and approximately 80 metres distant. Dwellings on this development have a rear facing aspect towards the site. The 80 metre separation distance together with the intervening main road (Lytham St Annes Way) are considered sufficient mitigation to ensure any disturbance to occupiers of these dwellings is kept to an acceptable level.

Conclusions

This application proposes the construction of two single storey industrial (B1/B2/B8 use classes) type buildings within Fylde Borough's main designated employment site. The buildings, and their proposed use, would be consistent with the character of the employment site, and sufficiently distant from nearby dwellings as to cause no undue harm to neighbour amenity. The proposal accords with the relevant policies of the adopted Fylde Council Local Plan to 2032, and the application is recommended for approval.

Recommendation

That the authority to determine the application be delegated to the Head of Planning and Housing on completion of the statutory publicity periods and consideration of any comments received. In the

event that he recommends that planning permission be GRANTED then that decision shall be subject to the following conditions, or any revisions / additional conditions that he considers are appropriate:

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:

- c. Location Plan - Dwg no. AC HC 002 Rev D
- Proposed Site Plan - Dwg no. AC HC 002 Rev D
- Proposed Elevations & Floor Plans - Dwg no. AC HC 002 Rev D
- Proposed Landscaping Scheme - Dwg no. AC LS 001
- Proposed Drainage Scheme - Dwg no. 7527/DR/01, dated 19 September 2017

Supporting Reports:

- Design and Access Statement - produced by Alan Jones Chartered Surveyors, dated June 2017
- Flood Risk Assessment & Drainage Strategy - produced by Alan Jones Chartered Surveyors, dated 17 October 2017

Reason: To provide clarity to the permission.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans (drawing no. AC HC 002 Rev D).

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

4. In the event that external lighting of the building / premises / site curtilage is proposed a scheme for that lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Thereafter only lighting contained in the approved scheme shall be implemented at the site.

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 2015 [as amended] or any other legislation that amends or re-enacts those Orders, where premises are in use as Class B8 storage and distribution any retail sales shall be limited to a level that is ancillary to the main use of the premises for wholesale distribution and under no circumstances shall exceed 15% of the floor area of each unit.

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

6. The car parking, unloading / area and cycle parking arrangements as indicated on the approved plan shall be constructed, drained, surfaced and laid out in accordance with the approved plan listed in condition 2 and shall be made available for use prior to the first occupation of either of the approved buildings. Thereafter these areas shall be retained as being available for their intended uses.

Reason: To provide a satisfactory level and arrangement of on-site parking and manoeuvring space to accord with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

7. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on the approved drawing (dwg no. AC LS 001) shall be carried out during the first planting after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity and to enhance the character of the street scene in accordance with the requirements of policy GD7 of the adopted Fylde Local Plan to 2032.

8. No goods of any description shall be stored on site other than within the buildings.

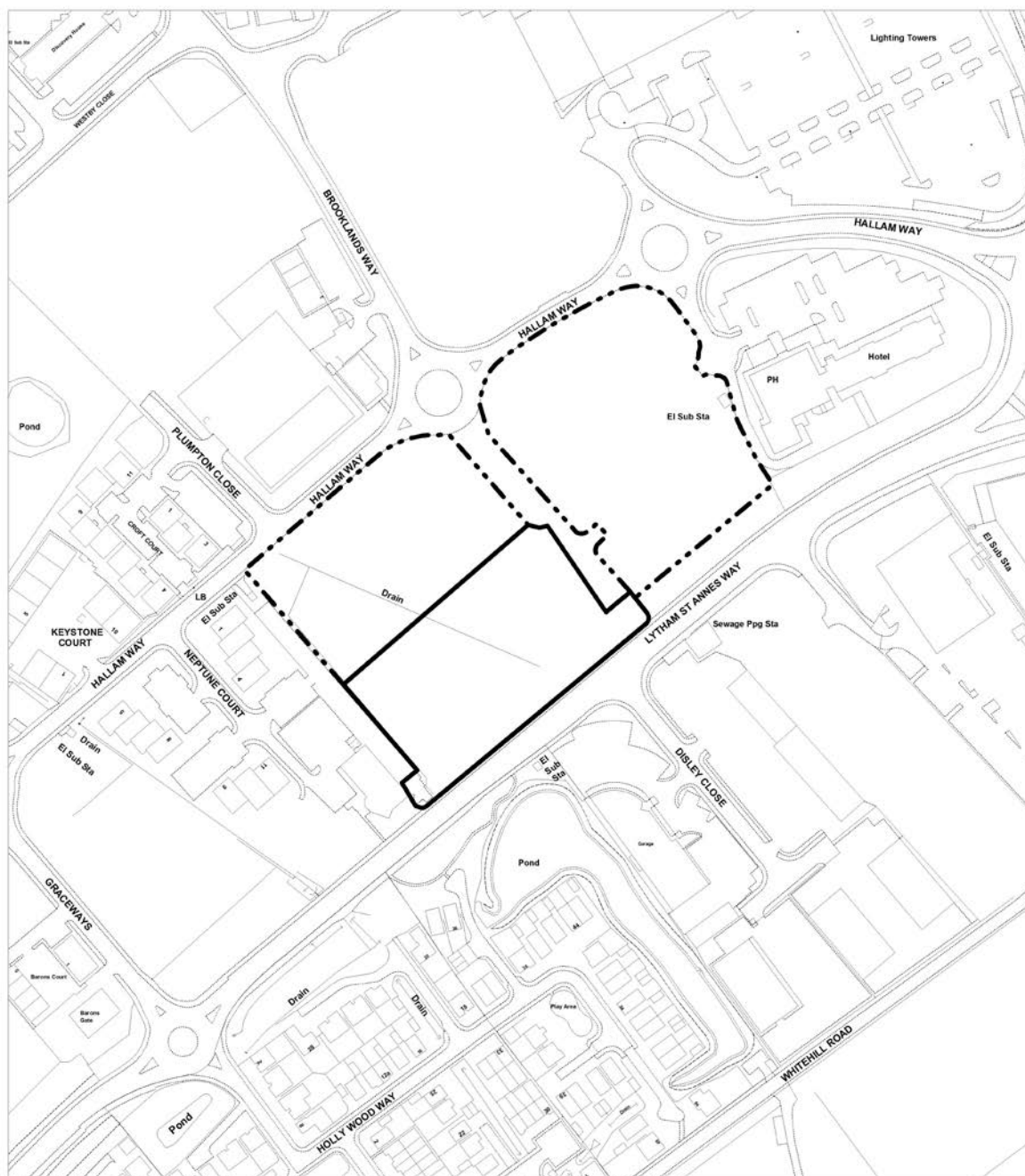
Reason: In the interests of the visual amenity of the area given the prominent siting of the development as required by Policy GD7 of the Fylde Local Plan to 2032.

9. The drainage for the development hereby approved shall be carried out in accordance with the principles set out in the submitted foul & surface water drainage scheme shown on the approved drawing (dwg no. 7527/DR/01, dated 19 September 2017). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 litres per second. No surface water will be permitted to drain directly or indirectly into the public combined sewer. The development shall be completed in accordance with the approved details.

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

10. Notwithstanding the indication on the application form in the event that any fencing is proposed for the site this fencing shall only be erected following the submission to, and subsequent approval in writing by the Local Planning Authority, of a fencing detail to confirm the routeing, height, colour and design of that fencing. Only fencing that accords with this details shall thereafter be erected.

Reason: In the interests of the visual amenity of the area given the prominent siting of the development as required by Policy GD7 of the Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0469	Address Land off Hallam Way, Westby	Grid Ref. E.3351 : N.4328	Scale 0 10 20 30 40 m

Item Number: 3

Committee Date: 12 December 2018

Application Reference:	18/0499	Type of Application:	Full Planning Permission
Applicant:	Parks Leisure and Cultural Services	Agent :	Ryder Landscape Consultants
Location:	FAIRHAVEN LAKE AND GARDENS, INNER PROMENADE, LYTHAM ST ANNES, FY8 1BB		
Proposal:	ENGINEERING WORKS TO FAIRHAVEN LAKE IN CONNECTION WITH RESTORATION OF GARDENS INCLUDING: (1) FORMATION OF LAUNCHING BEACH; (2) INSTALLATION OF ADDITIONAL PONTOONS; (3) LAKE EDGE MODIFICATION ADJACENT TO CAFE TO WIDEN ACCESS; (4) CREATION OF LAUNCH PLATFORM; (5) REFORMATION OF ENTRANCE TO LAGOON; (6) PILOT LAKE EDGE REINFORCEMENT WORKS; (7) CREATION OF BOAT LANDING STAGE TO WESTERN ISLAND; (8) PROVISION OF WINTER WADING BIRD ROOST SITE ON EASTERN ISLAND; AND (9) INSTALLATION OF LAKE AERATORS FOR WATER CIRCULATION		
Ward:	FAIRHAVEN	Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Matthew Taylor
Reason for Delay:	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7881866,-2.9860497,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the site of Fairhaven Lake and Gardens located between Inner Promenade and the sea wall bordering the Ribble and Alt estuaries. The proposal forms part of a wider programme of public realm enhancements at Fairhaven Lake and relates specifically to a suite of works to be undertaken within the body of the lake (the 'lake works application').

The proposed lake works would enhance the recreational and tourism offer at the site through improvements to the public realm, increasing the provision of lake-related activities and affording greater opportunities for sport and education. Additional benefits would arise in ecological terms through improvements to water quality and the provision of a winter wading bird roost on one of the islands.

The proposed lake works would be compatible with the character and appearance of the site and its surroundings and would enhance its use for recreational purposes. The siting and scale of the development would have no adverse effects on the amenity of neighbouring occupiers, nor would any harmful ecological impacts arise to surrounding designated nature conservation sites. The development would have no adverse effects on the significance of heritage assets, would not increase the risk of flooding at the site or elsewhere and would not have a severe impact on the capacity or safety of the surrounding highway network.

Given the above, the proposal is considered to represent sustainable development in accordance with relevant adopted policies contained within the FLP, and the provisions of the

Reason for Reporting to Committee

The application is classified as major development and the officer recommendation is for approval. In addition, the application is submitted on behalf of Fylde Borough Council.

Site Description and Location

The application relates to the site of Fairhaven Lake and Gardens – a parkland extending to *circa* 18.9 hectares in area between Inner Promenade to the north and the sea defence wall flanking the coastline of the Ribble and Alt Estuaries to the south. The site is designated as a park and garden on the Fylde Local Plan to 2032 Policies Map and also falls within the Settlement Boundary of Lytham St Annes.

This application relates specifically to the water body of Fairhaven Lake itself, which covers an area of approximately 9 hectares. The lake follows an undulating shape located centrally within the wider parkland and has two islands to its western and central areas. The western island is characterised by dense vegetation and has a boat landing stage to its northern edge, with the smaller, central island colonised by thinner scattered planting and has no landing stage.

With the exception of the cluster of buildings around the dock to the northern edge of the lake, the perimeter of the water body is bordered by amenity greenspace with scattered planting. A dedicated tarmac footpath borders the lake edge, though the surface of this dedicated route is absent to the southeast reaches of the lake. Within the lake itself, there is a water supply inlet to the southeast corner and a small dock with jetty to the northern edge outside the adjacent boathouse. The edges of the lake are presently reinforced by a combination of timber boarding and concrete slab revetments.

Outside the park and gardens, the closest dwellings are located on the opposite side of Inner Promenade and occupy an elevated aspect a minimum of *circa* 30m to the north. Car parks are situated on higher ground to the southeast and northwest of the lake. The United Utilities sewage transfer station lies beyond St Paul's car park to the west of the site and the secondary school of AKS Lytham is located to the northwest at the junction of St Paul's Avenue.

Details of Proposal

The application seeks full planning permission for a suite of works within the body of Fairhaven Lake which, in summary include:

Enhanced boating/water sports provision:

- Infilling of the existing dock to form a launching beach to fulfil a dual function as an amenity area and an alternative access point for water sports users. An existing jetty will be retained and improved with new handrails.
- Provision of floating pontoons to provide a new docking station for boats including associated hoists and retention of existing enclosed rigging area.
- Creation of a launch stage to the northern edge of the lake for use by model boaters and as a launch platform for boats travelling over to the western island.

Lake edge works:

- Installation of grab chains and life preservers to provide health and safety improvements to

the north-eastern edge of the lake.

- A maximum 3m widening of the lake edge for a 20m stretch to the south of the café in order to remove a pinch point and achieve a minimum 3.5m wide path for safer access and to allow provision of café veranda.
- Replacement of stretches of existing timber boarding/concrete slabs in the sheltered and exposed sections of the lake with four different treatments as part of a lake edge reinforcement pilot project. The four different treatments would comprise (1) coir rolls only; (2) a combination of rock roll and coir roll; (3) concrete 'bags' laid between existing concrete posts; and (4) recycled tyres.

Landscaping works:

- Reformation of a lake water inlet with stone revetment surround to a Japanese Lagoon Garden including a timber bridge over the inlet.
- Creation of a 'Treasure Island Forest School' within the western island through removal of scrub to create central clearing, mulch pathways and a timber shelter. Two areas to the eastern and western peripheries of the island would be enclosed by post and wire fencing to provide separate wildfowl nesting areas.
- The creation of a winter wading bird roost on the central island through the clearance of existing vegetation to expose the stony foreshore and create a central 'bowl' to attract wading birds from the estuary at high tide.

Water quality improvements:

- The installation of a network of lake aerators to improve circulation of water within the lake.
- The installation of a new automated inlet/outlet structure to the lake at its existing location (though this already has planning permission as part of the sea defence works permitted by application 16/1015).
- Targeting lake de-silting will be undertaken as part of a separate application (18/0744).

Applications for improvements to the recreational, play and amenity open space areas within the parkland surrounding the lake (18/0500) and for dredging works associated with targeted desilting and subsequent deposition of the arisings within the neighbouring dunes (18/0744) have been submitted in tandem with this application for the lake works as a comprehensive package.

Relevant Planning History

Application No.	Development	Decision	Date
17/1051	VARIATION OF CONDITION 14 ON PLANNING PERMISSION 16/1015 TO EXTEND PERMISSIBLE WORKING HOURS TO BETWEEN 07:30 - 18:30 (MONDAY TO FRIDAY), 08:00 - 14:00 (SATURDAY), WITH NO ON SITE WORKS ON SUNDAY OR BANK HOLIDAYS. AND VARIATION OF CONDITION 2 AND 6 TO REMOVE CONCRETE UP STAND FROM BENEATH PROMENADE BALUSTRADE	Granted	15/03/2018
17/0928	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/1015 CONDITION 3 (REVTMENT CEMENT COLOUR), CONDITION 8 (FAIRHAVEN LANDSCAPING), CONDITION 10 (LANDSCAPE & ECOLOGICAL MGMT PLAN),	Advice Issued	20/12/2017

	CONDITION 11 (ENVIRONMENT MANAGEMENT) & CONDITION 16 (CONSTRUCTION METHOD STATEMENT).		
16/1015	DEMOLITION OF EXISTING SEA WALL AND REVETMENT, REPLACEMENT WITH NEW COASTAL PROTECTION SCHEME CONSISTING OF STEPPED AND SLOPING REVETMENTS, INCLUDING PUBLIC REALM IMPROVEMENTS TO PROMENADE AND CONSTRUCTION OF TEMPORARY COMPOUND AREAS.	Granted	21/04/2017
16/0984	CONSULTATION ON MARINE MANAGEMENT LICENCE APPLICATION 2016/00441 FOR FAIRHAVEN TO CHURCH SCAR COAST PROTECTION SCHEME	Raise No Objection	25/01/2017

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

N/A. Non-parish area.

Statutory Consultees and Observations of Other Interested Parties

Councillor David Donaldson: Comments that he fully supports the application.

Environment Agency (final comments dated 02.11.18):

- The Flood Risk Assessment (FRA) Addendum letter from Ryder Landscape Consultants (Ref: 13-310/ltr003sr) dated 5 October 2018 satisfactorily addresses the EA's previous comments in order that there are no objections to the scheme.
- A condition should be imposed requiring the development to proceed in strict accordance with the FRA prepared by Waterco Consultants (Ref: w10706-180713-FRA; dated 13 July 2018) and FRA addendum letter by Ryder Landscape Consultants (Ref: 13-310/ltr003sr). The mitigation measures identified as it will form part of any subsequent planning approval.

Environmental Health Officer (EHO):

- No objections. A condition should be attached to any permission granted restricting construction operations to 08.00 – 18.00 Mondays to Friday; 08.00 – 13.00 Saturdays and no construction work activity on Sundays or Bank Holidays.

Greater Manchester Ecology Unit (GMEU):

- **Bats** – The submitted bat survey has been undertaken by an appropriate qualified ecologist. The survey found no current or historic evidence of roosting bats in the buildings surveys and all of the trees on site were considered to have negligible potential for bat roosts. AN informative note should be attached to any permission granted reminding of the steps to be taken if bats are encountered during the project.
- **Nesting birds** – The works involve clearance of and works to trees and scrub and may therefore impact on nesting birds. Consequently all such works should be undertaken outside of the main bird breeding season. We would therefore recommend that a condition be attached to any permission to this effect.
- **Construction Environmental Management Plan (CEMP)** – Given the sensitive location of the

site adjacent to European Protected Sites, SSSIs and a Biological Heritage Site, it is vital that all works are undertaken with appropriate precautions and at the correct time of year. We would therefore recommend that a CEMP be required to cover all aspects of works forms a condition to any planning permission.

- **Ongoing management** – The ecology report recommends that an appropriate woodland management should be undertaken on the larger island and also that wildfowl management of the lake should be introduced particularly in relation to Canada geese. The proposed lake edge works will also require monitoring and management. We would therefore advise that a condition requiring the submission of a Landscape and Ecological Management Plan (LEMP) be attached to any permission.

Lancashire Archaeological Advisory Service (LAAS):

- The proposal as a whole is to be welcomed and we have no other heritage issues to raise with this application beyond those highlighted within the accompanying heritage assessment and community archaeology evaluation documents supplied with the application.
- The only element of the proposals within this application that needs some further archaeological involvement is the element involving the "reformation of entrance to lagoon". This work will need to be undertaken with some care to avoid unnecessary damage to any surviving elements of the Mawson scheme as implemented, shown to be well-preserved in other parts of the former Japanese garden by the community heritage assessment and not to be identical to the preserved plans. Any groundworks for this should, as a minimum, be undertaken under archaeological supervision, but it would be preferable if further targeted excavation was undertaken so that the original rockwork, if still present, can be re-used.
- A condition should be attached to any permission granted requiring further excavation around the area of the Japanese Garden as part of a Written Scheme of Investigation.

Local Highway Authority (LHA) – LCC Highways: No objections. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. A condition is recommended requiring the submission of a Traffic Management Plan to ensure that all contractor parking and deliveries can be accommodated off the highway.

Natural England (latest comments dated 09.11.18):

- As submitted, the Shadow HRA is not compliant with the Conservation of Habitats and Species Regulations 2017 and should therefore not be adopted by the LPA.
- The Shadow HRA covers all three applications at Fairhaven Lake (18/0499, 18/0500 and 18/0744).
- There are errors to the terminology and structure of the HRA and the conclusion of the appropriate assessment is unclear and does not include any consideration of the conservation objectives for the Ribble & Alt Estuaries SPA and Ramsar as required at the appropriate assessment stage.
- The HRA includes references to mitigation measures for the coastal development being relied upon to mitigate for effects from this development, however, it is not clear which effects the measures are mitigating for. In order for this HRA to be legally compliant, the mitigation required to mitigate for the effects of these developments, needs to be secured through the planning permissions.
- The in-combination part of the HRA lists the former Pontins site (as we advised) but then does not provide any further narrative as to the potential in-combination impacts which may arise.
- In conclusion we advise that the Shadow HRA needs to be re-assessed and amended before

adoption by Fylde Council acting as their role of competent authority.

Officer note: A revised version of the Shadow HRA which seeks to address the above comments from Natural England has been submitted by the applicant and has been forwarded on to Natural England for their updated comments. It is anticipated that these will be available prior to the Planning Committee meeting.

Neighbour Observations

Neighbours notified:	31 July 2018
Site notice posted:	10 August 2018
Press notice:	16 August 2018
Amended plans notified:	N/A
No. Of Responses Received:	2
Nature of comments made:	2 representations

The appropriate neighbouring properties were notified of the application by letter. In addition, as the application involves major development notices have been posted on site and in the local press. Two letters of representation have been received. While both letters express their support, in general terms, for the redevelopment of the lake due to the visual enhancements it will bring, the following concerns are raised:

- The proposed works should ensure that the memorial benches surrounding the lake are untouched and remain in their current positions.
- The length of time the Stanner Bank car park will be closed will have a significant impact on the number of cars in Marine Drive using it as alternative parking. This is already an issue in the summer season with people often parking in double yellow lines and blocking the entrance to neighbouring properties.
- The facilities being offered by this development will increase the number of visitors and cars many fold. People who live directly on the promenade could find their drives blocked or access hindered by parked cars. Drivers coming out from the side roads onto the promenade could have their vision restricted by the parked cars either side.
- The current parking allowances could also be amended. At the moment the allowance of 18hrs accepted parking with no return within the hour seems far too long and probably encourages overnight parking by cars and camper vans. It seems a very unfair situation to the residents and will most certainly get worse when the existing facilities are enhanced.
- It may well be worth considering putting double yellow lines all along the promenade in front of residents houses, continuing a short way along the side roads to stop people parking on corners restricting the vision of drivers.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Planning Inspectorate issued a letter to the Council on 18 September 2018 confirming that the Fylde Council Local Plan to 2032 (as modified) is sound. Specifically, the Local Plan Inspector confirms at paragraph 216 of her report “that with the recommended main modifications set out in the Appendix the Fylde Council Local Plan satisfies the requirements of Section 20(5) of the 2004 Act

and meets the criteria for soundness in the National Planning Policy Framework.”

The Fylde Local Plan to 2032 (the ‘FLP’) was formally adopted by the Council at its meeting on Monday 22 October 2018 and, accordingly, has replaced the Fylde Borough Local Plan (As Altered) 2005 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC6	Leisure, Culture and Tourism Development
HW3	Protection & Provision of Indoor & Outdoor Sports Facilities
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV3	Protecting Existing Open Space
ENV5	Historic Environment

Other Relevant Policy:

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

Site Constraints

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceeds the threshold in Column 2 of the table relating to category 10(b) developments. The Local Planning Authority has, however, issued a screening opinion indicating that it does not consider the proposal to be EIA development (application reference 18/0465).

Comment and Analysis

Policy context and main issues:

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in paragraph 2 of the NPPF. The statutory development plan for Fylde comprises the Fylde Local Plan to 2032.

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, criteria (c) and (d) of paragraph 11 indicate that this means:

- approving development proposals that accord with and up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (d) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (e) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

Having regard to the nature of the development proposed and the consultation responses received in respect of it, the main issues in this case are considered to be:

- (i) The principle of development.
- (ii) The development's effects on the character and appearance of the area.
 - 1. The scheme's impact on the amenity of surrounding occupiers.
 - 2. The development's impact on surrounding designated nature conservation sites and species.
 - 3. Other matters relating to the development's effects on heritage assets, flood risk and highway safety.

Principle of development:

The site is inside the settlement boundary of Lytham St Annes and the lake itself is within a designated park and garden as identified on the FLP Policies Map. In addition, a play area to the rear of the site offices and the skate park to the northwest corner of the parkland are identified as play areas for the purposes of FLP policy ENV3.

FLP policy GD1 is permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies.

FLP policy ENV3 lists 11 types of open space identified on the Policies Map. The first category relates to "parks and gardens". FLP policy ENV3 states that area of existing open space will be protected from inappropriate development in accordance with 6 principles.

FLP policy HW3 relates to the protection and provision of indoor and outdoor sports facilities. In particular, part 2 of the policy states that new outdoor sports facilities will be supported where:

- 4. They are readily accessible by public transport, walking and cycling; and
- 5. The proposed facilities are of a type and scale appropriate to the size of the settlement.

FLP policy EC6 relates to leisure, culture and tourism development and states that these facilities will be enhanced by:

- Promoting St Annes as a classic seaside resort, based on its tourism heritage, the seafront, Promenade and Ashton Gardens, its Victorian architecture and Pier.
- Supporting the high quality regeneration of The Island Sea Front Area at St Annes and the protection of seaside resort facilities, to support wider tourism, culture and the local economy.
- Reconstruction and enhancement of the manmade coastal defences at The Island Sea Front Area, Fairhaven Lake and Church Scar in order to encourage coastal tourism and recreation and help maintain flood defences.
- Promoting public art and public realm works.
- Promoting beach leisure activities, coastal tourism and recreational events.

In this case, as the application relates only to the lake works (and, accordingly, does not affect the designated areas of open space, sports provision and play within the park), it would not result in the loss of any existing open spaces identified in FLP policy ENV3.

The scope of works proposed within the lake would enhance and diversify the existing provision of facilities for outdoor sport, recreation, leisure, education and tourism without prejudicing any existing activity space. Accordingly, the development accords with the objectives of FLP policies HW3 and EC6 which support the provision and enhancement of existing facilities for sport, recreational and coastal tourism. Therefore, the principle of development is considered to be acceptable in this case.

Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (a – o). Criteria (a), (d), (f), (g), (h), (i), (k) and (l) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Promoting community cohesion by delivering active street frontages which bring together all those who live, work and play in the vicinity.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Conserving and enhancing the built and historic environment.
- Applying Secured by Design principles to all new developments.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.

FLP policy ENV1 requires that development has regard to its visual impact within its landscape context and the landscape type in which it is situated. Criteria (a) to (e) of the policy require developments to conserve and enhance landscaped areas and features by introducing and strengthening landscaped buffers in order to limit a development's visual impact.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The proposal includes a suite of works which cover a range of functions. The creation of a launching beach, provision of floating pontoons and a separate launching platform are associated with enhanced provision for outdoor sport and recreation. The lake edge works include the widening of an existing pedestrian/maintenance vehicle thoroughfare around the café to enhance access, and the introduction of pilot lake edge reinforcement techniques to combat erosion of the lakeside. Landscaping works are intended to reform a Japanese Lagoon Garden which was part of the lake's original 1920s design, remove scrubland on the western island to allow the creation of a clearing and

formation of a 'forest school' and create a winter wading bird roost on the central island by creating an open area free of vegetation.

The new launching beach, floating pontoons and launching platform would sit marginally above the surface of the lake and their naturalistic materials would be in-keeping with similar features already present at the lake. The widened pathway to the south of the café would extend the existing route in the same surface materials and the majority of reinforcement materials to the lake edges would be submerged below the surface, with those that are visible above being preferable to the existing timber boarding and concrete slabs. When considered in the round and in the context of the lake as a whole, these elements of the development would have a very modest visual impact and would introduce features of a type and appearance that are commonplace within recreational water bodies. Accordingly, they would have no adverse effects on the character and appearance of the area.

While the proposed landscaping works would result in the loss of some existing vegetation on both islands, that lost to the western island comprises low-level scrub to the centre of the island which is of limited value. The created clearing would continue to be surrounded by larger vegetation to the perimeter and, accordingly, the island would retain a wooded aspect when viewed from within the park, with a central clearing concealing within. Vegetation to the central island is much sparser, with low grasses and scrub dominating the surface. A stony foreshore marks the edge of the island. In addition to providing habitat for winter wading birds, the removal of vegetation on the central island would allow uninterrupted views across the lake towards Mawson's Lookout, thereby enhancing vantage points from vistas across the parkland. Accordingly, it is not considered that the loss of the limited amount of vegetation to each island would have any adverse effects on visual amenity.

The proposed development, by virtue of its size, scale, height, siting, materials and design, would be compatible with the character of the site and its surroundings and its function as an asset for water-based recreation. Accordingly, there is no conflict with the requirements of FBLP policies GD7 and ENV1, or the NPPF.

Impact on amenity:

FLP policy GD7 (c) requires that development proposals facilitate good design by "ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed".

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

The closest dwellings are located approximately 30m to the north on Inner Promenade. These properties occupy an elevated aspect in relation to the lake, being set *circa* 3.5m above it.

The nature of the proposed lake works, by reason of their modest scale, low height and/or separation with the closest neighbouring dwellings, when viewed in the context of the lake and gardens as a whole, would have no adverse effects on the privacy and amenity of neighbouring occupiers through loss of outlook, overlooking or overshadowing. In addition, noise arising from the facilities provided would not cause a level of added disturbance in the context of the park's recreational function that would unduly affect the amenity of neighbouring occupiers.

Ecological effects:

Although the lake is not, itself, part of a designated nature conservation site, a short swathe of dune habitat alongside the sea wall to the southwest corner of the parkland falls within the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS). The wider area of the BHS flanks the eastern, southern and western boundaries of the site. Further to the south lies the Ribble and Alt Estuary which is a designated European nature conservation site (SPA/Ramsar site), as well as a SSSI.

Criteria (a) and (d) to paragraph 170 of the NPPF state that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

In addition, paragraph 175 of the Framework indicate that LPAs should apply the following principles when determining planning applications:

- if significant harm to biodiversity 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;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

FLP policy ENV2 is split into 2 sections. The first deals with nature conservation sites and ecological networks and the second is concerned with priority species protection. With respect to section 1, criterion (a) sets out a three-tier hierarchy of nature conservation sites which lists designated sites of international, national and local importance and states that “the strongest possible protection will be given to sites of international importance, predominantly the Ribble and Alt Estuaries SPA / Ramsar site.” In terms of local sites, the policy indicates that “development that would directly or indirectly affect any sites of local importance will be permitted only where it is necessary to meet an overriding local public need or where it is in relation to the purposes of the nature conservation site.”

Criterion (b) of the policy indicates that proposals for development within or affecting the nature conservation sites listed in (a) must adhere to five principles (i – v). Criterion (c) of the policy defines what will constitute “damage to nature conservation sites and other ecological assets” in accordance with six factors.

Section 2 of FLP policy ENV2 states that “planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the

development outweigh the need to maintain the population of the species in situ.” The policy indicates that where development might have an adverse effect on a priority species or habitat planning conditions or agreements will be used to mitigate these effects in accordance with four criteria (a-d).

The lake’s close proximity to and functional links with nearby designated nature conservation sites means that the development has the potential to affect nature conservation sites of both international (the Ribble and Alt Estuaries SPA/Ramsar) and local (the BHS) importance. In addition, there are potential site-specific impacts concerning protected species.

International sites and Habitat Regulations Assessment:

In terms of the Ribble and Alt Estuaries SPA/Ramsar, as the proposal is not necessary for the management of a European Site, the LPA is required to undertake a Habitat Regulations Assessment (HRA) in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017. As the HRA is to be based on information provided to the LPA by the applicant, the applicant’s ecologist has prepared a ‘Shadow’ Habitat Regulations Assessment (HRA) which could be adopted by the LPA in order to fulfil its duty as a competent authority. The main purpose of the HRA is to determine whether the proposal is likely to have a significant effect on any European site alone or in combination with other plans and projects, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out (at which point any measures to mitigate these effects can be taken into account).

The Shadow HRA takes the form of a composite document which considers the effects of all three components of the development (those associated with applications 18/0499, 18/0500 and 18/0744) on the integrity of the estuary comprehensively. Natural England’s comments concerning the initial draft of the Shadow HRA (dated 09.11.18) highlighted several errors with the terminology and structure of the HRA and a lack of clarity as to the conclusions and mitigation measures associated with the appropriate assessment contained within it. Accordingly, Natural England’s advice was that the initial draft of the Shadow HRA was not compliant with the Conservation of Habitats and Species Regulations 2017 and, therefore, should not be adopted by the LPA.

Following Natural England’s comments dated 09.11.18, a revised draft of the Shadow HRA which seeks to address these issues has been submitted. The conclusions in section 12 of the updated HRA indicate that:

- The only components of the development that are likely to have significant effects (in the absence of mitigation) upon the Ribble and Alt Estuaries SPA/Ramsar are: (i) the creation of Mawson’s Lookout; (ii) the lake water supply inlet; and (iii) the dredging deposition site. Accordingly, the HRA includes an appropriate assessment of these elements.
- Components (i) and (ii) were assessed and mitigated for as part of the sea defence works applications and so no specific mitigation above and beyond that associated with the sea defence works is required for these components of the scheme. The additional dredging and deposition operations would have no adverse effect upon the integrity of the European site.
- No in-combination effects were found.
- Because the impacts of all works associated with applications 18/0499, 18/0500 and 18/0744, both alone and in-combination are found to have no adverse effect upon the integrity of a European site, no specific mitigation is required. However, as a precautionary measure the general mitigation principles outlined in the HRA for the sea defence works (VBA 2016, and repeated in section 10, paragraph 10.2 of the Shadow HRA) will be adhered to for all works associated with applications 18/0499, 18/0500 and 18/0744, and could be secured through planning condition.

Natural England's comments on the revised Shadow HRA are awaited. However, as the Shadow HRA concludes that the comprehensive development would have no adverse effects upon the integrity of the internally important designated nature conservation site, either alone or in combination with other plans and projects, and that no specific additional mitigation measures are required above and beyond those identified for the sea defence works, it is considered that the application can be progressed through Committee on the basis that there is no apparent conflict with the objectives of section 1 of FLP policy ENV2. This is subject to the caveat that the recommendation to grant planning permission can only be delegated to the Head of Planning and Housing providing that Natural England subsequently confirm their agreement with the conclusions and suitability of the mitigation measures set out in the revised Shadow HRA, along with any associated planning conditions.

Local nature conservation sites and priority species:

The application is accompanied by an extended phase 1 habitat survey which deals specifically with the lake works (though dredging and deposition is dealt with separately under application 18/0744). The survey includes the following conclusions concerning the effects of the lake works:

- Within Fairhaven Lake itself, the main features of interest that could be affected by proposals are: (i) breeding birds (during work to islands); and (ii) European eels and other fish (during lake draw-down for dredging works).
- The works, especially dredging operations, also potentially provide an opportunity to manage the problematic growths of fennel pondweed.
- In general, the proposals to construct an automated sluice system to enable regular water exchange between the lake and the sea are considered likely to benefit the ecology of the lake. The increased frequency of water exchange may allow the high nutrient status of the lake to be reduced, reducing frequency of algal blooms and growth rates of fennel pondweed. Alterations in salinity may also assist with this aim.
- Paragraph 5.2 of the report sets out 10 recommendations for features to be incorporated into the scheme's delivery/design in order to protect existing ecological features at the site. These recommendations relate to the timing of works, fish protection measures, management of deposition arisings, sluice design to allow eel passage, woodland management of the western island, removal of tall ruderal vegetation and scrub from the central island to create a wading bird roost, reedbed planting within the lake, wildfowl management and aeration devices to prevent deoxygenation, fish kills and algal blooms.

GMEU have been consulted on the application and, with respect to the lake works, agree with the conclusions and recommendations in the ecology survey that the development would have no adverse effects on the BHS or priority species subject to the imposition of conditions relating to the timing of vegetation clearance, a CEMP and LEMP. Accordingly, there is no conflict with the requirements of FLP policy ENV2 of the NPPF in this regard.

Other matters:

Heritage implications:

The site does not fall within a conservation area, nor are there any listed buildings located within its grounds. Similarly there are no designated heritage assets nearby whose setting would be affected by the proposal. Nevertheless, the former boathouse (now the RSPB discovery centre) which is the northernmost of the cluster of buildings on the fringes of the lake is included on the Council's local list of non-designated heritage assets (reference F6) and is described as follows:

- “Unusual pagoda style boathouse designed by Herbert and William Wade and opened in 1901 for the Fairhaven Estate Company.”

The submitted archaeological evaluation also identifies assets of local interest within the park, focussed mainly around the area for the Japanese Garden.

Paragraph 197 of the NPPF indicates that:

- The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

With respect to features of archaeological interest, paragraph 189 of the NPPF indicates that:

- Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Similar provisions in respect of non-designated heritage assets and those of archaeological importance are made in FLP policy ENV5.

The proposed lake works would not have any direct effects on the former boathouse and any indirect effects on its setting would be limited by the minor nature of the proposed physical works.

In terms of archaeology, the submitted community heritage assessment identifies the need to undertake further excavation of the Japanese Garden, especially on and around the site of the bridge on the north bank and surrounding the steps and stepping stones in the western part of the garden. Accordingly, the LAAS have advised that, prior to any works associated with the reformation of the entrance to the lagoon taking place, further targeted excavation should be undertaken in order to avoid unnecessary damage to any surviving elements of Mawson’s Japanese garden and so that any original rockwork, if present, can be re-used.

Therefore, appropriate measures can be put in place through the imposition of conditions to avoid any adverse impacts on non-designated heritage assets, and to advance the understanding of features with archaeological interest at the site.

Flood risk:

Parts of the promenade, gardens and the fringes of the lake to the southern edge of the site fall within flood zone 2 as defined on the Flood Map for Planning.

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. This requirement is reiterated in FLP policy CL1. In addition, FLP policy CL2 requires developments to include suitable arrangements for the disposal of surface water, including the use of SUDS where appropriate.

The application is accompanied by a Flood Risk Assessment (FRA) which is supplemented by an addendum letter dated 05.10.18 submitted in response to initial comments from the Environment Agency (EA). The FRA and associated addendum letter conclude as follows:

- The site is at a low risk of flooding from all sources. However, this is a residual risk from a tidal breach event.
- The proposals involve water compatible development which is appropriate within the applicable flood zones.
- In the event of a flood, safe access / egress is provided to Inner Promenade and heading west or north, an area shown outside of the extreme fluvial flood extent on EA mapping.
- The lake water supply inlet/outlet structure already has planning permission as part of the sea defence works (application 16/1015) and is being constructed independently of the lake works application. The works are necessary to remove a foreseeable risk to the new coastal flood risk reduction asset (i.e. the stepped revetment that is replacing the sea wall around Fairhaven).
- The flow control structure will allow water to enter the lake on a calculated nine days in every lunar cycle. It is part of the three step strategy to improve the water quality of the lake the others being selective dredging and aeration of the lake.
- The proposed lake and public realm works are not contiguous with the new stepped revetments to the sea defence wall as they are set behind the new promenade. The only interface between the public realm and sea defence works relate to Mawson's lookout which involves a widening of the promenade to accommodate a proposed seating area to look out over the estuary.
- Regarding the operational side of the lake and the flow control structure, a planning condition could be placed on any lake works application requiring the applicant to submit to the Environment Agency details of how the flow control structure will be operated and maintained to retain its value as a flood risk reduction asset whilst at the same time allowing Fairhaven Lake to be recharged and retained as an ecological feature.

The EA's latest correspondence dated 02.11.18 confirms that there are no objections to the scheme on flood risk grounds subject to the imposition of a condition requiring the development to be carried out in accordance with the mitigation measures in the FRA and associated addendum letter.

Highways:

Criteria (j), (p) and (r) of FLP policy GD7 state that developments should achieve good design by:

- Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

FLP policy T5 indicates that "car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned." Policy T5 states that, in 2019, "the Council will prepare a Supplementary Planning Document (SPD) on parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde".

Concerns have been raised by neighbouring residents that the additional provision associated with

the enhancement of leisure, sports and recreational facilities within the site will increase the demand for parking in the area. Off-street parking around the lake is available at Stanner Bank and St Paul's Avenue car parks. There is also a dedicated car park serving the bowling green. Additional on-street parking is available alongside the thoroughfare of Inner Promenade. It is acknowledged that, during peak season, this parking is used to capacity and overspill onto surrounding side streets occurs. It is, however, also the case that this situation is not typical of the average, year round demand for parking at the lake.

While the proposals to enhance the recreational provision at the lake are likely to attract additional visitors, opportunities to increase parking provision at the site are limited by the protective designations within and surrounding the site, and the proposals seek to enhance and diversify the existing provision rather than to introduce new uses/buildings that would, in themselves, give rise to a significant increase in visitor traffic. Moreover, the site is also readily accessible by modes of transport other than private car. It is noted that the Local Highway Authority have not objected to the application on the grounds of adverse effects on highway capacity, safety or a lack of parking. Accordingly, it is not considered that the development would conflict with the requirements of FLP policies GD7 and T5, or the NPPF in this regard.

Conclusions

The application relates to the site of Fairhaven Lake and Gardens located between Inner Promenade and the sea wall bordering the Ribble and Alt estuaries. The proposal forms part of a wider programme of public realm enhancements at Fairhaven Lake and relates specifically to a suite of works to be undertaken within the body of the lake (the 'lake works application').

The proposed lake works would enhance the recreational and tourism offer at the site through improvements to the public realm, increasing the provision of lake-related activities and affording greater opportunities for sport and education. Additional benefits would arise in ecological terms through improvements to water quality and the provision of a winter wading bird roost on one of the islands.

The proposed lake works would be compatible with the character and appearance of the site and its surroundings and would enhance its use for recreational purposes. The siting and scale of the development would have no adverse effects on the amenity of neighbouring occupiers, nor would any harmful ecological impacts arise to surrounding designated nature conservation sites. The development would have no adverse effects on the significance of heritage assets, would not increase the risk of flooding at the site or elsewhere and would not have a severe impact on the capacity or safety of the surrounding highway network.

Given the above, the proposal is considered to represent sustainable development in accordance with relevant adopted policies contained within the FLP, and the provisions of the NPPF.

Recommendation

That authority is delegated to the Head of Planning and Housing to GRANT planning permission subject to the following:

- The Local Planning Authority's adoption of a suitable Habitat Regulations Assessment which, in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017, demonstrates that the proposed development (including, where necessary, appropriate mitigation measures to be incorporated as part of it) will not have an adverse impact on the

integrity of the Ribble & Alt Estuaries Ramsar site either alone or in combination with other plans or projects, including written confirmation of the same from Natural England; and

- The following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Regeneration believes is necessary to make otherwise unacceptable development acceptable, having particular regard to any additional conditions that may be requested by Natural England in order to meet the requirements in (i) above):

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

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

2. This permission relates to the following plans:

Drawing no. 310-RYD-XX-XX-DR-L-2201 – Ownership and planning application boundaries (Lake)

Drawing no. 310-RYD-XX-XX-DR-L-2100 Rev E – Refined lake works.

Drawing no. 310-RYD-XX-XX-DR-L-2020 – Stage 2 – General Arrangements Sheet 1 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2021 – Stage 2 – General Arrangements Sheet 2 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2022 – Stage 2 – General Arrangements Sheet 3 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2023 – Stage 2 – General Arrangements Sheet 4 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2024 – Stage 2 – General Arrangements Sheet 5 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2025 – Stage 2 – General Arrangements Sheet 6 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2026 – Stage 2 – General Arrangements Sheet 7 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2027 – Stage 2 – General Arrangements Sheet 8 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2028 – Stage 2 – General Arrangements Sheet 9 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2029 – Stage 2 – General Arrangements Sheet 10 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2102 – Dock access & sandy beach.

Drawing no. 310-RYD-XX-XX-DR-L-2103 – Japanese garden.

Drawing no. 310-RYD-XX-XX-DR-L-2109 – Treasure Island forest school.

Drawing no. 310-RYD-XX-XX-DR-L-2111 – East island.

Drawing no. 310-RYD-XX-XX-DR-L-2113 – Removal plan.

Drawing no. 310-RYD-XX-XX-DR-L-2114 – Path works plan.

Drawing no. 310-RYD-XX-XX-DR-L-7000 – Eastern Lake – Grab Chain Detail.

Drawing no. 310-RYD-XX-XX-DR-L-7001 – Coir and Rock Roll Lake Edge Detail.

Drawing no. 310-RYD-XX-XX-DR-L-7002 – Single Coir Wall Lake Edge Detail.

Drawing no. 310-RYD-XX-XX-DR-L-7003 – Tyre Wall System Lake Edge Detail.

Drawing no. 310-RYD-XX-XX-DR-L-7004 – Bag Work System Lake Edge Detail.

Drawing no. 310-RYD-XX-XX-DR-L-7101 – Proposed 2m Wide Path with Flat Top Kerb Edging.

Drawing no. 310-RYD-XX-XX-DR-L-7102 – Dock jetty.

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

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

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials, finishes and/or colour treatment to be used on the external surfaces of each component of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The

development shall thereafter be implemented in accordance with the duly approved details.

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

4. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
 - b) arrangements for the parking of vehicles for site operatives and visitors;
 - c) details of areas designated for the loading, unloading and storage of plant and materials;
 - d) details of the siting, height and maintenance of security hoarding;
 - e) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
 - f) measures to control the emission of dust and dirt during construction;
 - g) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer should identify times when trips of this nature should not be made);
 - h) The routing of vehicle traffic carrying plant and materials to and from the site;
 - i) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall thereafter be carried out in full accordance with the duly approved CMS.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties and to avoid obstruction of the surrounding highway network during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

5. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the following documents: (i) the Flood Risk Assessment by Waterco Consultants titled 'Fairhaven Marine Lake' dated July 2018 (document reference w10706-180713-FRA); and (ii) the Flood Risk Assessment addendum letter by Ryder Landscape Consultants dated 5 October 2018 (Ref: 17-310/ltr003sr).

Reason: In order that appropriate measures are put in place to ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere, in accordance with the requirements of Fylde Local Plan to 2032 policy CL1 and the National Planning Policy Framework.

6. No development (including any works of site clearance/preparation) associated with the reformation of the inlet to the Japanese Lagoon Garden (the details of which are shown on drawing no. 310-RYD-XX-XX-DR-L-2103) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:
- a) Nomination of an appropriately qualified and experienced professional archaeological contractor to undertake the work set out in the approved WSI in compliance with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA).
 - b) A phased programme and methodology of site investigation and recording to include a targeted archaeological excavation of the former (original) Japanese Garden.
 - c) A programme for post investigation assessment to include analysis of the site investigation records and finds, and production of a final report on the significance of the archaeological

interest represented.

- d) The retention and/or re-use of any of the Japanese Garden's original rockwork, if still present, as part of the development.
- e) Provision for publication and dissemination of the analysis and report on the site investigation.
- f) Provision for archive deposition of the report, finds and records of the site investigation.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

7. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird breeding season (March to 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 any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

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

8. No clearance of any vegetation in preparation for or during the course of development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of:
- a) All trees, hedges and any other vegetation to be removed, with any such removals being limited to the areas shown on drawing no. 310-RYD-XX-XX-DR-L-2113.
 - b) All trees, hedges and any other vegetation which is to be retained.
 - c) Any compensatory planting to be introduced to replace any trees, hedges or other vegetation which is to be removed under (i), including the type, size, species, siting, planting distances and the programme of planting of replacement hedges, trees and shrubs.
 - d) A timetable for implementation.

The duly approved landscaping scheme shall be carried out in accordance with the timetable contained therein and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To clarify the extent of vegetation removal to be carried out in connection with the development and to ensure that appropriate compensatory planting is introduced to offset the effects of vegetation removal in the interests of visual amenity and to ensure appropriate gains in biodiversity in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1 and ENV2, and the National Planning Policy Framework.

9. No development, ground works or vegetation clearance shall take place until a Construction

Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) A risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The duly approved CEMP shall be implemented concurrently with the construction of the development and shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on surrounding designated nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

10. No development, ground works or vegetation clearance shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:

- a) A description and evaluation of features to be managed.
- b) An analysis of ecological trends and constraints on the site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule and timetable for implementation (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation.
- h) Arrangements for ongoing monitoring and remedial measures, including how contingencies and/or remedial action will be identified, agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- i) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The development shall thereafter be carried out in full accordance with the duly approved LEMP and the timetable, monitoring and remedial measures contained therein.

Reason: To ensure that appropriate measures are put in place to provide net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures and to mitigate the development's effects on existing features of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0499	Address Fairhaven Lake and Gardens, Inner Promenade, Lytham St Annes	Grid Ref. E.3340 : N.4272	Scale 0 25 50 75 100 m

Item Number: 4

Committee Date: 12 December 2018

Application Reference:	18/0500	Type of Application:	Full Planning Permission
Applicant:	Parks Leisure and Cultural Services	Agent :	Ryder Landscape Consultants
Location:	FAIRHAVEN LAKE AND GARDENS, INNER PROMENADE, LYTHAM ST ANNES, FY8 1BB		
Proposal:	PUBLIC REALM ENHANCEMENT WORKS ASSOCIATED WITH RESTORATION OF FAIRHAVEN LAKE AND GARDENS INCLUDING: (1) REFURBISHMENT AND EXTENSION OF PAGODA AND PAVILION CAFE; (2) REFURBISHMENT OF BOATHOUSE TO CREATE WATERSPORT CENTRE; (3) FORMATION OF BOAT STORAGE AREA TO REAR OF WATERSPORT CENTRE; (4) ERECTION OF SHELTER FOR BOWLING GREENS; (5) REFURBISHMENT OF TENNIS COURTS; (6) RELOCATION OF ADVENTURE GOLF COURSE; (7) CREATION OF PLAY AREA WITH ASSOCIATED EQUIPMENT; AND (8) ASSOCIATED HARD AND SOFT LANDSCAPING WORKS INCLUDING FORMATION OF LAKESIDE FOOTPATHS, STAIRCASE TO VIEWING PLATFORM TO SOUTHERN EDGE OF LAKE AND CREATION OF JAPANESE GARDEN		
Ward:	FAIRHAVEN	Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Matthew Taylor
Reason for Delay:	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7881866,-2.9860497,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the site of Fairhaven Lake and Gardens located between Inner Promenade and the sea wall bordering the Ribble and Alt estuaries. The proposal forms part of a wider programme of landscape enhancements at Fairhaven Lake and relates specifically to a suite of works to improve the buildings and open spaces surrounding the lake (the 'public realm works application').

The proposed public realm works would enhance the recreational and tourism offer at the site through improvements to existing buildings and the public realm, improving the functionality, quantity and quality of provision for sports-related activities and affording greater opportunities for leisure while respecting the character and style of existing buildings and the setting of the lake.

The proposed works would be compatible with the character and appearance of the site and its surroundings and would enhance its use for sporting and recreational purposes. The siting and scale of the development would have no adverse effects on the amenity of neighbouring occupiers, nor would any harmful ecological impacts arise to surrounding designated nature conservation sites or protected species. The development would have no adverse effects on the significance of heritage assets, would not increase the risk of flooding at the site or elsewhere and would not have a severe impact on the capacity or safety of the surrounding

highway network.

Given the above, the proposal is considered to represent sustainable development in accordance with relevant adopted policies contained within the FLP, and the provisions of the NPPF.

Reason for Reporting to Committee

The application is classified as major development and the officer recommendation is for approval. In addition, the application is submitted on behalf of Fylde Borough Council.

Site Description and Location

The application relates to the site of Fairhaven Lake and Gardens – a parkland extending to *circa* 18.9 hectares in area between Inner Promenade to the north and the sea defence wall flanking the coastline of the Ribble and Alt Estuaries to the south. The site is designated as a park and garden on the Fylde Local Plan to 2032 Policies Map and also falls within the Settlement Boundary of Lytham St Annes. This application relates specifically to the collection of buildings and areas of open space bordering the perimeter of the lake.

To the northern edge of the lake, the buildings in question include a row of four premises which, running from northeast to southwest, comprise: (i) a square-shaped pagoda accommodating the RSPB Discovery Centre; (ii) a rectangular, two-storey building providing a boathouse; (iii) a rectangular, single storey building used as the operational base for the Council's park management team; and (iv) a single storey café adjacent to the lake edge. Open spaces to the west of the buildings include play areas to the rear of the RSPB centre and café, bowling greens and a mix of hard (public) and grass (private) tennis courts. Further to the west is a skate park, areas of open grassland enclosed by hedging and an open event/picnic lawn which includes the Spitfire Memorial.

A swathe of landscaping flanks the southern edge of the lake and includes the site of a former Japanese Lagoon Garden (now lapsed) to the western end and a pathway which runs to the east travelling up a slope to link with the Stanner Bank car park on elevated ground to the southeast of the lake. It is possible to walk along the grassland and over the sluice to the base of an embankment at southeast corner of the lake, though there is no designated footpath for this. The grassland to the southern edge of the lake includes clusters of woodland planting bordering the existing footpath and sluice.

Outside the park and gardens, the closest dwellings are located on the opposite side of Inner Promenade and occupy an elevated aspect a minimum of *circa* 30m to the north. Car parks are situated on higher ground to the southeast and northwest of the lake. The United Utilities sewage transfer station lies beyond St Paul's car park to the west of the site and the secondary school of AKS Lytham is located to the northwest at the junction of St Paul's Avenue.

Details of Proposal

The application seeks full planning permission for a suite of works to four of the existing buildings and areas of open space surrounding the lake. In summary, these include:

Works to buildings:

- a) *RSPB Discovery Centre* – The refurbishment of the existing building to provide an open plan floor area for use as an exhibition centre serving both the wider park and the RSPB. An internal false ceiling is to be removed to expose the roof space, a new doorway is proposed to the front elevation and a single storey lean-to extension measuring 4m x 3.7m is proposed to the rear of the building.
- b) *Boathouse* – The conversion of the existing boathouse (current used for boat storage) to create a watersports centre including changing rooms, tuition space and ancillary office and meeting room spaces. Minor external alterations are proposed to the front, rear and south sides of the building to introduce new glazing in place of the boat house doors (front) and to replace existing doorways with windows (rear and side), but no extensions are proposed.
 - *Operational base* – Internal subdivision of the building to provide a mixed base for the park management and boat services teams. The office/meeting space for the boat services team lost through the conversion of the boathouse will be re-located within this building. No extensions or external alterations are proposed.
 - *Café* – The remodelling of the café to include the introduction of covered verandas up to 3m deep to the front (southeast) and rear (northwest) facing elevations, the addition of pitched roofs above the current flat-roofed additions to the front of the building, the introduction of bay windows to the south side facing the lake, the removal of a flat-roofed toilet block to the north side and the associated reconfiguration of existing fenestration.

Works to sports/play areas:

- The removal of the existing children's play and crazy golf areas to the rear of the RSPB Discovery Centre and the use of the hardstanding surface as an external boat storage area measuring 27.5m x 35m. The boat store would be enclosed by 3m high weld mesh fencing fronted by retained and/or new hedging to its east, north and west sides. Three timber clad storage containers measuring 6.6m x 3.3m would be located centrally alongside the eastern perimeter and would be screened by internal hedge planting to the north and south sides.
- The provision of timber-framed shelter for the bowling greens adjacent to the existing pavilion. The shelter would measure 5m x 3.7m and would be topped by a dual-pitched roof reaching 4m to ridge.
- Re-locate and improve the adventure golf course lost to the boat storage area to the hard tennis/basketball court area. The adventure golf course would cover the whole of the basketball court and 3 of the 7 existing hard tennis courts. The course would be enclosed and includes an office building to the southeast corner.
- Refurbish 2 of the 4 retained hard courts to the western end of the public court area and convert 2 of the 7 grass courts at Fairhaven Tennis Club to an all-weather 'carpet' surface. The perimeter of the retained public and private courts would be enclosed by 3m high ball stop fencing to match the existing.
- The formation of a new 1820 sqm adventure play area within the open space to the east of the skate park. The play area would incorporate 5 or 6 pieces of play equipment aimed at older children and would include natural play features such as scrambling rocks and wooden play forts to the periphery.

Landscaping works:

- The removal of an existing privet hedge which splits the picnic lawn to the south of the grass tennis courts to open up this space (doubling its usable area) and the planting of a new privet hedge alongside the perimeter fence of the existing tennis courts.
- The introduction of tree, shrub and ground cover planting to the northern edge of the event lawn in the northwest corner of the site.
- The re-formation of a Japanese Lagoon Garden to the southwest corner of the park. A new inlet would be created from the lake and the former garden features uncovered and/or

re-created to resemble Mawson's original design, along with new planting.

- The creation of new steps and paths up to Mawson's Lookout providing a viewing platform to the north of the promenade with views over the lake and estuary. Existing adjacent vegetation would be removed and/or thinned to allow the construction of the paths and to provide open views from the lookout. The lookout would include seating, artwork and the relocated Diamond Jubilee Beacon (currently located on the promenade adjacent to St Paul's Avenue Car Park).
- The creation of a new lakeside path running along the southeastern edge of the lake to provide a complete, formal walking route encircling the lake.

Applications for improvements to the lake itself (18/0499) and for dredging works associated with targeted desilting and subsequent deposition of the arisings within the neighbouring dunes (18/0744) have been submitted in tandem with this application for the public realm works as a comprehensive package.

Relevant Planning History

Application No.	Development	Decision	Date
17/1051	VARIATION OF CONDITION 14 ON PLANNING PERMISSION 16/1015 TO EXTEND PERMISSIBLE WORKING HOURS TO BETWEEN 07:30 - 18:30 (MONDAY TO FRIDAY), 08:00 - 14:00 (SATURDAY), WITH NO ON SITE WORKS ON SUNDAY OR BANK HOLIDAYS. AND VARIATION OF CONDITION 2 AND 6 TO REMOVE CONCRETE UP STAND FROM BENEATH PROMENADE BALUSTRADE	Granted	15/03/2018
17/0928	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/1015 CONDITION 3 (REVTMENT CEMENT COLOUR), CONDITION 8 (FAIRHAVEN LANDSCAPING), CONDITION 10 (LANDSCAPE & ECOLOGICAL MGMT PLAN), CONDITION 11 (ENVIRONMENT MANAGEMENT) & CONDITION 16 (CONSTRUCTION METHOD STATEMENT).	Advice Issued	20/12/2017
16/1015	DEMOLITION OF EXISTING SEA WALL AND REVETMENT, REPLACEMENT WITH NEW COASTAL PROTECTION SCHEME CONSISTING OF STEPPED AND SLOPING REVETMENTS, INCLUDING PUBLIC REALM IMPROVEMENTS TO PROMENADE AND CONSTRUCTION OF TEMPORARY COMPOUND AREAS.	Granted	21/04/2017
16/0984	CONSULTATION ON MARINE MANAGEMENT LICENCE APPLICATION 2016/00441 FOR FAIRHAVEN TO CHURCH SCAR COAST PROTECTION SCHEME	Raise No Objection	25/01/2017

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

N/A. Non-parish area.

Statutory Consultees and Observations of Other Interested Parties

Councillor David Donaldson: Comments that he fully supports the application.

Environment Agency (final comments dated 02.11.18):

- The Flood Risk Assessment (FRA) Addendum letter from Ryder Landscape Consultants (Ref: 13-310/ltr003sr) dated 5 October 2018 satisfactorily addresses the EA's previous comments in order that there are no objections to the scheme.
- A condition should be imposed requiring the development to proceed in strict accordance with the FRA prepared by Waterco Consultants (Ref: w10706-180713-FRA; dated 13 July 2018) and FRA addendum letter by Ryder Landscape Consultants (Ref: 13-310/ltr003sr). The mitigation measures identified as it will form part of any subsequent planning approval.

Environmental Health Officer (EHO):

- No objections. A condition should be attached to any permission granted restricting construction operations to 08.00 – 18.00 Mondays to Friday; 08.00 – 13.00 Saturdays and no construction work activity on Sundays or Bank Holidays.

Greater Manchester Ecology Unit (GMEU):

- **Bats** – The submitted bat survey has been undertaken by an appropriate qualified ecologist. The survey found no current or historic evidence of roosting bats in the buildings surveys and all of the trees on site were considered to have negligible potential for bat roosts. AN informative note should be attached to any permission granted reminding of the steps to be taken if bats are encountered during the project.
- **Nesting birds** – The works involve clearance of and works to trees and scrub and may therefore impact on nesting birds. Consequently all such works should be undertaken outside of the main bird breeding season. We would therefore recommend that a condition be attached to any permission to this effect.
- **Construction Environmental Management Plan (CEMP)** – Given the sensitive location of the site adjacent to European Protected Sites, SSSIs and a Biological Heritage Site, it is vital that all works are undertaken with appropriate precautions and at the correct time of year. We would therefore recommend that a CEMP be required to cover all aspects of works forms a condition to any planning permission.
- **Ongoing management** – The ecology report recommends that an appropriate woodland management should be undertaken on the larger island and also that wildfowl management of the lake should be introduced particularly in relation to Canada geese. The proposed lake edge works will also require monitoring and management. We would therefore advise that a condition requiring the submission of a Landscape and Ecological Management Plan (LEMP) be attached to any permission.

Lancashire Archaeological Advisory Service (LAAS):

- The elements of the proposed development which appear to require some mitigation works are the works to the pagoda, café and boathouses, and the recreation of the Japanese garden. The works to the extant buildings are not anything that we would have any objections to, but they are likely to remove or obscure details of the structures relating to their original construction and the adaptations that have been undertaken over the years in response to their changing uses. As such it is recommended that a formal photographic record of the buildings be created, as set out in 'Understanding Historic Buildings' (Historic

England 2016) before any works commence.

- With regard to the Japanese garden, this work will need to be undertaken with care to avoid unnecessary damage to any surviving elements of the garden as constructed. The community heritage assessment has shown that there are well-preserved elements here, which are not identical to the extant plans for the Mawson scheme. Any groundworks for this should, as a minimum, be undertaken under archaeological supervision, but it would be preferable if further targeted excavation was undertaken so that as much of the original rockwork which is still present can be re-used.
- Both the recording of the buildings and the work on the garden site can be made conditions of any planning consent granted to the application.

Local Highway Authority (LHA) – LCC Highways: No objections. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. A condition is recommended requiring the submission of a Traffic Management Plan to ensure that all contractor parking and deliveries can be accommodated off the highway.

Natural England (latest comments dated 09.11.18):

- As submitted, the Shadow HRA is not compliant with the Conservation of Habitats and Species Regulations 2017 and should therefore not be adopted by the LPA.
- The Shadow HRA covers all three applications at Fairhaven Lake (18/0499, 18/0500 and 18/0744).
- There are errors to the terminology and structure of the HRA and the conclusion of the appropriate assessment is unclear and does not include any consideration of the conservation objectives for the Ribble & Alt Estuaries SPA and Ramsar as required at the appropriate assessment stage.
- The HRA includes references to mitigation measures for the coastal development being relied upon to mitigate for effects from this development, however, it is not clear which effects the measures are mitigating for. In order for this HRA to be legally compliant, the mitigation required to mitigate for the effects of these developments, needs to be secured through the planning permissions.
- The in-combination part of the HRA lists the former Pontins site (as we advised) but then does not provide any further narrative as to the potential in-combination impacts which may arise.
- In conclusion we advise that the Shadow HRA needs to be re-assessed and amended before adoption by Fylde Council acting as their role of competent authority.

Officer note: A revised version of the Shadow HRA which seeks to address the above comments from Natural England has been submitted by the applicant and has been forwarded on to Natural England for their updated comments. It is anticipated that these will be available prior to the Planning Committee meeting.

Regeneration Team:

- The regeneration team has been involved with the scheme for some time on all aspects including the historic restoration concepts, research and in the development of the plans. The scheme as submitted follows on naturally from these long discussions. The scheme is also integrated with the sea defence works which again has been discussed at great length.
- The Regeneration Team has been a partner to the development of the Fairhaven Restoration project from the original research and development phase through to the detailed proposals. As a result it is pleased to support the planning applications as part of the Heritage Lottery Bid and takes the view that if successful and implemented the scheme will help to restore important historic and architectural features, thereby making a positive

contribution to preserving and enhancing this important heritage asset.

- The site has been identified as having significant heritage value, containing locally listed buildings and forming part of a potential conservation area, as recognised by the planning committee. The scheme will also integrate with the forthcoming coastal defence works and the design approaches to the two schemes have been closely integrated.
- As a result the Regeneration team wholeheartedly supports the planning application on the basis that it will offer significant enhancements to the heritage value of the site.

Sport England:

- The proposal involves significant enhancement works to achieve the restoration of Fairhaven Lake and Gardens. The works are intended to improve the attractiveness of the lake and gardens for sport, active recreation and other leisure activities which are supported in principle by Sport England.
- We would specifically support the works to the Boathouse and other facilities which improve access to the lake. In addition we support improvements to the skate park, bowling greens and the creation of the 'event lawns' which include features which encourage active recreation.
- The enhancement proposals provide the opportunity to create a circulatory (traffic free) footpath, which could be used to create running (and other active recreational) routes. The paths could be distance marked to encourage active recreation and use for events such as park run.
- The works to the tennis courts are also supported as the courts deemed for public use are in poor condition with no external fencing and out of a potential 7 courts there is only ever a limited number of courts available with nets. Even though, there would be 3 courts lost for the adventure golf, there would be 4 hard courts available for public use. The plans would also see a refurbishment of grass courts, which are predominately used by Fairhaven Tennis Club. The enhancement of the grass courts and the hard courts would provide all year round opportunity to play tennis for club members and the general public.
- Sport England considers that the application is consistent with policy objectives to enhance existing sports facilities to increase participation rates. This being the case, Sport England does not wish to raise an objection to this application but would support further dialogue with the LTA to ensure that the all-weather courts are constructed to the appropriate standard, including external lighting where appropriate.
- Sport England recommends that a condition is attached to any permission granted requiring the specification and construction details of the two all-weather tennis courts to be agreed prior to construction commencing.

Neighbour Observations

Neighbours notified:	31 July 2018
Site notice posted:	10 August 2018
Press notice:	16 August 2018
Amended plans notified:	N/A
No. Of Responses Received:	2
Nature of comments made:	2 representations

The appropriate neighbouring properties were notified of the application by letter. In addition, as the application involves major development notices have been posted on site and in the local press. Two letters of representation have been received. While both letters express their support, in general terms, for the redevelopment of the lake due to the visual enhancements it will bring, the following concerns are raised:

- The proposed works should ensure that the memorial benches surrounding the lake are untouched and remain in their current positions.
- The length of time the Stanner Bank car park will be closed will have a significant impact on the number of cars in Marine Drive using it as alternative parking. This is already an issue in the summer season with people often parking in double yellow lines and blocking the entrance to neighbouring properties.
- The facilities being offered by this development will increase the number of visitors and cars many fold. People who live directly on the promenade could find their drives blocked or access hindered by parked cars. Drivers coming out from the side roads onto the promenade could have their vision restricted by the parked cars either side.
- The current parking allowances could also be amended. At the moment the allowance of 18hrs accepted parking with no return within the hour seems far too long and probably encourages overnight parking by cars and camper vans. It seems a very unfair situation to the residents and will most certainly get worse when the existing facilities are enhanced.
- It may well be worth considering putting double yellow lines all along the promenade in front of residents houses, continuing a short way along the side roads to stop people parking on corners restricting the vision of drivers.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Planning Inspectorate issued a letter to the Council on 18 September 2018 confirming that the Fylde Council Local Plan to 2032 (as modified) is sound. Specifically, the Local Plan Inspector confirms at paragraph 216 of her report “that with the recommended main modifications set out in the Appendix the Fylde Council Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.”

The Fylde Local Plan to 2032 (the ‘FLP’) was formally adopted by the Council at its meeting on Monday 22 October 2018 and, accordingly, has replaced the Fylde Borough Local Plan (As Altered) 2005 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC6	Leisure, Culture and Tourism Development
HW3	Protection & Provision of Indoor & Outdoor Sports Facilities
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV3	Protecting Existing Open Space
ENV5	Historic Environment

Other Relevant Policy:

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

Site Constraints**Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceeds the threshold in Column 2 of the table relating to category 10(b) developments. The Local Planning Authority has, however, issued a screening opinion indicating that it does not consider the proposal to be EIA development (application reference 18/0465).

Comment and Analysis**Policy context and main issues:**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in paragraph 2 of the NPPF. The statutory development plan for Fylde comprises the Fylde Local Plan to 2032.

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, criteria (c) and (d) of paragraph 11 indicate that this means:

- approving development proposals that accord with and up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

Having regard to the nature of the development proposed and the consultation responses received in respect of it, the main issues in this case are considered to be:

- The principle of development.
- The development's effects on the character and appearance of the area.
- The scheme's impact on the amenity of surrounding occupiers.
- The development's impact on surrounding designated nature conservation sites and species.
- Other matters relating to the development's effects on heritage assets, flood risk and highway safety.

Principle of development:

The site is inside the settlement boundary of Lytham St Annes and is a designated park and garden as identified on the FLP Policies Map. In addition, a play area to the rear of the RSPB Discovery Centre and the skate park to the northwest corner of the parkland are identified as play areas for the

purposes of FLP policy ENV3.

FLP policy GD1 is permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies.

FLP policy ENV3 lists 11 types of open space identified on the Policies Map. These include parks and gardens, semi-natural greenspaces, amenity greenspace, children's play areas, local areas and locally equipped areas for play and youth provision – all of which are located within the site. Policy ENV 3 states that areas of existing open space will be protected from inappropriate development. In particular, criteria (a) and (b) of the policy indicate that:

- Existing Open Space, including sports and playing pitches (subject to policy HW3: Protection and Provision of Indoor and Outdoor Sports Facilities), will be protected unless the requirements of paragraph 74 of the Framework are met and the findings of any published and adopted needs assessment are met.
- Existing Open Space, including sports and playing pitches (subject to policy HW3: Protection and Provision of Indoor and Outdoor Sports Facilities), will be protected unless it can be demonstrated that any proposal will not have adverse effects contrary to the landscape, biodiversity and water management requirements of the Local Plan and the requirements set out in the other criteria in this policy are met.

FLP policy HW3 relates to the protection and provision of indoor and outdoor sports facilities. Part 1 of the policy states that the Council will protect existing indoor and outdoor sports facilities unless (a-d):

- They are proven to be surplus to need, as identified in an adopted and up to date Needs Assessment; and/or
- An equivalent or better quality and quantity replacement sports facility will be created in a location well related to the functional requirements of the relocated use and its existing and future users. This would be over and above any provision made available through CIL; and/or
- The development is for an alternative indoor or outdoor sports facility the benefits of which clearly outweigh the loss of the existing sports facility, (see additional footnote below); and in all cases
- The proposal would not result in the loss of an area important for its amenity or contribution to the character of the area in general;

In addition, paragraph 97 of the NPPF indicates that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

FLP policy EC6 relates to leisure, culture and tourism development and states that these facilities will be enhanced by:

- Promoting St Annes as a classic seaside resort, based on its tourism heritage, the seafront, Promenade and Ashton Gardens, its Victorian architecture and Pier.
- Supporting the high quality regeneration of The Island Sea Front Area at St Annes and the protection of seaside resort facilities, to support wider tourism, culture and the local economy.
- Reconstruction and enhancement of the manmade coastal defences at The Island Sea Front Area, Fairhaven Lake and Church Scar in order to encourage coastal tourism and recreation and

- help maintain flood defences.
- Promoting public art and public realm works.
- Promoting beach leisure activities, coastal tourism and recreational events.

As the proposal involves the redevelopment of the children's play area and crazy golf course to the rear of the RSPB Discovery Centre as a boat storage area and the loss of 4 existing tennis courts and the basketball court to a new adventure golf course, it is required to meet the tests in FLP policies ENV3 and HW3, and paragraph 97 of the NPPF, where existing open space can be built upon.

The exceptions in criteria (b) and (c) to part 1 of FLP policy HW3 are worded to reflect similar circumstances set out in criteria (b) and (c) of NPPF paragraph 97. In essence, these policies allow existing open space to be developed provided that any losses are replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or where the proposed development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The existing children's play area between the RSPB centre and the current adventure golf course measures approximately 590 sqm in area and has three pieces of fixed play equipment aimed at young children. In contrast, the new adventure play area proposed to the east of the skate park would cover an area of 1820sqm and incorporate 5-6 pieces of play equipment aimed at ages from primary to early teenagers, including peripheral play features such as scrambling rocks and a timber fort. Given that the new adventure play area is more than double the size and incorporates more play features for a wider range of age groups in comparison to the children's play area being lost it is considered, with respect to play provision, that the loss resulting from the development would be replaced by equivalent or better provision in terms of quantity and quality, and that it would be a suitable location nearby in order to satisfy the exceptions in criterion (b) of FLP policy HW3 and paragraph 97 of the NPPF. It should also be noted that the existing 'Pirate Cove' children's play area to the west of the lake café is being retained to provide play space for younger ages.

In terms of the tennis and basketball courts, 3 of the 7 existing hard courts and the whole of the basketball court is to be redeveloped for an adventure golf course which is to replace the existing crazy golf facility adjacent to the children's play area (also to be lost to the boat storage area). This would leave 4 hard surfaced tennis courts (two of which would be refurbished) alongside the new adventure golf course.

The existing crazy golf course measures approximately 140 sqm in area and has 9 holes of simple design. In comparison, the new adventure golf course would cover an area of some 1575sqm. While precise details of its design have not been submitted at this stage (and are dealt with through condition), it is apparent that the substantially increased size of the adventure golf course would result in a significant increase in the quantity of provision for this facility within the park. While the new adventure golf course would result in the loss of an existing basketball court and 3 of the 7 existing hard tennis courts, it is apparent from representations to Sport England by the Lawn Tennis Association and Fairhaven Tennis Club that the existing hard courts are in a poor state of repair and are rarely used, to the extent that all but 2 of the existing public courts are unusable for tennis. Accordingly, while there would be a quantitative loss in tennis court provision, this would be offset by a qualitative gain through: (i) the refurbishment of the 4 remaining public hard tennis courts; and (ii) the conversion of 2 existing grass courts at Fairhaven Tennis Club to an all-weather surface in order to allow play year round. In terms of the basketball court, this is also disused and in a poor state of repair. It is also noted that Sport England have not raised any objections to the replacement of the tennis/basketball court with the adventure golf course.

Given the above, it is considered that the loss of 3 existing tennis courts and the basketball court is justified by: (i) the improved quality of provision for tennis facilities at the retained courts; (ii) the enhanced quantitative provision for adventure golf within the site; and (iii) the new adventure golf course providing an alternative sports/recreational facility whose benefits clearly outweigh the loss of the current use for tennis and basketball (having particular regard to the poor quality of that existing provision which would be replaced). In combination, therefore, the above factors are sufficient to meet the exceptions in criteria (b) and (c) of FLP policy HW3 and paragraph 97 of the NPPF.

The remaining works to refurbish the existing buildings and introduce landscape enhancements within the amenity greenspace to the fringes of the lake would assist in improving and diversifying existing provisions for outdoor sport, recreation, leisure, education and tourism at Fairhaven Lake and Gardens without prejudicing any existing activity space.

The proposed development, taken as a whole, is in compliance with the requirements of FLP policies HW3, ENV3 and EC6, and the NPPF. Therefore, the principle of development is considered to be acceptable in this case.

Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (a – o). Criteria (a), (d), (f), (g), (h), (i), (k) and (l) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Promoting community cohesion by delivering active street frontages which bring together all those who live, work and play in the vicinity.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Conserving and enhancing the built and historic environment.
- Applying Secured by Design principles to all new developments.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.

FLP policy ENV1 requires that development has regard to its visual impact within its landscape context and the landscape type in which it is situated. Criteria (a) to (e) of the policy require developments to conserve and enhance landscaped areas and features by introducing and strengthening landscaped buffers in order to limit a development's visual impact.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF

indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The site does not fall within a conservation area, nor are there any listed buildings located within its grounds. Similarly there are no designated heritage assets nearby whose setting would be affected by the proposal. Nevertheless, the former boathouse (now the RSPB discovery centre) which is the northernmost of the cluster of buildings on the fringes of the lake is included on the Council’s local list of non-designated heritage assets (reference F6) and is described as follows:

- “Unusual pagoda style boathouse designed by Herbert and William Wade and opened in 1901 for the Fairhaven Estate Company.”

Paragraph 197 of the NPPF indicates that:

- The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Similar provisions in respect of non-designated heritage assets are made in FLP policy ENV5.

The proposal includes a suite of works which cover a range of functions. The effects of the scheme’s main components are considered individually below.

Works to buildings:

The extensions and external alterations to the existing buildings are of a modest scale and would not result in any fundamental change to their overall storey height, shape or composition.

The alterations to the RSPB Discovery Centre (a locally listed building) would better reveal the building’s significance as a heritage asset through the removal of the modern false ceiling and resulting exposure of the internal roof space to public viewing. While the single storey infill extension to the southwest corner would cover an original window opening, public views of this area are already restricted from the lakeside to the east and Inner Promenade to the north by other adjacent buildings in order that this enlargement would be a discreet and unobtrusive change that would not detract from the character and style of the building, nor would it diminish its significance as a non-designated heritage asset. The extension would be constructed in matching materials and its monopitched roof profile matching that of the adjoining enlargement would result in it being seen as a continuation of the existing lean-to on the rear of the building.

The limited external alterations to existing window and door openings on the boathouse to enable its conversion to a watersports centre would, with respect to the proportions and arrangement of new glazed openings, be sympathetic to the age and character of the building and assimilate successfully with the existing building fabric. In particular, the floor-to-ceiling glazing to be located behind the folding timber doors would preserve a lightweight appearance to the façade, successfully combining historic and contemporary design features.

The operational building has very limited significance in heritage terms and is of a more functional appearance. As the only changes to this building relate to its internal subdivision to accommodate two separate users (the boat services and parks teams), the current external appearance would be unaltered and, accordingly, would have no effect on the character and appearance of the area.

The remodelling of the café to introduce covered verandas to the front and rear of the building,

along with the addition of pitched roofs above the existing flat-roofed enlargements on the front elevation and reconfiguration of fenestration (including the introduction of two bays windows to the south side and demolition of a flat-roofed toilet block to the northern elevation), would enhance the appearance of the building by bringing the modern flat-roofed enlargements in line with the pitch-roofed profile and prevailing style of the original building behind. At present, the later flat-roofed additions on the front of the café are contrasting and, in design terms, inferior features when seen alongside the slate-covered pitched roof of the remaining building. The height, pitch and profile of the roofs to cover these flat-roofed additions and the veranda extensions – with larger pediments sitting either side of a smaller, central feature – would ensure a sense of rhythm and symmetry to the lakeside façade which would complement the current (and more favourable) composition to the building's western (rear) elevation. The lakeside façade, as altered, would have a balanced and attractive appearance which seeks to more closely reflect the age and style of the original building. Similarly, the depth, proportions and design of new window openings (including the hip-roofed bays and sills and arched keystone headers to the sides of the café) would be more sympathetic to the character of the building than the existing windows. Accordingly, the proposed extensions and alterations to the café are considered to enhance the appearance of the building.

Works to sports/play areas:

The application includes the provision of a boat storage area within an enclosed compound to the rear of the boathouse and RSPB centre. Although the compound would be enclosed by 3m high fencing, this would be of a weld mesh (paladin) profile and would be fronted by hedge planting along the three sides visible from Inner Promenade. Three single storey storage containers would be provided to the centre of the yard alongside its eastern boundary, though these would be overlaid in timber and screened by additional hedge planting to either side. A condition has also been imposed to limit the height of any racking for boat storage to a maximum of 3m in order that this does not protrude above the perimeter fence line. As this part of the site is at a lower level in relation to Inner Promenade (being around 2.5m below the highway), it is seen in a 'sunken' aspect to the roadside where housing on the northern frontage is the dominant feature. In spite of that, the lack of any perimeter tree/hedge planting along this stretch of the northern boundary also leaves the site exposed in views from the highway and so it is considered that the additional hedge planting to the perimeter of the compound, and also to screen the timber clad storage containers, is necessary in order to soften the visual impact of this component of the scheme. Providing that screening is implemented, the proposed boat storage area would have no adverse impacts on the character and appearance of the street scene when viewed in the context of other roadside recreational features at Fairhaven Lake.

The timber-framed shelter adjacent to the bowling green pavilion is of a small scale and height which would sit comfortably alongside existing ancillary buildings surrounding the bowling green and the refurbishment of the existing tennis courts – including the provision 3m high of ball-stop fencing to the perimeter matching the design of that to the grass courts – would be compatible with the appearance of existing sports facilities in this area of the park.

The provision of a new adventure golf course within the area of 3 existing tennis/basketball courts would, when seen in the 'sunken' aspect to Inner Promenade and in the context of the low-level scale and height of the equipment likely to be associated with the use, have no unduly imposing or harmful appearance to the site's parkland character. Similarly, the scale, height, appearance and naturalistic materials of the adventure play area to the east side of the skate park would be compatible with the site's existing recreational character and use. Moreover, this aspect of the scheme would be screened from Inner Promenade by retained tree and hedge planting flanking the northern boundary.

Accordingly, the proposed works to enhance sports/play provision would, by virtue of their size, height, layout, siting and design, be compatible with the recreational character and function of the parkland and would not appear as dominant or incongruous features in that context when seen from Inner Promenade.

Landscaping works:

The proposed landscaping works include a combination of hard and soft landscaping to re-locate existing planting, introduce new planting, reform Mawson's Japanese Garden, create a public viewing point adjacent to the promenade (Mawson's Lookout) and provide a continuous pathway around the edge of the lake.

All the abovementioned works would assist in the restoration of historic features of the parkland and/or improve views and accessibility around the site in order to deliver positive public benefits. While the loss of some existing vegetation would arise as a result of these works, these losses would be compensated for by gains in planting elsewhere within the site and are necessary to better reveal elements of public realm and features within the part that contribute to its significance.

The proposed development, by virtue of its size, scale, height, siting, materials and design, would be compatible with the character of the site and its surroundings and its function as an asset for heritage, leisure and recreation. Accordingly, there is no conflict with the requirements of FBLP policies GD7, ENV1 and ENV5, or the NPPF.

Impact on amenity:

FLP policy GD7 (c) requires that development proposals facilitate good design by "ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed".

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

The closest dwellings are located approximately 30m to the north on Inner Promenade. These properties occupy an elevated aspect in relation to the parkland, being set *circa* 2.5m above its boundary to the highway.

Owing to the distance between neighbouring dwellings on Inner Promenade and the closest buildings within the park, combined with the screening between them and the modest scale of additions to those buildings (particularly those bordering the northern boundary), it is not considered that the proposed works to the buildings would have any undue impacts on the privacy and amenity of neighbouring occupiers through loss of outlook, overlooking or overshadowing.

While the sports/play provision works would be more prominently in view from houses on the opposite side of Inner Promenade (especially where there is a break in planting along the northern boundary), the spacing and difference in levels between the two sites, in combination with the maximum (3m) height of the equipment and enclosures associated with those aspects of the scheme and the screening to be introduced in tandem with them, would ensure that these elements of the development would not appear unduly imposing or overbearing to neighbouring occupiers when seen against the backdrop of the parkland and in the context of the lake's recreational function.

Similarly, noise arising from the facilities provided would not cause an unacceptable level of added disturbance in the context of the park's recreational function that would unduly affect the amenity of neighbouring occupiers.

Landscaping works to the southern side of the lake would not be readily visible from neighbouring dwellings and would have no appreciable effects on neighbour amenity.

Ecological effects:

Although the lake and most of the gardens are not part of a designated nature conservation site, a short swathe of dune habitat alongside the sea wall to the southwest corner of the parkland falls within the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS). The wider area of the BHS flanks the eastern, southern and western boundaries of the site. Further to the south lies the Ribble and Alt Estuary which is a designated European nature conservation site (SPA/Ramsar site), as well as a SSSI.

Criteria (a) and (d) to paragraph 170 of the NPPF state that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

In addition, paragraph 175 of the Framework indicate that LPAs should apply the following principles when determining planning applications:

- if significant harm to biodiversity 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;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

FLP policy ENV2 is split into 2 sections. The first deals with nature conservation sites and ecological networks and the second is concerned with priority species protection. With respect to section 1, criterion (a) sets out a three-tier hierarchy of nature conservation sites which lists designated sites of international, national and local importance and states that "the strongest possible protection will be given to sites of international importance, predominantly the Ribble and Alt Estuaries SPA / Ramsar site." In terms of local sites, the policy indicates that "development that would directly or indirectly affect any sites of local importance will be permitted only where it is necessary to meet an overriding local public need or where it is in relation to the purposes of the nature conservation

site.”

Criterion (b) of the policy indicates that proposals for development within or affecting the nature conservation sites listed in (a) must adhere to five principles (i – v). Criterion (c) of the policy defines what will constitute “damage to nature conservation sites and other ecological assets” in accordance with six factors.

Section 2 of FLP policy ENV2 states that “planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the development outweigh the need to maintain the population of the species in situ.” The policy indicates that where development might have an adverse effect on a priority species or habitat planning conditions or agreements will be used to mitigate these effects in accordance with four criteria (a-d).

The site’s close proximity to and functional links with nearby designated nature conservation sites means that the development has the potential to affect nature conservation sites of both international (the Ribble and Alt Estuaries SPA/Ramsar) and local (the BHS) importance. In addition, there are potential site-specific impacts concerning protected species.

International sites and Habitat Regulations Assessment:

In terms of the Ribble and Alt Estuaries SPA/Ramsar, as the proposal is not necessary for the management of a European Site, the LPA is required to undertake a Habitat Regulations Assessment (HRA) in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017. As the HRA is to be based on information provided to the LPA by the applicant, the applicant’s ecologist has prepared a ‘Shadow’ Habitat Regulations Assessment (HRA) which could be adopted by the LPA in order to fulfil its duty as a competent authority. The main purpose of the HRA is to determine whether the proposal is likely to have a significant effect on any European site alone or in combination with other plans and projects, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out (at which point any measures to mitigate these effects can be taken into account).

The Shadow HRA takes the form of a composite document which considers the effects of all three components of the development (those associated with applications 18/0499, 18/0500 and 18/0744) on the integrity of the estuary comprehensively. Natural England’s comments concerning the initial draft of the Shadow HRA (dated 09.11.18) highlighted several errors with the terminology and structure of the HRA and a lack of clarity as to the conclusions and mitigation measures associated with the appropriate assessment contained within it. Accordingly, Natural England’s advice was that the initial draft of the Shadow HRA was not compliant with the Conservation of Habitats and Species Regulations 2017 and, therefore, should not be adopted by the LPA.

Following Natural England’s comments dated 09.11.18, a revised draft of the Shadow HRA which seeks to address these issues has been submitted. The conclusions in section 12 of the updated HRA indicate that:

- The only components of the development that are likely to have significant effects (in the absence of mitigation) upon the Ribble and Alt Estuaries SPA/Ramsar are: (i) the creation of Mawson’s Lookout; (ii) the lake water supply inlet; and (iii) the dredging deposition site. Accordingly, the HRA includes an appropriate assessment of these elements.
- Components (i) and (ii) were assessed and mitigated for as part of the sea defence works applications and so no specific mitigation above and beyond that associated with the sea defence works is required for these components of the scheme. The additional dredging and

- deposition operations would have no adverse effect upon the integrity of the European site.
- No in-combination effects were found.
- Because the impacts of all works associated with applications 18/0499, 18/0500 and 18/0744, both alone and in-combination are found to have no adverse effect upon the integrity of a European site, no specific mitigation is required. However, as a precautionary measure the general mitigation principles outlined in the HRA for the sea defence works (VBA 2016, and repeated in section 10, paragraph 10.2 of the Shadow HRA) will be adhered to for all works associated with applications 18/0499, 18/0500 and 18/0744, and could be secured through planning condition.

Natural England's comments on the revised Shadow HRA are awaited. However, as the Shadow HRA concludes that the comprehensive development would have no adverse effects upon the integrity of the internally important designated nature conservation site, either alone or in combination with other plans and projects, and that no specific additional mitigation measures are required above and beyond those identified for the sea defence works, it is considered that the application can be progressed through Committee on the basis that there is no apparent conflict with the objectives of section 1 of FLP policy ENV2. This is subject to the caveat that the recommendation to grant planning permission can only be delegated to the Head of Planning and Housing providing that Natural England subsequently confirm their agreement with the conclusions and suitability of the mitigation measures set out in the revised Shadow HRA, along with any associated planning conditions.

Local nature conservation sites and priority species:

The application is accompanied by an extended phase 1 habitat survey which deals, in the main, with the lake and dredging works proposed by applications 18/0499 and 18/0744. Nevertheless, the recommendations in paragraph 5.2 of the report include measures which are also relevant to the areas of broadleaved woodland, scrub and tall ruderal vegetation located predominantly beyond the southern fringes of the lake.

In addition, the application is accompanied by a bat and nesting bird survey which includes an assessment of the potential for existing buildings and other structures within the site to support bat and bird roosts. The survey includes the following conclusions at section 4:

- During the current surveys (21st August 2018, 1st, 5th and 13th September 2018), no current, or historic evidence of roosting bats was found, in any part of the targeted buildings on the site.
- Both the RSPB Discovery Centre and café were in regular use, and both buildings were well-sealed, well maintained, and in an excellent overall condition, and as such, offered minimal potential for roosting or hibernating bats.
- The boat shed was used for the storage of boats, trailers, and other types of boating equipment, and was unheated and cold, and had neither lining nor any insulation, and therefore the building was deemed unsuitable for breeding bats. Also, as damp and frost was likely to penetrate its interior, the boat shed did not offer the optimum humidity, and stable low temperatures, that are suitable for hibernating bats. Therefore, the building was concluded to offer negligible potential as a possible bat roost.
- None of the trees and hedgerows offered any suitable roosting opportunities for bats, of any species, and therefore, all of the trees and shrubs were concluded to offer negligible potential as possible bat roosts.
- It is considered that the likelihood of a significant roost (such as a maternity roost) being established is very unlikely, with lone and/or transient roosting likelihood being negligible.
- The adjacent habitats had the potential to support low to moderate numbers of foraging

common pipistrelles, but large numbers of other species of bats was unlikely.

- Since there is currently no evidence of the presence of bat roosts within any part of the site, that any proposed constructions of new buildings on this site, will not have significant implications on the population status of local bat species. There will not be requirement for an EPS mitigation licence (as issued by Natural England).
- All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. There was potential for the trees, shrubs and other vegetation outside the site perimeter, to be used by birds for both roosting and nesting purposes, but no other active nests were found.

The bat/bird survey also includes a series of recommendations in section 5 relating to the timing of works to avoid vegetation removal during the bird breeding season, the need for further surveys if a period of 12 months elapses between the submitted survey and work commencing and compensatory planting to replace vegetation removed as part of the scheme.

GMEU have been consulted on the application and, with respect to the public realm works, agree with the conclusions and recommendations in the ecology surveys that the development would have no adverse effects on the BHS or priority species subject to the imposition of conditions relating to the timing of vegetation clearance, a CEMP and LEMP. Accordingly, there is no conflict with the requirements of FLP policy ENV2 of the NPPF in this regard.

Other matters:

Heritage implications:

The development's effects on the existing buildings within the park which are classified as non-designated heritage assets is assessed earlier in the report and, accordingly, is not repeated here. In addition to the development's effects on buildings, the submitted archaeological evaluation also identifies assets of local interest within the park, focussed mainly around the existing pergola, boathouse and café buildings, and the area for the Japanese Garden.

With respect to features of archaeological interest, paragraph 189 of the NPPF indicates that:

- Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Similar provisions in respect of non-designated heritage assets, including those of archaeological importance, are made in FLP policy ENV5.

In terms of archaeology, the submitted community heritage assessment identifies the need to undertake further excavation of the Japanese Garden, especially on and around the site of the bridge on the north bank and surrounding the steps and stepping stones in the western part of the garden. Accordingly, the LAAS have advised that, prior to any works associated with the reformation of the Japanese Lagoon Garden taking place, further targeted excavation should be undertaken in order to avoid unnecessary damage to any surviving elements of Mawson's Japanese garden and so that any original rockwork, if present, can be re-used.

LAAS have also recommend that, as some of the works to the existing buildings are likely to remove or obscure details of the structures relating to their original construction and the adaptations that have been undertaken over the years in response to their changing uses, a formal photographic

record of the interior and exterior of the buildings should be created before any works to these buildings commence.

LAAS have advised that neither of the above requirements should prevent planning permission being granted at this stage and that provisions for further targeted excavation of the Japanese Garden and a photographic record of the existing buildings can be appropriately secured through condition. Therefore, appropriate measures can be put in place through the imposition of conditions to avoid any adverse impacts on non-designated heritage assets, and to advance the understanding of features with archaeological interest at the site.

Flood risk:

Parts of the promenade, gardens and the fringes of the lake to the southern edge of the site fall within flood zone 2 as defined on the Flood Map for Planning, though the majority of the parkland is in flood zone 1.

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. This requirement is reiterated in FLP policy CL1. In addition, FLP policy CL2 requires developments to include suitable arrangements for the disposal of surface water, including the use of SUDS where appropriate.

The application is accompanied by a Flood Risk Assessment (FRA) which is supplemented by an addendum letter dated 05.10.18 submitted in response to initial comments from the Environment Agency (EA). The FRA and associated addendum letter conclude as follows:

- The site is at a low risk of flooding from all sources. However, this is a residual risk from a tidal breach event.
- The proposals involve water compatible development which is appropriate within the applicable flood zones.
- In the event of a flood, safe access / egress is provided to Inner Promenade and heading west or north, an area shown outside of the extreme fluvial flood extent on EA mapping.
- The lake water supply inlet/outlet structure already has planning permission as part of the sea defence works (application 16/1015) and is being constructed independently of the lake works application. The works are necessary to remove a foreseeable risk to the new coastal flood risk reduction asset (i.e. the stepped revetment that is replacing the sea wall around Fairhaven).
- The flow control structure will allow water to enter the lake on a calculated nine days in every lunar cycle. It is part of the three step strategy to improve the water quality of the lake the others being selective dredging and aeration of the lake.
- The proposed lake and public realm works are not contiguous with the new stepped revetments to the sea defence wall as they are set behind the new promenade. The only interface between the public realm and sea defence works relate to Mawson's lookout which involves a widening of the promenade to accommodate a proposed seating area to look out over the estuary.
- Regarding the operational side of the lake and the flow control structure, a planning condition could be placed on any lake works application requiring the applicant to submit to the Environment Agency details of how the flow control structure will be operated and maintained to retain its value as a flood risk reduction asset whilst at the same time allowing Fairhaven Lake to be recharged and retained as an ecological feature.

The EA's latest correspondence dated 02.11.18 confirms that there are no objections to the scheme on flood risk grounds subject to the imposition of a condition requiring the development to be carried out in accordance with the mitigation measures in the FRA and associated addendum letter.

Highways:

Criteria (j), (p) and (r) of FLP policy GD7 state that developments should achieve good design by:

- Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

FLP policy T5 indicates that "car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned." Policy T5 states that, in 2019, "the Council will prepare a Supplementary Planning Document (SPD) on parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde".

Concerns have been raised by neighbouring residents that the additional provision associated with the enhancement of leisure, sports and recreational facilities within the site will increase the demand for parking in the area. Off-street parking around the lake is available at Stanner Bank and St Paul's Avenue car parks. There is also a dedicated car park serving the bowling green. Additional on-street parking is available alongside the thoroughfare of Inner Promenade. It is acknowledged that, during peak season, this parking is used to capacity and overspill onto surrounding side streets occurs. It is, however, also the case that this situation is not typical of the average, year round demand for parking at the lake.

While the proposals to enhance the recreational provision within the parkland are likely to attract additional visitors, opportunities to increase parking provision at the site are limited by the protective designations within and surrounding the site, and the proposals seek to enhance and diversify the existing provision rather than to introduce new uses/buildings that would, in themselves, give rise to a significant increase in visitor traffic. Moreover, the site is also readily accessible by modes of transport other than private car. It is noted that the Local Highway Authority have not objected to the application on the grounds of adverse effects on highway capacity, safety or a lack of parking. Accordingly, it is not considered that the development would conflict with the requirements of FLP policies GD7 and T5, or the NPPF in this regard.

Conclusions

The application relates to the site of Fairhaven Lake and Gardens located between Inner Promenade and the sea wall bordering the Ribble and Alt estuaries. The proposal forms part of a wider programme of landscape enhancements at Fairhaven Lake and relates specifically to a suite of works to improve the buildings and open spaces surrounding the lake (the 'public realm works application').

The proposed public realm works would enhance the recreational and tourism offer at the site through improvements to existing buildings and the public realm, improving the functionality, quantity and quality of provision for sports-related activities and affording greater opportunities for leisure while respecting the character and style of existing buildings and the setting of the lake.

The proposed works would be compatible with the character and appearance of the site and its surroundings and would enhance its use for sporting and recreational purposes. The siting and scale of the development would have no adverse effects on the amenity of neighbouring occupiers, nor would any harmful ecological impacts arise to surrounding designated nature conservation sites or protected species. The development would have no adverse effects on the significance of heritage assets, would not increase the risk of flooding at the site or elsewhere and would not have a severe impact on the capacity or safety of the surrounding highway network.

Given the above, the proposal is considered to represent sustainable development in accordance with relevant adopted policies contained within the FLP, and the provisions of the NPPF.

Recommendation

That authority is delegated to the Head of Planning and Housing to GRANT planning permission subject to the following:

- The Local Planning Authority's adoption of a suitable Habitat Regulations Assessment which, in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017, demonstrates that the proposed development (including, where necessary, appropriate mitigation measures to be incorporated as part of it) will not have an adverse impact on the integrity of the Ribble & Alt Estuaries Ramsar site either alone or in combination with other plans or projects, including written confirmation of the same from Natural England; and
- The following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Regeneration believes is necessary to make otherwise unacceptable development acceptable, having particular regard to any additional conditions that may be requested by Natural England in order to meet the requirements in (i) above):

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

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

2. This permission relates to the following plans:

Drawing no. 310-RYD-XX-XX-DR-L-2030 – Location plan.

Drawing no. 310-RYD-XX-XX-DR-L-2200 – Ownership and planning application boundaries (Land).

Drawing no. 310-RYD-XX-XX-DR-L-2031 – Key elements location plan.

Drawing no. 310-RYD-XX-XX-DR-L-2101 Rev E – Landscape masterplan.

Drawing no. 310-RYD-XX-XX-DR-L-2020 – Stage 2 – General Arrangements Sheet 1 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2021 – Stage 2 – General Arrangements Sheet 2 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2022 – Stage 2 – General Arrangements Sheet 3 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2023 – Stage 2 – General Arrangements Sheet 4 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2024 – Stage 2 – General Arrangements Sheet 5 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2025 – Stage 2 – General Arrangements Sheet 6 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2026 – Stage 2 – General Arrangements Sheet 7 of 10.

Drawing no. 310-RYD-XX-XX-DR-L-2027 - Stage 2 – General Arrangements Sheet 8 of 10.
 Drawing no. 310-RYD-XX-XX-DR-L-2028 - Stage 2 – General Arrangements Sheet 9 of 10.
 Drawing no. 310-RYD-XX-XX-DR-L-2029 - Stage 2 – General Arrangements Sheet 10 of 10.
 Drawing no. 310-RYD-XX-XX-DR-L-2114 – Path works plan.
 Drawing no. 310-RYD-XX-XX-DR-L-7101 - Proposed 2m Wide Path with Flat Top Kerb Edging.
 Drawing no. 310-RYD-XX-XX-DR-L-2104 – Boat storage park.
 Drawing no. 310-RYD-XX-XX-DR-L-7100 – Bowling green shelter.
 Drawing no. 310-RYD-XX-XX-DR-L-2106 – Tennis courts and picnic lawns areas.
 Drawing no. 310-RYD-XX-XX-DR-L-2014 – Adventure play Russell play option.
 Drawing no. 310-RYD-XX-XX-DR-L-2105 – The event lawns.
 Drawing no. 310-RYD-XX-XX-DR-L-2103 – Japanese garden.
 Drawing no. 310-RYD-XX-XX-DR-L-2112 – Mawson’s Lookout.
 Drawing no. 310-RYD-XX-XX-DR-L-2113 – Removal plan.
 Drawing no. 2000 Rev 1 – Site plan as proposed.
 Drawing no. 2006 Rev 3 – Watersport centre as proposed – plans ground.
 Drawing no. 2007 Rev 1 – Watersport centre as proposed – plans loft.
 Drawing no. 2203 Rev 0 – Watersport centre as proposed – elevations 01 and 02.
 Drawing no. 2204 Rev 0 – Watersport centre as proposed – elevations 03 and 04.
 Drawing no. 2102 Rev 2 – Watersport centre as proposed – sections AA, BB and CC.
 Drawing no. 2011 Rev 4 – Café pavilion as proposed – plans ground.
 Drawing no. 2012 Rev 2 – Café pavilion as proposed – plans reflected ceiling.
 Drawing no. 2013 Rev 0 – Café pavilion as proposed – plans roof.
 Drawing no. 2205 Rev 1 – Café pavilion as proposed – elevations.
 Drawing no. 2206 Rev 2 – Café pavilion as proposed – elevations.
 Drawing no. 2104 Rev 4 – Café pavilion as proposed – sections CC and DD.
 Drawing no. 2103 Rev 2 – Café pavilion as proposed – sections AA and BB.
 Drawing no. 2001 Rev 3 – Pagoda as proposed – plans ground.
 Drawing no. 2002 Rev 0 – Pagoda as proposed – plans reflected ceiling.
 Drawing no. 2202 Rev 1 – Pagoda as proposed – elevations side (south) and side (north).
 Drawing no. 2201 Rev 0 – Pagoda as proposed – elevations front (east) and rear (west).
 Drawing no. 2101 Rev 0 – Pagoda as proposed – sections AA and BB.

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

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

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

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

4. Any racked storage of boats within the external boat storage area shown on drawing no. 310-RYD-XX-XX-DR-L-2104 shall not exceed 3 metres in height.

Reason: To ensure that boats stored in this roadside location are appropriately screened from Inner Promenade and do not protrude above the perimeter fence to the boat storage area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

5. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- hours of work for site preparation, delivery of materials and construction;
 - arrangements for the parking of vehicles for site operatives and visitors;
 - details of areas designated for the loading, unloading and storage of plant and materials;
 - details of the siting, height and maintenance of security hoarding;
 - arrangements for the provision of wheel washing facilities for vehicles accessing the site;
 - a) measures to control the emission of dust and dirt during construction;
 - b) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer should identify times when trips of this nature should not be made);
 - c) The routing of vehicle traffic carrying plant and materials to and from the site;
 - d) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall thereafter be carried out in full accordance with the duly approved CMS.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties and to avoid obstruction of the surrounding highway network during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the following documents: (i) the Flood Risk Assessment by Waterco Consultants titled 'Fairhaven Marine Lake' dated July 2018 (document reference w10706-180713-FRA); and (ii) the Flood Risk Assessment addendum letter by Ryder Landscape Consultants dated 5 October 2018 (Ref: 17-310/ltr003sr).

Reason: In order that appropriate measures are put in place to ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere, in accordance with the requirements of Fylde Local Plan to 2032 policy CL1 and the National Planning Policy Framework.

7. No development (including any works of clearance/preparation) associated with the construction of the two all-weather tennis courts hereby approved (the locations of which are shown on drawing no. 310-RYD-XX-XX-DR-L-2106) shall take place until details of their specification and construction have been submitted to and approved in writing by the Local Planning Authority. The two all-weather tennis courts shall thereafter only be constructed in accordance with the duly approved details.

Reason: To ensure that the all-weather tennis courts meet the appropriate standard and are fit for purpose in order to ensure adequate compensation for the loss of tennis court provision at the site in accordance with the requirements of Fylde Local Plan to 2032 policies HW3 and ENV3, and the National Planning Policy Framework.

8. No development associated with the construction of the bowling shelter shown on drawing no. 310-RYD-XX-XX-DR-L-7100 shall take place until precise details of its siting and layout have been submitted to and approved in writing by the Local Planning Authority. The bowling shelter shall thereafter be constructed in accordance with the duly approved details.

Reason: For the avoidance of doubt and as no such details have been provided with the application, in order to ensure that the location and layout of the shelter is sympathetic to the character and appearance of the area and does not have the potential to adversely affect the privacy and amenity of neighbouring occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

9. No development associated with the construction of the adventure golf area and the adventure golf control building shown on drawing no. 310-RYD-XX-XX-DR-L-2106 shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) The size, height, layout, siting, materials and design of all equipment associated with the construction of the adventure golf course.
- b) The size, height, layout, siting, materials and design of the adventure golf control building.

The adventure golf area and the adventure golf control building shall thereafter be constructed in full accordance with the duly approved details.

Reason: For the avoidance of doubt and as no such details have been provided with the application in order to ensure that the scale, layout and appearance of the adventure golf area (including its associated buildings and equipment) is sympathetic to the character of the area and does not have the potential to adversely affect the privacy and amenity of neighbouring occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

10. No development (including any works of site clearance/preparation) associated with the reformation of the Japanese Lagoon Garden (the details of which are shown on drawing no. 310-RYD-XX-XX-DR-L-2103) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

- a) Nomination of an appropriately qualified and experienced professional archaeological contractor to undertake the work set out in the approved WSI in compliance with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA).
- b) A phased programme and methodology of site investigation and recording to include a targeted archaeological excavation of the former (original) Japanese Garden.
- c) A programme for post investigation assessment to include analysis of the site investigation records and finds, and production of a final report on the significance of the archaeological interest represented.
- d) The retention and/or re-use of any of the Japanese Garden's original rockwork, if still present, as part of the development.
- e) Provision for publication and dissemination of the analysis and report on the site investigation.
- f) Provision for archive deposition of the report, finds and records of the site investigation.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works associated with the reformation of the Japanese

Lagoon Garden in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

11. No development associated with the building works to the pagoda, café and/or boathouses (annotated as items 1-4 on drawing no. 310-RYD-XX-XX-DR-L-2101) shall take place until a Written Scheme of Investigation (WSI) setting out a programme and timetable of building recording has been submitted to and approved in writing by the local planning authority. The WSI shall include:
- a) Nomination of an appropriately qualified and experienced professional contractor to undertake the work set out in the approved WSI in compliance with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA).
 - b) A programme of works comprising the creation of a photographic record of the pagoda, pavilion café and boathouses as set out in Historic England's publication: 'Understanding Historic Buildings' (2016).
 - c) Full photographic coverage, internally and externally, of each of the buildings mentioned in b) above and a plan indicating the location and orientation of the photographs.
 - d) Provision for publication, dissemination and archive deposition of the photographic record.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works on the buildings in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

12. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird breeding season (March to 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 any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

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

13. No clearance of any vegetation in preparation for or during the course of development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of:
- a) All trees, hedges and any other vegetation to be removed, with any such removals being limited to the areas shown on drawing no. 310-RYD-XX-XX-DR-L-2113;
 - b) All trees, hedges and any other vegetation which is to be retained;
 - c) Compensatory planting to replace any trees, hedges or other vegetation which is to be removed as part of the development;
 - d) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (ii) or (iii); and
 - e) the type, size, species, siting, planting distances and the programme of planting of hedges,

trees and shrubs.

- f) A timetable for implementation.

The duly approved landscaping scheme shall be carried out in accordance with the timetable contained therein and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To clarify the extent of vegetation removal to be carried out in connection with the development and to ensure that appropriate compensatory planting is introduced to offset the effects of vegetation removal in the interests of visual amenity and to ensure appropriate gains in biodiversity in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1 and ENV2, and the National Planning Policy Framework.

- 14. No development, ground works or vegetation clearance shall take place until a Construction Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) A risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The duly approved CEMP shall be implemented concurrently with the construction of the development and shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on surrounding designated nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

- 15. No development, ground works or vegetation clearance shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:

- a) A description and evaluation of features to be managed.
- b) An analysis of ecological trends and constraints on the site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule and timetable for implementation (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation.
- h) Arrangements for ongoing monitoring and remedial measures, including how contingencies and/or remedial action will be identified, agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, so

that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- i) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The development shall thereafter be carried out in full accordance with the duly approved LEMP and the timetable, monitoring and remedial measures contained therein.

Reason: To ensure that appropriate measures are put in place to provide net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures and to mitigate the development's effects on existing features of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0500	Address Fairhaven Lake and Gardens, Inner Promenade, Lytham St Annes	Grid Ref. E.3339 : N.4273	Scale 0 25 50 75 100 m

Item Number: 5

Committee Date: 12 December 2018

Application Reference:	18/0571	Type of Application:	Change of Use
Applicant:	C/O Agent	Agent :	WBD
Location:	NAZE LANE GARAGE, NAZE LANE EAST, FRECKLETON, PRESTON, PR4 1US		
Proposal:	CHANGE OF USE OF PARKING AREA ASSOCIATED WITH GARAGE FOR THE SITING OF 34 SHIPPING CONTAINERS FOR GENERAL STORAGE USE		
Ward:	FRECKLETON WEST	Area Team:	Area Team 1
Weeks on Hand:	22	Case Officer:	Andrew Stell
Reason for Delay:	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7453861,-2.8649051,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a car repair garage and MOT centre located within the Naze Lane Industrial Estate at Freckleton. The actual site is land to the side of the garage building that has historically been used for the storage of vehicles awaiting repair and restoration and so has not been in particularly active use.

The proposal is to clear these vehicles and position a series of 34 shipping containers on the site with the intention that these be available for rent for storage, with typical customers being tradesmen wanting a tool storage area, or domestic storage.

The scheme has been revised since submission to reduce the number of containers and to provide improved clarity over the parking arrangements for the site to establish if the loss of this area to the car garage / MOT business will cause any off-site parking or other issues. The officer view is that the scheme is now acceptable and will allow this area of the employment allocation to be in a productive use without causing any highway safety, residential amenity or other harmful impacts. The scheme is therefore in accordance with Policy EC1 of the Fylde Local Plan to 2032 that establishes the area for employment use, Policy EC2 which confirms it should be retained in employment uses including the B8 use under this application, and Policy GD7 which relates to the general design and amenity considerations of development proposals. Accordingly the application is recommended for approval subject to a series of conditions including the landscaping of the site, the layout and use of the parking areas and the timing at which the site can be accessed.

Reason for Reporting to Committee

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

Site Description and Location

The application site is a car repair garage located within the Naze Lane industrial Estate at Freckleton. The site is outside of the defined settlement boundary within countryside, but is allocated for employment purposes in the adopted Fylde Local Plan to 2032.

The site trades as a vehicle repair garage and MOT station from the existing building on site, with this application relating to an area to the side that appears to be used for storage of repaired and accident damaged vehicles as well as for the storage of a small number of unauthorised containers.

Surrounding land uses are commercial with Polytank to the rear, Walton's Coaches to the side and with the residential dwellings on The Crescent across the access road to the front. That access road is unadopted and seemingly owned by Polytank. It is unsurfaced and in a rough condition.

Details of Proposal

The application proposes that the land to the side of the existing building be used to site 2 rows of 34 storage containers with these available for general storage use unrelated to the garage / MOT business. The scheme proposes that they are located with one row to back on to the building, and the other to face it across a central yard and back to the site boundary. The frontage of the site is to remain open to allow for parking.

The application form indicates that the containers are to be 'new and blue in colour'. A series of CCTV cameras are to be fitted to cover the whole site, with the site access and management arrangements shared with the car garage use.

This is a revision from the original submitted proposal which was for a double storey of smaller containers that gave a total of 92 containers. The scheme has also been revised to indicate that the area to the front of the site is to be retained for garage / MOT parking with a total of 9 spaces provided, and parking for the containers to be in front of them. The applicant has also provided other areas of clarification including that the containers are only to be accessible via the existing site access, that this is only accessible during 'office hours' and that the storage use is envisaged to be undertaken by those wanting domestic storage and tradesmen.

Relevant Planning History

Application No.	Development	Decision	Date
16/0025	SINGLE STOREY SIDE EXTENSION TO EXISTING VEHICLE REPAIR GARAGE	Granted	22/04/2016
02/0335	VARIATION OF CONDITIONS NO 2 & 3 ON PLANNING PERMISSION 81/650 TO ALLOW DISMANTLING AND SALES OF PARTS AND REPAIR OF ACCIDENT DAMAGED VEHICLES	Granted	07/08/2002
81/0650	CHANGE OF USE: JOINERY TO WAREHOUSE, STORAGE AND DIST. ACCIDENT DAMAGED VEHICLES.	Granted	16/09/1981

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified of original proposal on 17 July 2018 and comment:

"Are against this application for the following reasons.

- a) *The containers will take up all car parking causing overspill of cars to park on the road.*
- b) *The councillors cannot comprehend why an application would be submitted for such a large amount of containers in such a small area.*
- c) *There is no indication of where or how the containers will be sited and what provisions will been made for accessing the containers?*
- d) *Poor access to the site."*

Their views were sought on the revised proposal and are:

"The parish council are against this application due to the access road being very narrow and there is nowhere to park."

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

They commented on the initial proposal to advise:

"As this proposal is in the Glidepath sensitive area, we would require a computer modelling exercise to be carried out. Until that time, BAE Systems objects to this application."

The revised proposal does not provide this information, but does reduce the height of the proposed development to a single height of container. BAE were reconsulted to establish if the change in scale alters their opinion, and they comment:

"Following our telecom this morning, I can confirm that, after further discussion with our technical team, our objection to the above planning application has been removed."

Ministry of Defence - Safeguarding

No safeguarding objections

Lancashire County Council - Highway Authority

Comment on the initial proposal to ask a series of operational queries relating to the extent of parking retained for the MOT garage, the access arrangements for the upper level, the storage of any fork lift truck to be used, the parking arrangements for the users of the storage facility and garage, etc.

These queries were amongst issues queried with the agent who provided a revised scheme with parking clarified and a single level of containers. As such further comments were sought from the highway authority and are:

"LCC Highways does not have any objections regarding the proposed change of use and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site."

Neighbour Observations

Neighbours notified:	17 July 2018
Amended plans notified:	14 August 2018
Site Notice Date:	18 July 2018
Press Notice Date:	N/A
Number of Responses	Initial scheme attracted 6 comments. Revised attracted 4 comments
Summary of Comments	The respondents have all raised objection summarised below.

The owner of the track that leads from Naze Lane to the garage entrance to the application property has written to advise that they strongly object to the application. They refer to issues in recent years over indiscriminate and unauthorised parking on it which has affected its width. They have had to resort to legal action to address these issues and so allow each of the access points to be utilised without obstruction. They also raise some queries over the scope and operation of the scheme as originally submitted, and comment that the limited space available within the garage site means that they use the roadway outside when 'shunting vehicles around' and that this causes issues for others wishing to use the track for access.

Nearby residents refer to:

- The highway leading to the industrial estate is unsuitable for the amount of HGV and other traffic that it takes and this will make matters worse by increasing usage.
- The level of vehicle use of the road causes congestion and has safety implications given that it serves employment, residential and agricultural uses.
- The access track from Naze Lane is of a clearly substandard construction for the use expected of it, with this development making no contribution to its upgrade.
- There are no pedestrian facilities on the road and the increased usage will cause further safety concerns. This is compounded by the increased pedestrian use of the lane since the Donkey Creek caravans site opened.
- The unsurfaced road creates dust and noise issues when used
- The garage parking needs already overspill to the access track and the loss of this area for parking will only create further issues from this parking.
- There is no screening for the development proposed and this is a clear issue if the containers are double height.
- The potential for 24 hour use will cause disturbance to neighbours
- There is no detail of the nature of the items to be stored within the containers.
- The proximity of the development to the airfield could create flight safety concerns.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD7	General Design Principles
EC1	Overall Provision of Empty Land and Existing Sites
EC2	Employment Opportunities

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The key policy position is the employment allocation in the adopted Fylde Local Plan to 2032. This rolls forward the employment allocation of the area in the now-superseded Fylde Borough Local Plan.

The Fylde Local Plan to 2032 confirms that the Naze Lane site is a development site that is outside of the strategic locations where development will be supported under Policy SL5, and is allocated under Policy EC1 which relates to Existing Employment Sites and confirms that the B1, B2 and B8 uses are acceptable. Policy EC2 then confirms that these employment uses are to be retained on these sites. Policy GD7 assists by providing guidance on the general design principles of a development and so deals with matters such as the appearance, access, parking, and amenity considerations of a development of this nature.

Principle of Development

The proposed siting of storage containers is a Class B8 use that is acceptable in principle when assessed against the adopted Local Plan policies which are supportive of those uses. However, this alone is not sufficient to allow the application to be granted planning permission, as it is necessary to consider the wider implications of the development to ensure accordance with the Plan as a whole and the NPPF which underpins all planning decisions. These are therefore assessed in the remainder of this report.

Impact on Existing Uses

A key requirement of Policy EC2 is that it seeks to retain the continued use of current employment sites. In this case the site is in active use as a car repair garage and MOT station which is a Class B2 use that is well-suited to an industrial estate location such as this. The applicant has clarified that he intends to continue to operate that business and sees this proposal as an extension to his use of the site by making a more effective use of the land than its current use which is largely to store redundant vehicles and those which were intended to be subject to future restoration.

From officer site visit it was clear that the majority of the application site does not provide any significant role in the car repair business. The main areas of the site that are used for that business

are the building and the area forward of it where customer vehicles were parked and being manoeuvred. The latest revised plans retain this area for parking and manoeuvring space for the car repair business and so it is accepted that the loss of the area of the application site from that business will not harm its on-going viability. A condition could be imposed to ensure that this area is retained for that business, rather than for the containers / storage use.

Access / Parking Arrangements

- Network Capacity - Naze Lane Industrial Estate is served off Naze Lane East which is an adopted highway and whilst it is narrow and has limited footways and lighting, the designation of the Industrial Estate for employment purposes must have considered that it is suitable for the frequent and large vehicle movements that are likely to be attracted to a site of this nature. A storage use is the form of industrial use that attracts the least possible number of vehicle movements from its operation and as such the likely increased use of the highway network from this development is expected to be negligible. Accordingly it is not considered that highway capacity is a justifiable concern with this development.
- Access route condition - The site is not directly accessed from the adopted highway, but relies on a track of around 50m in length that is unsurfaced and in private ownership. This serves the existing MOT business, a number of coach businesses beyond it and 4 residential properties on The Crescent. This track is outside of the red edge to the application. The applicant has referred to undertaking works to improve its condition but these cannot be controlled due to his lack of ownership of the road, although he has confirmed that he has a legal right to use it for access for his business needs. The track is poorly constructed with no metalled surface, no drainage and a rutted surface with numerous potholes. The proposed use is designed to attract additional movements to the site but with these being associated with a storage use they will generally be infrequent and so the adequacy of this track is not considered to be a matter that can justify a refusal of the application. It is however understood that the applicant is to discuss measures to improve its repair with the owner to assist not only his business, but that of the neighbouring businesses and the residential dwellings.
- Parking levels – The application site occupies the area to the side of the garage building and at site visits has been largely occupied by redundant vehicles. There is an area to the front of this which is used for customer, staff and visitor parking at present. The initial submission indicated a shared use of this area for the garage and storage use without clarifying the extent available for each use. This has been further clarified to indicate that the area will be entirely retained for the customer parking needs of the garage, with staff parking to be provided in an area to the side of that building and the storage parking provided within the area of the containers. The garage customer parking provides 9 spaces that are all readily accessible, with the other parking in a row so reliant on cooperation of the staff and storage users. The parking levels and layout have been an area of discussion as early site visits and neighbour representations highlighted that the garage use is spilling onto the access track outside the site. However, at more recent visits this area has been clear of vehicles as a consequence of the efforts of its owner with the garage seemingly able to continue to operate within its curtilage. With the proposed layout providing better order to the operation of areas within the site and the limited vehicle movements associated with a storage use it is considered that the parking arrangements are acceptable in number and layout and would allow the use to operate without causing off-site parking. This needs to be controlled by condition to any planning permission.
- Summary – The proposal as first submitted and assessed on site gave significant concerns in this respect. However, with the reduction in the scale of the storage use that is proposed, the

latter visits that have confirmed that the access track can be retained clear of vehicles, and the greater clarity over the parking levels and layout it is now considered that the access and parking arrangements are acceptable. This is a key requirement of Policy GD7 and is therefore concluded that the proposal complies with that policy in this respect.

Visual Impact

The site is clearly part of an industrial estate with a range of single and two storey buildings around that are utilitarian in their appearance. There is minimal landscaping in the area and galvanised palisade fences are a common feature. The initial proposal of a two storey bank of containers would have been particularly harsh even in this context, but given that the scheme now under consideration is reduced to a single storey it is not considered that there are any overriding visual concerns with the proposal. A condition could be imposed to ensure that the containers are a consistent colour such as the blue quoted in the application, and as a consequence it is considered that the visual impact is acceptable.

Neighbour Amenity

There are a number of properties across the access track to this application site. These properties are very closely associated with the employment site, and as a consequence it is likely that they are already subject to lower levels of residential amenity than would be the case in a rural or suburban location. The existing vehicle repair and coach hire operations in close proximity to these properties will bring early morning disturbance and a level of daytime noise and odour.

A storage use is generally a benign activity that is less likely to cause disturbance than other forms of employment use. However, in this case the use of metal storage containers can provide particular noise levels that would be unacceptable at the proximity involved were they to be undertaken outside of normal trading hours. In this regard the applicant has clarified a number of key elements of the operation. These are that the storage containers will only be accessible through the main gates to the site, and that access will only be available between 8.30 – 18.00 weekdays and on Saturday mornings.

With planning conditions imposed to ensure that these hours are complied with the relationship to neighbouring properties and the amenity of their occupiers will be acceptable and comply with Policy GD7.

Air Safety

The site is located in close proximity to the operation runway at BAE Systems, and as a result they are a statutory consultee on all applications. In this case they were consulted on the original application for double height containers and highlighted the potential for impact on their ILM Glidepath system which is a key element of ensuring that landings at the site are undertaken safely. They requested that technical information be provided to ensure that the initial proposal did not impact on this system.

That information has not been provided, but with the scheme being reduced to a single level of container they removed their objection. It is therefore the case that there are no longer any air safety issues that could justify a refusal of the application.

Other Matters

- Land ownership – the owner of Polytank has written to advise that they own the application site and the road. They refer to a legal right for the applicant to pass over the road, but not to park on it and that they feel the layout shown will lead to parking on the road which would not be

permitted. This is a legal issue that would need to be resolved privately between the applicant and landowner, and has been assessed in the parking section of this report.

- Drainage – The application site area is gravel surfaced and so will drain by infiltration. The application does not involve any revision to this and so there are no issues raised by this.
- Ecology – The industrial site is in a rural area and is surrounded by land that is designated as Countryside in the Local Plan. However, the actual application site is developed through the surfacing of it and use for parking vehicles and it is not considered that there are any matters of ecological importance raised by the application.

Conclusions

The application site is a car repair garage and MOT centre located within the Naze Lane Industrial Estate at Freckleton. The actual site is land to the side of the garage building that has historically been used for the storage of vehicles awaiting repair and restoration and so has not been in particularly active use.

The proposal is to clear these vehicles and position a series of 34 shipping containers on the site with the intention that these be available for rent for storage, with typical customers being tradesmen wanting a tool storage area, or domestic storage.

The scheme has been revised since submission to reduce the number of containers and to provide improved clarity over the parking arrangements for the site to establish if the loss of this area to the car garage / MOT business will cause any off-site parking or other issues. The officer view is that the scheme is now acceptable and will allow this area of the employment allocation to be in a productive use without causing any highway safety, residential amenity or other harmful impacts. The scheme is therefore in accordance with Policy EC1 of the Fylde Local Plan to 2032 that establishes the area for employment use, Policy EC2 which confirms it should be retained in employment uses including the B8 use under this application, and Policy GD7 which relates to the general design and amenity considerations of development proposals. Accordingly the application is recommended for approval subject to a series of conditions including the landscaping of the site, the layout and use of the parking areas and the timing at which the site can be accessed.

Recommendation

That Planning Permission be GRANTED subject to the following conditions and reasons:

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

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

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

- Location Plan - W-BD Drawing 04215 101
- Proposed Site Plan and Elevations - W-BD Drawing 04215 201 Rev B

Reason: To provide clarity to the permission.

3. Prior to the first use of any of the containers hereby approved the parking area shown on the site plan approved under condition 2 of this planning permission shall be laid out as shown on that

plan with all spaces indicated made available and then retained available for parking associated with the respective uses as indicated on that plan.

Reason: To ensure that an appropriate level and arrangement of parking is provided on the site in the interests of highway safety and neighbouring amenity as required by Policy GD7 of the Fylde Local Plan to 2032.

4. The only access to the storage containers shall be through the gate indicated on the site plan approved under condition 2 of this planning permission, and access shall only be available between the hours of 8.30 to 18.00 Monday to Fridays (inclusive) and between 8.30 and 13.00 on Saturdays with no access available on Sundays and Bank Holidays.

Reason: To ensure that an appropriate control is provided over the access to the site to minimise the potential for disturbance to neighbouring residents as required by Policy GD7 of the Fylde Local Plan to 2032.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the storage containers hereby approved shall be used for Class B8 storage purposes only (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) only, and for no other purpose.

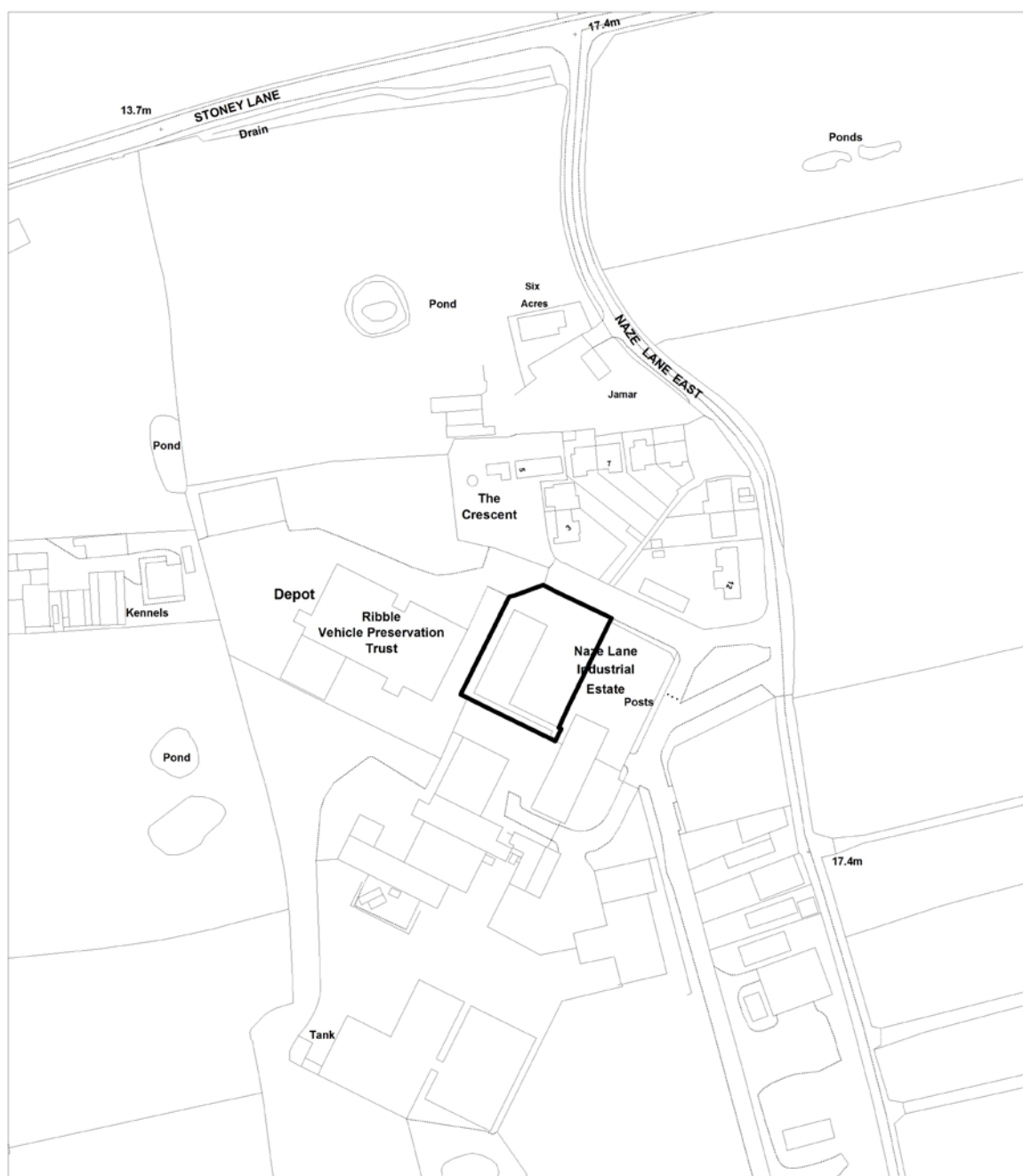
Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of the National Planning Policy Framework.

6. The storage containers hereby approved shall all be coloured blue as specified in the submitted details in support of the application.

Reason: In order to provide a consistency of appearance of the development in the interests of the character of the area as required by Policy GD7 of the Fylde Local Plan to 2032.

7. The storage containers hereby approved shall not exceed 34 in number, shall be located in accordance and as shown on the approved site plan W-BD Drawing 04215 201 Rev B, and shall be single storey at all times.

Reason: For reasons of safety and in the interests of the visual amenities and character of the area as required by Policy GD7 of the Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0571	Address Naze Lane Garage, Naze Lane East, Freckleton	Grid Ref. E.3429 : N.4280	Scale 0 10 20 30 40 m

Item Number: 6

Committee Date: 12 December 2018

Application Reference:	18/0696	Type of Application:	Change of Use
Applicant:	Blackhill Apartments Ltd	Agent :	
Location:	21 RICHMOND ROAD, LYTHAM ST ANNES, FY8 1PE		
Proposal:	CHANGE OF USE OF BUILDING FROM HOTEL (USE CLASS C1) TO 7 SELF-CONTAINED HOLIDAY LET APARTMENTS (USE CLASS C3) INCLUDING DEMOLITION OF EXISTING STORE ROOM TO GROUND FLOOR AND INSERTION OF ADDITIONAL GROUND AND SECOND FLOOR WINDOWS ON SOUTH WEST FACING (SIDE) ELEVATION		
Ward:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	13	Case Officer:	Alan Pinder
Reason for Delay:	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/@53.749532,-3.0281556,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application proposes the change of use and conversion of a nine bedroomed hotel which is located within the settlement area of St Annes to form seven holiday apartments.

The property is not located within a designated holiday area and hence the principle of the change of use does not conflict with policy EC7 of the adopted Fylde Council Local Plan to 2032 which seeks to preserve serviced tourism accommodation in that use.

External facilitating works are limited to the insertion of secondary windows into the side elevation, and an appropriate condition requiring obscure glazing would mitigate against potential overlooking of neighbouring apartments.

The location of the property on the boundary of St Annes town centre is such that it has good accessibility to public transport access points.

Overall the proposed change of use is considered to accord with the relevant policies of the adopted Fylde Local Plan to 2032 and the St Annes Neighbourhood Plan, and with the aims of the NPPF. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

The application site is 21 Richmond Road, St. Annes which is a three storey end of terrace property located on the south side of Richmond Road close to the junction with Orchard Road. The current lawful use of the property is as a hotel. The neighbouring properties are a mix of residential and commercial. The plot immediately to the west of the application site, known as The Gables, has permission for 19 no. apartments (ref. 16/0639) and these are currently under construction.

The site is within the settlement as designated in the adopted Fylde Local Plan to 2032 and the St. Annes on the Sea Neighbourhood Development Plan 2015-2030. The site does not fall within any other designations of either plan.

Details of Proposal

Planning permission is sought for the change of use and conversion of a nine bedroomed hotel to seven one-bedroomed holiday apartments, and formation of new fenestrations at first and second floor in the side (south west facing) gable of the property.

Relevant Planning History

Application No.	Development	Decision	Date
17/0578	CHANGE OF USE FROM HOTEL TO 4 NO. HOLIDAY APARTMENTS INCLUDING INSTALLATION OF ADDITIONAL WINDOWS TO SIDE ELEVATION AND REMOVAL OF DORMER WINDOW TO REAR	Granted	01/09/2017
80/0586	CHANGE OF USE: PRIVATE DWELLING INTO PRIVATE HOTEL (REGULARISING APPLICATION).	Granted	25/06/1980

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 18 September 2018 and comment:

Object to the application for the following reasons:

- *Insufficient parking on site for the number of holiday apartments*
- *Proposal is against policy E7 of the St Annes Neighbourhood Plan, which seeks to restrict holiday accommodation to serviced accommodation only in order to prevent hotels being redeveloped as a first step towards residential accommodation*
- *The size and arrangement of the rooms appears very cramped and unsatisfactory*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objections

Neighbour Observations

Neighbours notified:	18 September 2018
Site Notice Date:	16 October 2018
Number of Responses	None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC7	Tourism Accommodation

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Principle of development

The acceptability of the principle of a change of use of this hotel to holiday apartments has previously been established under an earlier planning permission from 2017 (ref. 17/0578). That permission remains extant and a valid fall-back position, and since approved there have been no relevant material changes to planning policy that would otherwise reverse the acceptability of that permission.

Policy EC7 of the Fylde Local Plan includes a section relating to 'Holiday Areas' which states: *"Loss of serviced tourism accommodation either to non-serviced accommodation or to other uses in these areas will be resisted."* Similarly, Policy E7 of the St Annes Neighbourhood Plan states that: *"Within the Holiday Areas, as defined on the Policies Map, the change of use from serviced tourism accommodation will be resisted."*

The application site is not located within a designated 'holiday area' in either plan and is simply within the settlement areas of both. Thus the proposed change of use does not conflict with either of these development plan policies. The statement made by St Annes Town Council on this is therefore incorrect.

Visual amenity

The property as a whole currently has a 'tired' appearance. The works required for the proposed change of use will result in an enhanced appearance that benefits the visual amenity of the area. Whilst the proposal includes some fenestration changes to the rear west elevation of the property these are not of such an extent that the character and appearance of the property would be materially altered or harmed. Accordingly the proposal is considered to accord with policy GD7 of the adopted Fylde Local Plan to 2032.

Neighbour Amenity

In regard to the impact on neighbours, the proposed flats are to be located in an area which has a mix of residential and commercial uses. Within this context, and given the existing lawful use of the property as a hotel, it is not considered that the proposed holiday apartment use would create any inappropriate amenity issues for neighbouring properties. The scheme does include the provision of new windows into the west facing side gable at first and second floor level and these would face towards the habitable windows of the neighbouring apartment block currently under construction. The separation distance between these windows would be approximately 13 metres and so there is potential for these windows to create an overlooking issue for occupiers of both properties. However the new windows at second floor would be secondary windows serving a bedroom and lounge area, and the other windows at first and second floor would serve bathroom areas. As such the use of obscure glazing for all four new windows would not be unreasonable or unacceptable, and would mitigate against direct views into the habitable windows of the apartment block. An appropriate condition to this effect would be attached to the permission if approved.

Overall it is considered that the proposal will not result in detriment to neighbour amenity and thus accords with policy GD7 of the adopted Fylde Local Plan to 2032.

Parking/highway issues

One of the concerns raised by St Annes Town Council is that there is insufficient parking within the site to serve the needs of the proposed apartments. The existing lawful hotel use has provision for nine bedrooms and it is considered that this creates a similar requirement for parking to that of the proposed seven holiday apartments. This notwithstanding the site lies on the boundary of St Annes town centre and thus has ready access to bus services and St Annes train station. Accordingly the site has good accessibility to public transport access points to encourage the use of sustainable transport. LCC Highways have raised no objections and opine that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The proposal is therefore considered acceptable with regards to criteria 'o', 'p' and 'q' of Policy GD7 of the adopted Fylde Local Plan to 2032 and the aims of the NPPF.

Bins

The proposal has a small outdoor space to the side of the property which would be sufficient to provide a bin storage area to serve the apartments.

Other matters

Further to the Town Council's assertion regarding the loss of holiday accommodation as addressed in the 'principle' section of this report it is noted that the immediate locale of the application site is characterised by a mix of residential and commercial properties, within which a residential use of the application property would not be inappropriate.

The town council have also commented that the size and arrangement of the proposed apartments appear cramped and unsatisfactory. The council has no requirement for holiday accommodation to be of a minimum size or set out in a particular arrangement, hence this reason for objection cannot form a material consideration in the determination of this application.

Conclusions

This application proposes the change of use and conversion of a nine bedroomed hotel into seven holiday apartments. The property is not located within a designated holiday area and hence the principle of the change of use does not conflict with planning policy. External facilitating works are

limited to the insertion of secondary windows into the side elevation, and an appropriate condition requiring obscure glazing would mitigate against potential overlooking of neighbouring apartments. And the location of the property on the boundary of St Annes town centre is such that it has good accessibility to public transport access points. Overall the proposed change of use is considered to accord with the relevant policies of the adopted Fylde Local Plan to 2032 and the St Annes Neighbourhood Plan, and with the aims of the NPPF. Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

Approved plans:

- Location Plan - supplied by 'Buy A Plan', scale 1:1250
- Proposed floor plans - Sheet No.2, received by the LPA on 31 October 2018
- Proposed elevation plans - Sheet No.4, received by the LPA on 31 October 2018

Reason: To provide clarity to the permission.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

Reason: In the interests of visual amenity as required by Policy GD7 of the Fylde Local Plan to 2032 and Policy HOU4 of the St Annes Neighbourhood Plan.

4. The apartments hereby granted by this permission shall be used for holiday purposes only and shall not be occupied as a person's sole, or main place of residence.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential occupation which may be contrary to policies M1 and H1 of the adopted Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

5. The owners/managers of the holiday apartments shall maintain a register of names of all owners/occupiers of individual apartments and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential occupation which may be contrary to policies M1 and H1 of the adopted Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

6. The proposed new windows to the first and second floors of the south west facing side gable shall

be fitted with 'Pilkington' glass of at least level 4 obscurity (or other manufacturer's glazing of the same obscurity level) and shall be of a type that are either fixed or do not fully open inwards or outwards. After insertion only the agreed type of window shall be subsequently refitted as a repair or replacement.

Reason: To safeguard the amenities of the occupants of adjacent residential properties in accordance with policy GD7 of the adopted Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0696	Address 21 Richmond Road, Lytham St Annes	Grid Ref. E.3322 : N.4286	Scale 0 6 12 18 24 m

Item Number: 7

Committee Date: 12 December 2018

Application Reference:	18/0719	Type of Application:	Variation of Condition
Applicant:	Mr Quigley	Agent :	Armitstead Barnett LLP
Location:	LONGACRE COTTAGE, KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HY		
Proposal:	APPLICATION TO REMOVE CONDITION 2 OF PLANNING PERMISSION 5/87/0482 IN ORDER TO ALLOW UNRESTRICTED OCCUPATION OF DWELLINGHOUSE WITHOUT AGRICULTURAL OCCUPANCY TIE		
Ward:	FRECKLETON EAST	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Ruth Thow
Reason for Delay:	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/@53.7703912,-2.8733515,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks to remove an agricultural occupancy condition on a dwelling that is located on Kirkham Road between Freckleton and Kirkham. It was granted planning permission originally to serve an agricultural enterprise operating on the site in 1987.

The site is within Green Belt and whilst removal of the condition would allow an open market dwelling it does not propose any further development of the site which would compromise the openness of the Green Belt location.

Policy GD8 of the Fylde Local Plan to 2032 refers to viability and seeks to retain agricultural workers dwellings for the purpose they were approved unless it can be demonstrated to the satisfaction of the council that there is no demand for the land/property in its existing rural use.

The applicants have carried out a sustained period of marketing the premises at an appropriately reduced price which reflect the occupancy clause through suitable rural specialists and through targeted marketing of local rural workers. It is considered that the marketing carried out indicates that there is no demand in the locality for the dwelling as conditioned and in absence of any further interest in the premises leading to offers retention of the condition is unjustified.

Accordingly the proposal complies with the requirements of Policy GD8 of the Fylde Local Plan to 2032 and is therefore recommended for approval.

Reason for Reporting to Committee

The application is on the agenda as the officer recommendation is contrary to the views of the Parish

Council and under the council's scheme of delegation such applications are to be determined by the Planning Committee.

Site Description and Location

The application site is Longacre Cottage, Kirkham Road, Freckleton. In particular the application relates to a four bedroom dormer bungalow in a garden areas with various outbuildings. One of these is a brick building formerly used for rearing broiler chickens, and there are two further buildings, one in timber used for livestock and the other a steel portal framed storage building. There is also associated pasture land amounting to 3.3 Hectares.

The property is situated to the north side of Kirkham Road and is designated Green Belt on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the removal of condition no. 2 of planning permission 87/0482 which granted outline permission for an agricultural worker's dwelling. This states that:

"The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture or in forestry as defined in Section 290(1) of the Town and Country Planning Act 1971 including any dependents of such a person residing with him/her or a widow or widower of such a person."

Reason: The Local Planning Authority would not be prepared to permit the erection of a dwelling on the site unconnected with the use of the adjoining land for agricultural purposes and the condition is imposed in order to preserve the agricultural and horticultural nature of the rural area."

The application to remove this condition is supported with a statement that explains the marketing efforts that have been undertaken to dispose of the property with this tie in place and is discussed in detail in the 'Comments' section of this report.

Relevant Planning History

Application No.	Development	Decision	Date
18/0122	CHANGE OF USE FROM CHICKEN SHED TO A DOGGY DAY CARE FACILITY	Withdrawn by Applicant	05/04/2018
16/0265	PRIOR NOTIFICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDING AND LAND TO FORM 2 DWELLINGHOUSES WITH ASSOCIATED BUILDING OPERATIONS UNDER SCHEDULE 2, PART 3, CLASS Q	Approve Prior Determination	07/06/2016
96/0383	EXTENSION TO EXISTING BROILER CABIN	Granted	17/07/1996
88/0139	RESERVED MATTERS; DWELLING & GARAGE	Granted	20/04/1988
87/0482	OUTLINE; ONE AGRICULTURAL WORKERS DWELLING	Granted	04/11/1987
87/0054	O/L ONE AGRICULTURAL WORKERS DWELLING	Refused	17/06/1987
82/0140	OUTLINE APPLICATION FOR ONE DETACHED DWELLING	Refused	14/04/1982

Relevant Planning Appeals History

Application No.	Development	Decision	Date
82/0140	OUTLINE APPLICATION FOR ONE DETACHED DWELLING	Withdrawn	02/02/1983

Parish/Town Council Observations

Freckleton Parish Council notified on 12 September 2018 and comment:

"The Parish Council are against this application as this is an inappropriate development due to it being on greenbelt land."

These comments were made without the benefit of sight of the supporting statement submitted with the application which was not made public at that time as it is headed "Confidential Marketing Report". The applicant's agent has since confirmed that this document can be made publically available and so the Parish Council have been alerted to this document and re-consulted. No further comments have been received at the time of drafting this report.

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No objection to this proposal.

Ministry of Defence - Safeguarding

No comments received.

Neighbour Observations

Neighbours notified:	12 September 2018
Site Notice Date:	14 September 2018
Number of Responses	1 letter received
Summary of Comments	<ul style="list-style-type: none"> • people retired here to enjoy retirement not have more homes built around them on a farm • land around there floods and owner responsible • homes that will be built will not be cheap homes out of reach of most • not good for neighbour's health • should remain a working farm • prisoners escaping use the farm and field to get to the main road • we enjoy the views but a lot of crashes on the road • more expensive homes that villagers could not afford and affect our quality of life • not what I bought when I bought my home • we have to put up with flooding from that farm

Relevant Planning Policy

Fylde Borough Local Plan:

Fylde Local Plan to 2032:

GD2	Green Belt
GD8	Demonstrating Viability

Other Relevant Policy:

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

Site Constraints

Within Green Belt

Environmental Impact Assessment

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

Comment and Analysis

This application is submitted as a Section 73 of the Town and Country Planning Act 1990 which allows for the variation or deletion of planning conditions. In this case the application refers to the removal of condition no. 2 of application no. 87/0482 which granted outline permission for an agricultural worker's dwelling, with that dwelling being constructed the following year.

The application site is within land designated as Green Belt on the Fylde Local Plan to 2032, where new dwellings would be considered to be inappropriate development unless they are for one of a limited number of exceptions to this with one of these being '*buildings for agriculture and forestry*'. This is a similar test to that applied in 1987 and so at that time the permission was granted as it was accepted that the dwelling was needed to support the agricultural activity on the site. The effect of the removal of the condition now would be to establish an open market dwelling on the land which would not be supported now, and would not have been in 1987. The test to apply to this application is therefore to establish if the dwelling remains necessary to support agricultural activity in the area.

Background

The applicants have operated a small scale poultry business on the site for over 35 years and permission was granted in outline for an agricultural worker's dwelling on this basis under application no. 87/0482 with Reserved Matters approved under application 88/0139. The applicants subsequently moved into the completed property in 1989.

In 1991 the applicants purchased additional land comprising of two paddocks, and in 1994 a second broiler shed was extended allowing capacity on the site to rear 24,000 broiler chickens. Additional small livestock buildings were erected to allow for occasional housing of suckler cattle, farmed for hobby purposes, on the small area of land. The suckler cattle were sold in 2015 and the rearing of the chickens ceased in 2016. No agricultural activity has been undertaken since that time.

The applicant's subsequently submitted application 16/0265 under the 'Prior Notification' procedure in Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows the change of use of agricultural buildings to dwellings. In this case the application referred to the redundant brick built building formerly used for the broiler rearing, for use as two dwellings. This was granted but has not been implemented.

The applicants advise that the poultry enterprise has never been fully commercially viable and that they have both continued in full-time employment elsewhere. All agricultural operations at Longacre Cottage have now ceased and the property is no longer associated with any agricultural use and the applicants are looking to re-locate.

Policies

The relevant policies applicable to this application are Policies GD2 and GD8 of the Fylde Local Plan to 2032 are to be considered together with the aims and guidance of the NPPF.

Policy GD2 states the Green Belt within Fylde is shown on the Policies Map. Within that area national policy for development in the Green Belt will be applied.

Policy GD8 refers to viability and advises that the council will seek to retain existing agricultural/horticultural workers' homes unless it can be demonstrated to the satisfaction of the council that one of three tests has been met. The first two relate to the physical characteristics of the site and are not relevant to this proposal. The third test is relevant and states *"marketing of the land/property indicates that there is no demand for the land/property in its existing use."*

The Policy then gives guidance on the marketing and states:

"Where an application relies upon a marketing exercise to demonstrate that there is no demand for the land/premises in its current use, the applicant will be expected to submit evidence to demonstrate that the marketing was adequate and that no reasonable offers were refused. This will include evidence demonstrating that:

- The marketing has been undertaken by an agent or surveyor at a price which reflects the current market or rental value of the land/premises for its current use and that no reasonable offer has been refused.*
- The land/premises has been marketed, as set out in iii) below, for an appropriate period of time, which will usually be 12 months or 6 months for retail premises.*
- The land/premises has/have been frequently advertised and targeted at the appropriate audience. Consideration will be given to the nature and frequency of advertisements in the local press, regional press, property press or specialist trade papers etc; whether the land/premises has/have been continuously included on the agent's website and agent's own papers/lists of premises; the location of advertisement boards; whether there have been any mail shots or contact with local property agents, specialist commercial agents and local businesses; and with regards to commercial/industrial property, whether it has been recorded on the council's sites and premises search facility.*

In certain cases, for example, where a significant departure from policy is proposed, the council may seek to independently verify the submitted evidence, and the applicant will be required to bear the cost of independent verification."

Nature of Marketing

The supporting statement submitted with the application describes the marketing that has been undertaken in an effort to sell the property as an agricultural workers dwelling. There are several aspects to this which are considered here.

The first aspect is the price of the property, with a reduction in the price of such premises being usual to reflect the restriction on the occupancy of the dwelling. This is typically in the region of

30% of the value of the dwelling and should be open to offers and not fixed. As with any dwelling valuation the price is arrived at through comparison to other properties. The supporting statement explains that this produced an unencumbered value of the dwelling of £460,000 which reduces to £322,000 when the 30% discount is applied.

The property has not been marketed in isolation though, as it has been marketed with the land and buildings that are associated with the agricultural use of the site. These are not subject to any agricultural tie and so have been marketed at their full unencumbered value. This gave a price of the estate as £747,500 which was increased to £800,000 on the basis that this allowed for some negotiation of the price to take place. The appropriateness of this has been queried with the applicant's agent who responds:

"It was considered that the separate lotting of the property was not suitable, due to the restricted access and the close proximity of the buildings within the plot causing a negative impact of the sale of each distinct element. The inclusion of these elements is also aimed at increasing the desirability of the property to the agricultural sector who can actually comply with the condition. Due to this lack of demand in the locality, the additional elements of land and buildings were included, to increase desirability to purchasers from further afield, allowing them to continue operating small scale agricultural enterprises on the holding. The property particulars also indicated that the property may be split if required."

The recent approval of an application to convert some of the agricultural buildings to a residential use perhaps counters this position as it would have had a separate access to the main dwelling, but it is equally possible that the access restrictions are a real deterrent as this permission has not been taken up either.

The application confirms that the premises have been advertised for over 17 months, originally with 'SPH Valuers' from 6 March 2017 to 26 March 2018 at the above price. From 19th April 2017 to-date it has been marked with Armistead Barnett and the property reduced in price to £750,000. Both agents specialise in rural properties who have advertised the premises within the property sections of the 'Farmer's Guardian' and it has also been regularly advertised at Brockholes Auction Mart Ltd weekly Market Review and Newsletter and advertised in the 'Garstang Courier' paper. A 'For Sale' board has also been erected at the property. They have also included the premises advertised on their web pages as well as it featuring on the internet web pages of 'Right Move' property sales.

The property details have also been sent to a number of parties held on each agent's marketing database and a questionnaire was issued 53 surrounding farmers within the area to establish any interest within the local agricultural community and those looking to retire from farming.

The marketing resulted in over 17,000 views on the internet with further enquires by telephone with two viewings of the property, the questionnaires produced 19 responses. Overall the feedback was that "the property was not in the right location" and no further interest has been expressed. The property remains unsold.

Assessment

Having considered the approach and comparison evidence used to establish the open market value of the property officers believe that this is appropriate and that this exercise has been robustly undertaken.

It is also accepted that the marketing has been undertaken for a suitable duration and with appropriate targeting to the potential rural purchasers. There is a concern that the inclusion of the

associated land and building has given the site a value that is unobtainable for those who could reasonably comply with the agricultural condition. However it is factually the case that the land and buildings are only accessible by passing close to the dwelling and so the argument that they need to be associated with it is a reasonable one. Furthermore, the potential for the whole site to support an agricultural worker and his/her agricultural activity also has some weight, albeit that the current owner has seemingly decided to sell-up due to the agricultural use being uneconomic.

Taking a balanced judgement of this it is considered that the steps taken are sufficient to demonstrate that the marketing undertaken does comply with the requirements set out in that section of Policy GD8 of the Fylde Local Plan to 2032, and so the application accords with criterion a) of that Policy. On this basis the officer recommendation is for approval.

Conclusions

This application seeks to remove an agricultural occupancy condition on a dwelling that is located on Kirkham Road between Freckleton and Kirkham. It was granted planning permission originally to serve an agricultural enterprise operating on the site in 1987.

The site is within Green Belt and whilst removal of the condition would allow an open market dwelling it does not propose any further development of the site which would compromise the openness of the Green Belt location.

Policy GD8 of the Fylde Local Plan to 2032 refers to viability and seeks to retain agricultural workers dwellings for the purpose they were approved unless it can be demonstrated to the satisfaction of the council that there is no demand for the land/property in its existing rural use.

The applicants have carried out a sustained period of marketing the premises at an appropriately reduced price which reflect the occupancy clause through suitable rural specialists and through targeted marketing of local rural workers. It is considered that the marketing carried out indicates that there is no demand in the locality for the dwelling as conditioned and in absence of any further interest in the premises leading to offers retention of the condition is unjustified.

Accordingly the proposal complies with the requirements of Policy GD8 of the Fylde Local Plan to 2032 and is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

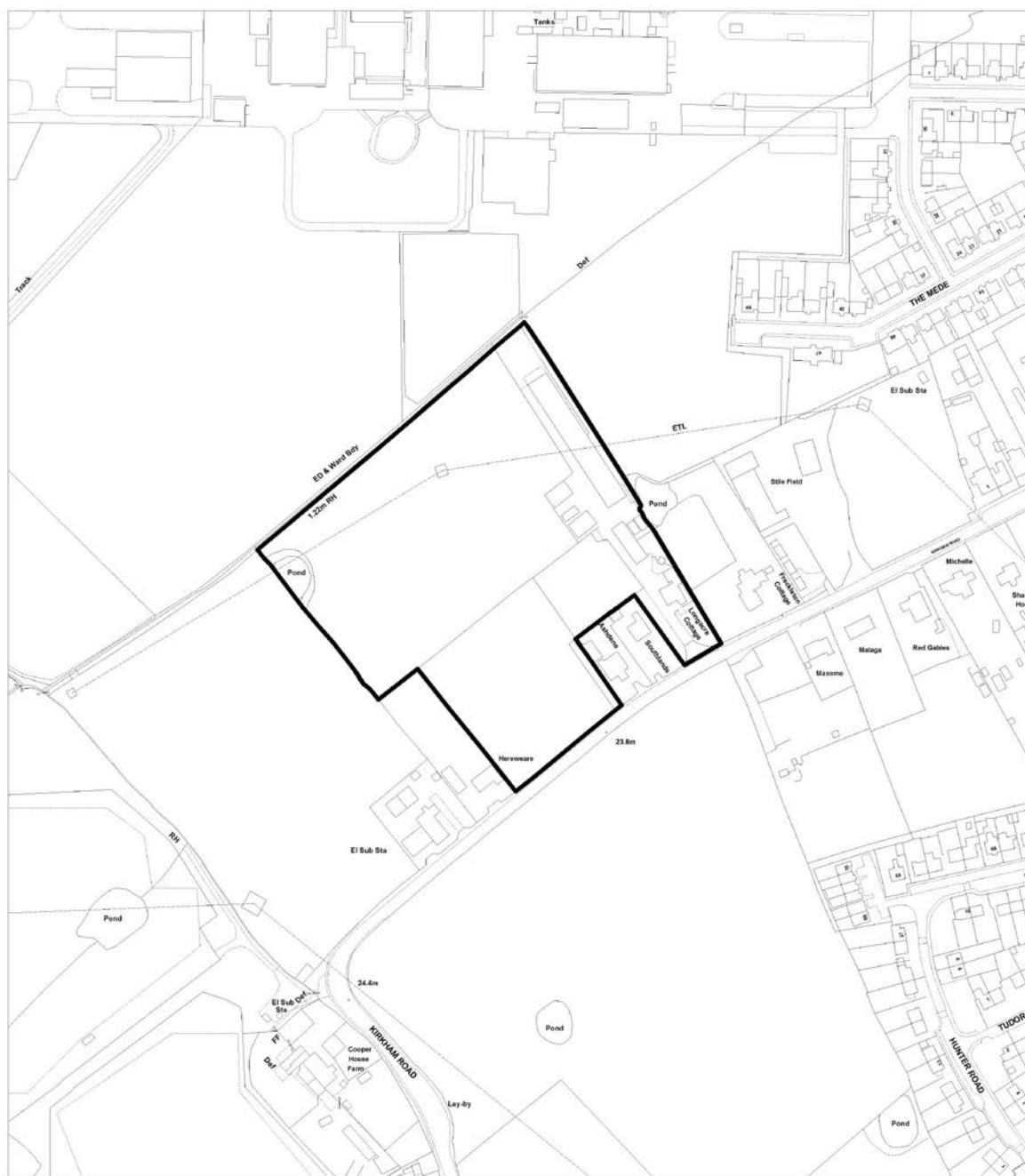
Approved plans:

- Location Plan - 'ProMap' Longacre Cottage

Supporting Reports:

- Marketing report - Armistead Barnett LLP

Reason: To provide clarity to the permission.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0719	Address Longacre Cottage, Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3423 : N.4308	Scale 0 15 30 45 60 m

Item Number: 8

Committee Date: 12 December 2018

Application Reference:	18/0744	Type of Application:	Full Planning Permission
Applicant:	Fylde Council	Agent :	Ryder Landscape Consultants
Location:	FAIRHAVEN LAKE DREDGE AND DEPOSITION SITE, LAND SOUTH OF INNER PROMENADE, LYTHAM ST ANNES		
Proposal:	PARTIAL DREDGING OF EXISTING MARINE LAKE TO FACILITATE TARGETED DE-SILTING WORKS AND DEPOSITION OF THE SANDY SILT ARISING WITHIN ADJACENT DUNES		
Ward:	FAIRHAVEN	Area Team:	Area Team 2
Weeks on Hand:	9	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.7881866,-2.9860497,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the site of Fairhaven Lake and an area of duneland lying to the west which falls within the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS). Both the lake and dunes are located within the coastal fringe between Inner Promenade and the Ribble and Alt Estuaries. The proposal forms part of a wider programme of landscape enhancements at Fairhaven Lake and relates specifically to works associated with the dredging of the lake for purposes of targeted de-silting and subsequent deposition of the arising material within the dunes (the 'dredge and deposition application')

The proposed lake dredging forms an integral part of a three-phase schedule of works (the others comprising the installation of an improved tidal gate to the inlet/outlet structure and a series of lake aerators) to improve water quality within Fairhaven Lake and, in doing so, enhance its value as a brackish water habitat suiting priority species such as the European Eel, minimise fish kills arising from anaerobic conditions and reduce the frequency of algal blooms. The additional lake depth afforded by the dredging will also allow the lake to accommodate a greater range of water-based leisure and sporting activities.

The proposed dredging works involve the removal of approximately 9300 cubic metres of sandy silt from the lake to restore the shallowest areas to a minimum depth of 1.3m. Material would be removed via suction of the sand and silt over a 3.1 hectare area of the lake by a pontoon or barge mounted pump dredger. The silt would be pumped in solution into four pre-prepared settlement 'cells' located within a *circa* 0.36 hectare area of the duneland to the west via a 975m long pipeline laid across the dune surface and enclosed by temporary fencing. The four holding cells will spread across a 360m long area with material deposited to a height of 1m. Once the dredged material has settled in the cells, the sand and water will quickly separate and surplus water will be pumped back into the link via a separate pipeline running within the same enclosure. Following deposition, it is anticipated that the organic

and nutrient content of the dredged material will be reduced during the drying out process which will also include ploughing to promote oxidation and thereby lower the organic and nutrient content of the material to a level which is similar to the existing dune material. Finally, existing dune sand stockpiled to create the holding cells will be combined with the dredged material to act as a seed bank allowing the recharging and colonisation of the dunes to complete the restoration.

The nature and siting of the proposed dredging and deposition operations is such that the development will have no undue effects on the amenity of surrounding occupiers, nor would the height and spread of the deposited material adversely alter or diminish the duneland's present openness or appearance on the foreshore. Walking routes through the dunes are capable of being maintained both during and following the deposition and additional benefits to leisure and recreation would arise as a result of increasing the depth of Fairhaven Lake. The development would not give rise to any highway capacity or safety implications.

The main issue in this case is, therefore, to ensure that the deposition of sandy silt material from the lake within the dunes does not have any damaging effects which would harm the ecological value of the BHS by reason of differences in particle size, organic content and/or nutrient levels between the dredged and dune material. The applicant has set out series of measures to treat the dredged material which they consider will ensure the deposited material is assimilated sympathetically into the dune habitat, though the results of this method are, as yet, untested. Accordingly, it is recommended that a precautionary approach is taken which will require the applicant to demonstrate the effectiveness of their proposed method for treating the dredged material – including pre and post treatment sampling for compatibility with the duneland material – before any deposition within the dunes can take place. If the applicant's proposed treatment method does not achieve sufficient compatibility, an alternative method for the disposal of the dredged material will be required. It is considered that this precautionary approach will ensure that the development would not cause degradation of the assemblage and ecological functions of the BHS.

Subject to the above, the proposal is considered to represent sustainable development in accordance with relevant adopted policies contained within the FLP, and the provisions of the NPPF.

Reason for Reporting to Committee

The application is classified as major development and the officer recommendation is for approval. In addition, the application is submitted on behalf of Fylde Borough Council.

Site Description and Location

The application relates to the *circa* 9.4 hectare site of Fairhaven Lake and an area of duneland lying to the west. Both the lake and dunes are located within the coastal fringe between Inner Promenade and the Ribble and Alt Estuaries and are designated areas of existing open space falling within the settlement boundary as designated on the FLP Policies Map. In addition, the duneland forms part of the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS). The proposal forms part of a wider programme of landscape enhancements at Fairhaven Lake and relates specifically to works associated with the dredging of the lake for purposes of targeted de-silting and subsequent deposition of the arising material within the dunes.

Dredging operations would be targeted to the shallowest areas around the centre of the lake which comprise approximately one-third (3.1 hectares) of the overall area of the existing water body. The deposition site is located on lower lying ground within the dunes between 330m and 680m to the west of the lake.

Fairhaven Lake is bordered by a collection of buildings, sports/play areas and amenity greenspace to its perimeter. The deposition site forms a central depression bounded by higher level dunes to the landward and foreshore sides. This depression is dissected by a continuous, central footpath running along an east-west axis through the site. Other less well trodden footpaths flank this central route and run in a north-south direction through the duneland as a result of sporadic blowouts from pedestrians travelling between Inner Promenade and the pebble beach adjacent to the coastal marsh. The applicant has indicated that this part of the dunes was previously used as a golf track. The dune system appears to be stabilised and is heavily colonised by grasses.

Outside the site, the closest dwellings are located on the opposite side of Inner Promenade to the north. The deposition site is screened from these dwellings by the tall landward dune which restricts visibility from the houses and the roadside. St Paul's Avenue car park, the promenade, sea wall and the United Utilities sewage transfer station intervene between the lake and the deposition site.

Details of Proposal

The application seeks full planning permission for dredging of the sandy silt material from the shallowest parts of the lake and the deposition of the arising material within the neighbouring duneland to the west which forms part of the BHS.

The proposed dredging works would remove approximately 9300 cubic metres of silt from the lake to restore the shallowest areas to a minimum depth of 1.3m. Material would be removed via suction of the sand and silt over a 3.1 hectare area of the lake by a pontoon or barge mounted pump dredger. The silt would then be pumped in solution into four pre-prepared settlement 'cells' located within a *circa* 0.36 hectare area of the duneland to the west via a 975m long pipeline laid across the pebble trackway to the south of the dunes. The four holding cells would be created by the stripping of the existing dune surface and their excavation to a depth of 1m to form individual flat beds between taller separating bunds. This would, in effect, create four 'pits' with raised banks to either side designed to hold the dredged material.

The four cells would be spread across a 360m long area with material deposited to a height of up to 1m to fill each cell. Once the dredged material has settled in the cells, the sand and water from the dredged material will quickly separate and surplus water will be pumped back into the lake via a separate pipeline. Following deposition, it is anticipated that the organic and nutrient content of the dredged material will be reduced during the drying out process which will also include ploughing to promote oxidation and thereby lower the organic and nutrient content of the material to a level which is similar to the existing dune material. Finally, existing dune sand stockpiled to create the holding cells will be combined with the dredged material to act as a seed bank allowing the recharging and colonisation of the dunes to complete the restoration.

The proposed lake dredging forms an integral part of a three-phase schedule of works (the others comprising the installation of an improved tidal gate to the inlet/outlet structure and a series of lake aerators) to improve water quality within Fairhaven Lake and, in doing so, enhance its value as a brackish water habitat suiting priority species such as the European Eel, minimise fish kills arising from anaerobic conditions and reduce the frequency of algal blooms. The additional lake depth afforded by the dredging will also allow the lake to accommodate other leisure and sporting

activities.

Applications for improvements to the lake itself (18/0499) and the areas of public realm surrounding it (18/0500) have been submitted in tandem with this application for lake dredging and deposition as a comprehensive package.

Relevant Planning History

Application No.	Development	Decision	Date
18/0465	<p>SCREENING OPINION PURSUANT TO THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 IN RESPECT OF A PROPOSED DEVELOPMENT FOR:</p> <p>(A) ENGINEERING WORKS TO FAIRHAVEN LAKE IN CONNECTION WITH RESTORATION OF GARDENS INCLUDING: (1) FORMATION OF LAUNCHING BEACH; (2) INSTALLATION OF ADDITIONAL PONTOONS; (3) LAKE EDGE MODIFICATION ADJACENT TO CAFE TO WIDEN ACCESS; (4) CREATION OF LAUNCH PLATFORM; (5) REFORMATION OF ENTRANCE TO LAGOON; (6) PILOT LAKE EDGE REINFORCEMENT WORKS; (7) DREDGING WORKS ASSOCIATED WITH TARGETED LAKE DE-SILTING; (8) CREATION OF BOAT LANDING STAGE TO WESTERN ISLAND; (9) PROVISION OF WINTER WADING BIRD ROOST SITE ON EASTERN ISLAND; AND (10) INSTALLATION OF LAKE AERATORS FOR WATER CIRCULATION</p> <p>(B) PUBLIC REALM ENHANCEMENT WORKS ASSOCIATED WITH RESTORATION OF FAIRHAVEN LAKE AND GARDENS INCLUDING: (1) REFURBISHMENT AND EXTENSION OF PAGODA AND PAVILION CAFE; (2) REFURBISHMENT OF BOATHOUSE TO CREATE WATERSPORT CENTRE; (3) FORMATION OF BOAT STORAGE AREA TO REAR OF WATERSPORT CENTRE; (4) ERECTION OF SHELTER FOR BOWLING GREENS; (5) REFURBISHMENT OF TENNIS COURTS; (6) RELOCATION OF ADVENTURE GOLF COURSE; (7) CREATION OF PLAY AREA WITH ASSOCIATED EQUIPMENT; AND (8) ASSOCIATED HARD AND SOFT LANDSCAPING WORKS INCLUDING FORMATION OF LAKESIDE FOOTPATHS, STAIRCASE TO VIEWING PLATFORM TO SOUTHERN EDGE OF LAKE AND CREATION OF JAPANESE GARDEN</p>	Advice Issued	29/11/2018
17/1051	VARIATION OF CONDITION 14 ON PLANNING PERMISSION 16/1015 TO EXTEND PERMISSIBLE WORKING HOURS TO BETWEEN 07:30 - 18:30 (MONDAY TO FRIDAY), 08:00 - 14:00 (SATURDAY), WITH NO ON SITE WORKS ON	Granted	15/03/2018

SUNDAY OR BANK HOLIDAYS. AND VARIATION
OF CONDITION 2 AND 6 TO REMOVE CONCRETE
UP STAND FROM BENEATH PROMENADE
BALUSTRADE

17/0928	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/1015 CONDITION 3 (REVTMENT CEMENT COLOUR), CONDITION 8 (FAIRHAVEN LANDSCAPING), CONDITION 10 (LANDSCAPE & ECOLOGICAL MGMT PLAN), CONDITION 11 (ENVIRONMENT MANAGEMENT) & CONDITION 16 (CONSTRUCTION METHOD STATEMENT).	Advice Issued	20/12/2017
16/1015	DEMOLITION OF EXISTING SEA WALL AND REVTMENT, REPLACEMENT WITH NEW COASTAL PROTECTION SCHEME CONSISTING OF STEPPED AND SLOPING REVTMENTS, INCLUDING PUBLIC REALM IMPROVEMENTS TO PROMENADE AND CONSTRUCTION OF TEMPORARY COMPOUND AREAS.	Granted	21/04/2017
16/0984	CONSULTATION ON MARINE MANAGEMENT LICENCE APPLICATION 2016/00441 FOR FAIRHAVEN TO CHURCH SCAR COAST PROTECTION SCHEME	Raise No Objection	25/01/2017

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

N/A. Non-parish area.

Statutory Consultees and Observations of Other Interested Parties

Coast and conservation officer (FBC Dunes Team) – Comments 18.10.18 and 19.11.18 as follows:

- The final shape of the deposition area (i.e. flattened or mounded) should be confirmed.
- The organic matter of the deposited material must be less than 4%.
- The total deposition area should be kept to 330m in length.
- While there are some invasive species in the dunes, these are kept to a minimum by the rangers.
- Windblown sand is mentioned on a few occasions within the report to cover the cells but this is really minimal along this stretch of foreshore due to the initial section of beach being covered by saltmarsh.
- It would be beneficial to look at the possibility of creating a couple of shallow dune slacks as part of the habitat creation mentioned within the FSDMP. This can be conditioned.
- Coastal Rangers can undertake monitoring monthly as part of their normal weekly duties.
- The response from Ryder Consultants to the above comments is satisfactory and there are no objections in principle to the proposed deposition works. The coastal rangers will assist the HLF team to undertake the necessary sampling/testing and the longer term maintenance and monitoring of the site.

Environment Agency:

- There are no objections in principle to the proposal. However, in addition to planning permission the applicant will need to comply with the Environmental Permitting Regulations 2016. The proposal to deposit in the adjacent dunes dredged material from Fairhaven Lake is likely to require a Bespoke Environmental Permit, or an Exemption if analysis indicates that the silt is inert. Due to the proximity of deposition site to designated conservation sites (e.g. the nearby SSSI), there would be no option for a Standard Rules Permit.
- Although there are no showstoppers that would prevent the issuing of a permit we do not currently have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution.
- The applicant's attention is drawn to the fact that the granting of planning permission does not confer the necessary consents and licences for development required under other legislation and there is no guarantee such consents will be forthcoming. We will not be able to issue a permit until information has been provided in relation to the composition of the silt.
- Further sampling would be required in relation to Environmental Permitting to determine if deposition will have a negative impact upon sand dune morphology and the sensitive dune system as a whole. The dunes also provide a natural coastal defence. As such, the proposed works must not reduce the height and width, or affect the stability of the dune system, or impact on the Coastal Protection Scheme.
- No particle size analysis has been undertaken. Particle size of the material is key to ensure natural dune building can occur. The material should be a well sorted sand with a range of grain sizes. The lake material is likely to be a high fine sand content (as stated in Table 2 of the submitted report). This would not be suitable for new dune building material and may lead to a negative impact upon the sand dune morphology. Samples should be compared to in situ parent material from the deposition location (dunes) to ensure the material was suitable, this does not appear to have taken place and should be carried out for comparison.

Greater Manchester Ecology Unit (GMEU):

- While we do not have any objections to the dredging of the Lake itself, we have serious concerns about the proposed location for the disposal of the arisings. As you are aware the proposed disposition site is part of the sand dune system of Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS) and as such is protected through Policy ENV2 of Fylde's Local Plan.
- The information submitted with the application includes measures to ensure that the organic content of the dredging are reduced through ploughing. However, this would not reduce the levels of nutrients such as nitrogen and phosphorus within the arisings. Sand dunes are by their nature nutrient poor and the introduction of nutrients will change the plant communities present removing the special interest of the habitat. Samples of the Lake silt indicate that the levels of nitrogen and phosphorus are a "Perfect ratio for algae growth" which would suggest that once introduced to the dunes, significant harm could arise.
- No samples of the nutrient levels in the dune system have been undertaken so the extent of the risk cannot be fully assessed at this stage. In the absence of this, the precautionary principle must be applied. We would therefore recommend that an alternative location for the disposal be found and that the application be refused in its current form on ecological grounds.
- If there are other overriding reasons for approving the application, compensation for the impact of the proposals should be sought. Compensation measures will need to go beyond the mitigation measures currently proposed for the restoration of the disposal site because

we would regard the areas of disposal within the BHS as representing losses to important habitats within the designated site.

Officer note: As set out later in the report, a precautionary approach to permitting deposition within the BHS, to be secured through a planning condition, has been discussed with GMEU. This will require further sampling of the existing material within the dunes for comparison with the dredged material for the lake, with the caveat that the dredged material can only be deposited in the dunes if it can be demonstrated – by treating a smaller sample outside the dunes – that the proposed treatment methodology is effective in reducing organic and nutrient content in order to ensure compatibility between the dune and dredged material prior to any deposition occurring.

Lancashire Wildlife Trust:

- The Lancashire Wildlife Trust agrees with GMEU's concerns regarding the nutrient composition of the lake dredgings. The dune's specialist flora is dependent on the dunes nutrient-poor status and this should not be compromised by the planned works.
- The only way to clarify the likely impact of the dredgings upon the dune habitat is to undertake soil baseline sampling of the proposed deposition location and compare that with the lake samples. I agree that the organic matter content of the dredged material proposed for deposition should be a maximum of 4% (preferably lower).
- If the geo-technical soil sampling methodology can be agreed, undertaken and the results indicate that the dredging material will be compatible with the dune's existing nutrient status, then focus should be on details of implementation, monitoring and compensation/mitigation measures. I believe that we need to see a net gain for the Fairhaven Dunes biodiversity delivered as a result of these proposed works as the works themselves are of no real benefit to the dunes.
- Net gain is most likely to be delivered in the form of Invasive Non-Native Species (INNS) control – primarily Japanese Rose and Sea Buckthorn - and compensation in the form of slack creation in the lower lying Fairhaven Dunes nearby. In terms of Japanese Rose and Sea Buckthorn, ideally these need to be dug up with roots intact, soil and sand sifted to remain on site and the uprooted plants removed from site to prevent further re-colonisation. Timing will be a key consideration with the breeding bird season & adjacent Estuary. We have also found less public resistance to Japanese Rose removal when it is not in flower. It is the Project's aim to upscale INNS removal in the Fairhaven Dunes area so we would welcome any assistance in this regard.
- Care should also be taken to preserve (or relocate if required) the key species identified within the planned deposition areas in the Penny Anderson Associates report (October 2018).
- The other matter to consider is community engagement and public access routes given the scale and duration of the planned works (6-9 months after the initial 6-8 weeks of pumping and deposition in September to October 2019). This will need to cover both the resident and visitor population and especially local dog walkers. I would suggest that carefully-worded signage (& supporting online information) would be required as well as close liaison with the Dunes Team and Ranger Service.

Natural England (latest comments dated 09.11.18):

- As submitted, the Shadow HRA is not compliant with the Conservation of Habitats and Species Regulations 2017 and should therefore not be adopted by the LPA.
- The Shadow HRA covers all three applications at Fairhaven Lake (18/0499, 18/0500 and 18/0744).
- There are errors to the terminology and structure of the HRA and the conclusion of the appropriate assessment is unclear and does not include any consideration of the

conservation objectives for the Ribble & Alt Estuaries SPA and Ramsar as required at the appropriate assessment stage.

- The HRA includes references to mitigation measures for the coastal development being relied upon to mitigate for effects from this development, however, it is not clear which effects the measures are mitigating for. In order for this HRA to be legally compliant, the mitigation required to mitigate for the effects of these developments, needs to be secured through the planning permissions.
- The in-combination part of the HRA lists the former Pontins site (as we advised) but then does not provide any further narrative as to the potential in-combination impacts which may arise.
- In conclusion we advise that the Shadow HRA needs to be re-assessed and amended before adoption by Fylde Council acting as their role of competent authority.
- In terms of the deposition application, no dredging should be deposited on the dunes until further sediment sampling has taken place to analyse the particle size of the dredged material and to be sure that no organic or contaminated material would be deposited onto the dune system. However it is not within Natural England's current planning remit to provide detailed advice on local wildlife sites and you should seek guidance from the Council's ecologist regarding these works.

Officer note: A revised version of the Shadow HRA which seeks to address the above comments from Natural England has been submitted by the applicant and has been forwarded on to Natural England for their updated comments. It is anticipated that these will be available prior to the Planning Committee meeting.

Neighbour Observations

Neighbours notified:	12 October 2018
Site notice posted:	31 October 2018
Press notice:	25 October 2018
Amended plans notified:	N/A
No. Of Responses Received:	0
Nature of comments made:	N/A. None received.

The appropriate neighbouring properties were notified of the application by letter. In addition, as the application involves major development notices have been posted on site and in the local press. No representations have been received in response to this publicity.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Planning Inspectorate issued a letter to the Council on 18 September 2018 confirming that the Fylde Council Local Plan to 2032 (as modified) is sound. Specifically, the Local Plan Inspector confirms at paragraph 216 of her report "that with the recommended main modifications set out in the Appendix the Fylde Council Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework."

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on

Monday 22 October 2018 and, accordingly, has replaced the Fylde Borough Local Plan (As Altered) 2005 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC6	Leisure, Culture and Tourism Development
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV3	Protecting Existing Open Space

Other Relevant Policy:

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

Site Constraints

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceeds the threshold in Column 2 of the table relating to category 10(b) developments. The Local Planning Authority has, however, issued a screening opinion indicating that it does not consider the proposal to be EIA development (application reference 18/0465).

Comment and Analysis

Policy context and main issues:

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in paragraph 2 of the NPPF. The statutory development plan for Fylde comprises the Fylde Local Plan to 2032.

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, criteria (c) and (d) of paragraph 11 indicate that this means:

- approving development proposals that accord with and up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

Having regard to the nature of the development proposed and the consultation responses received in respect of it, the main issues in this case are considered to be:

- The principle of development.
- The development's effects on the character and appearance of the area.
- The scheme's impact on the amenity of surrounding occupiers.
- The development's impact on designated nature conservation sites.
- The development's effects on flood risk.

Principle of development:

The site is inside the settlement boundary of Lytham St Annes. The lake is designated as a park and garden and the dunes as semi-natural greenspace on the FLP Policies Map.

FLP policy GD1 is permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies.

FLP policy ENV3 lists 11 types of open space identified on the Policies Map. These include parks and gardens and semi-natural greenspaces – both of which are located within the site. Policy ENV 3 states that areas of existing open space will be protected from inappropriate development.

FLP policy EC6 relates to leisure, culture and tourism development and states that these facilities will be enhanced by:

- (i) Reconstruction and enhancement of the manmade coastal defences at The Island Sea Front Area, Fairhaven Lake and Church Scar in order to encourage coastal tourism and recreation and help maintain flood defences.

The proposed development includes two strands. The first of these is the dredging works within the lake which are required principally to improve water quality and to allow greater use of the lake for sport/recreation by removing shallows. Insofar as the dredging works are linked to the provision of enhanced leisure facilities for sport and recreation, the proposal accords with the objectives of policies ENV3 and EC6 which seek to promote the continuation and/or improvement of recreational activities within these designations.

The second element of the application which relates to the deposition of the dredged lake material within the neighbouring duneland, designated as a BHS, does not give rise to any direct conflict with FLP ENV3 as there is no loss of existing open space. Instead, the current open space is to be re-contoured as part of the dune restoration following on from the deposition. Accordingly, the main issues associated with the deposition element of the scheme concern the specific effects of that operation – having particular regard to ecological impacts on the BHS – rather than the principle of the proposed land use. Therefore, the principle of development is considered to be in compliance with the requirements of FLP policies ENV3 and EC6.

Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (a – o). Criteria (d), (h), (i) and (k) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

1. Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well

- to the surrounding context.
2. Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
 3. Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
 4. Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.

FLP policy ENV1 requires that development has regard to its visual impact within its landscape context and the landscape type in which it is situated. Criteria (a) to (e) of the policy require developments to conserve and enhance landscaped areas and features by introducing and strengthening landscaped buffers in order to limit a development's visual impact.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The dredging works would result in the removal of *circa* 9300 cubic metres of sandy silt material from the central areas of the lake up to a depth of 1.3m. The dredging works would cover approximately 3.1 hectares and average at 0.3m of removal across this area. The lake material would be removed via suction from a pontoon or barge mounted pump into a *circa* 975m long pipeline which would be used to transfer the material to the dunes. As the dredging works would take place entirely below the surface of the lake, there would be little or no appreciable difference to the lake's external appearance as a result of the works. Accordingly, the only visual effects would arise during the pumping operations themselves from the siting of the pontoon/barge and input/return pipelines. The applicant estimates that the pumping works would take place over a 6-8 week timeframe. Accordingly, any visual effects from these operations would be short-lived and would not have an ongoing impact on the character and appearance of the area.

Dredged lake material deposited in the dunes would be transferred into four separate holding 'cells' formed via the stripping and excavation of the existing dune surface to a depth of 1m to create a flat bed for the fill material. The excavated material would be stockpiled on the foreshore dune to the front of the cells and each cell buttressed by taller bunds to either side in order to separate them. Once the dredged material is deposited within the storage cell – up to a maximum height of 1m to fill the flat bed – the stockpiled material would then be worked into the existing dunes, acting as a seed bank to recolonise the dunes with appropriate flora to complete the restoration.

As highlighted by the Dunes Team, it is noted that the existing surface of the duneland follows an undulating, mounded, profile rather than a flattened surface. The applicant has confirmed that the intention will be to grade the dehydrated deposition material into the slopes of the higher landward and foreshore dunes to the rear and front of the site which will allow provide for the creation of small mounds and depressions. While the detailed topography and landscaping of the deposition site can be controlled through the imposition of a condition for a restoration scheme, the visual effects of the development would not detract from the undeveloped, naturalistic and open character of the existing duneland, nor would it result in the appearance of a landform which is significantly different from that which already exists. In particular, the finished deposition site would continue to have the appearance of sitting within a 'bowl' bordered by taller dunes to the front and rear.

Subject to the imposition of a condition requiring the submission of an appropriate restoration scheme, the proposed development, by virtue of its scale, massing, layout and design, would be successfully assimilated into the existing landform and would not have a harmful impact on the character and appearance of the site and its surroundings. Accordingly, there is no conflict with the requirements of FLP policies GD7 and ENV1, or the NPPF.

Impact on amenity:

FLP policy GD7 (c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”.

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The closest dwellings are located to the north of the site on Inner Promenade. While those properties facing the lake have largely open views towards it, particularly where landscaping is absent to the eastern end, the deposition site is extensively screened by the taller, flanking landward dune to the north. As a result, the deposition area would not be visible from neighbouring dwellings to the north on the opposite site of Inner Promenade.

Given that the proposed dredging works to the lake would occur below the surface and the deposition site would not be visible from neighbouring dwellings to the north, it is not considered that the development would have any undue effects on the amenity of neighbouring occupiers by reason of its scale, siting or design. The timing of dredging operations can be controlled through the imposition of an appropriate condition to ensure that any noise generated by this – while unlikely to cause any unacceptable disturbance – would not occur during the early morning or evening periods.

Ecological effects:

Although the lake itself is not subject to any nature consideration designations, the duneland to the west within which the dredged material is to be deposited falls wholly within the Lytham Foreshore Dunes and Saltmarsh BHS. Further to the south lies the Ribble and Alt Estuaries which is a designated European nature conservation site (SPA/Ramsar site), as well as a SSSI.

Criteria (a) and (d) to paragraph 170 of the NPPF state that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

In addition, paragraph 175 of the Framework indicate that LPAs should apply the following principles when determining planning applications:

- if significant harm to biodiversity 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;
- development on land within or outside a Site of Special Scientific Interest, and which is likely

to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

FLP policy ENV2 is split into 2 sections. The first deals with nature conservation sites and ecological networks and the second is concerned with priority species protection. With respect to section 1, criterion (a) sets out a three-tier hierarchy of nature conservation sites which lists designated sites of international, national and local importance and states that “the strongest possible protection will be given to sites of international importance, predominantly the Ribble and Alt Estuaries SPA / Ramsar site.” In terms of local sites (including the BHS), the policy indicates that “development that would directly or indirectly affect any sites of local importance will be permitted only where it is necessary to meet an overriding local public need or where it is in relation to the purposes of the nature conservation site.”

Criterion (b) of the policy indicates that proposals for development within or affecting the nature conservation sites listed in (a) must adhere to five principles (i – v). Criteria (i), (iii), (iv) and (v) are of greatest relevance in this case as follows:

- Development that would directly or indirectly affect any sites of local importance including ancient woodland or ancient and veteran trees will be permitted only where it is necessary to meet an overriding local public need or where it is in relation to the purposes of the nature conservation, or mitigation can avoid affecting site integrity.
- Consideration should be given to the impact of development proposals on the County-wide Lancashire Ecological network and, where possible, opportunities to support the network by incorporating biodiversity in and around the development should be encouraged.
- Where development is considered necessary, adequate mitigation measures and compensatory habitat creation will be required through planning conditions and / or obligations, with the aim of providing an overall improvement in the site’s biodiversity value. Where compensatory habitat is provided it should be of at least equal area and diversity, if not larger and more diverse, than that which is being replaced. Measures should be put in place for the ongoing management of such features. Where it has been demonstrated that significant harm cannot be avoided appropriate mitigation or, as a last resort, replacement or other compensation will be required.
- The development of recreation will be in areas which are not sensitive to visitor pressures - the protection of biodiversity will be given higher priority than the development of recreation in sensitive areas of internationally important nature conservation sites (as identified in paragraph (1)(a)(i) above), and on all nature conservation sites and ecological networks in situations where there is conflict between the two objectives.

Criterion (c) of the policy defines what will constitute “damage to nature conservation sites and other ecological assets” in accordance with six factors (i – vi). Criterion (iv) is relevant here and states that any development “causing the degradation of the ecological functions of any part of the

ecological network or nature conservation site” will constitute damage.

Section 2 of FLP policy ENV2 states that “planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the development outweigh the need to maintain the population of the species in situ.” The policy indicates that where development might have an adverse effect on a priority species or habitat planning conditions or agreements will be used to mitigate these effects in accordance with four criteria (a-d).

The designation of the deposition site as BHS and its functional links with the Ribble and Alt Estuaries SPA/Ramsar means that, where the development would cause damage to these nature conservation sites, it should only be approved where it meets all the relevant principles set out in FLP policy ENV2 (b) as set out above.

International sites and Habitat Regulations Assessment:

In terms of the Ribble and Alt Estuaries SPA/Ramsar, as the proposal is not necessary for the management of a European Site the LPA is required to undertake a Habitat Regulations Assessment (HRA) in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017. As the HRA is to be based on information provided to the LPA by the applicant, the applicant’s ecologist has prepared a ‘Shadow’ Habitat Regulations Assessment (HRA) which could be adopted by the LPA in order to fulfil its duty as a competent authority. The main purpose of the HRA is to determine whether the proposal is likely to have a significant effect on any European site alone or in combination with other plans and projects, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out (at which point any measures to mitigate these effects can be taken into account).

The Shadow HRA takes the form of a composite document which considers the effects of all three components of the development (those associated with applications 18/0499, 18/0500 and 18/0744) on the integrity of the estuary comprehensively. Natural England’s comments concerning the initial draft of the Shadow HRA (dated 09.11.18) highlighted several errors with the terminology and structure of the HRA and a lack of clarity as to the conclusions and mitigation measures associated with the appropriate assessment contained within it. Accordingly, Natural England’s advice was that the initial draft of the Shadow HRA was not compliant with the Conservation of Habitats and Species Regulations 2017 and, therefore, should not be adopted by the LPA.

Following Natural England’s comments dated 09.11.18, a revised draft of the Shadow HRA which seeks to address these issues has been submitted. The conclusions in section 12 of the updated HRA indicate that:

- The only components of the development that are likely to have significant effects (in the absence of mitigation) upon the Ribble and Alt Estuaries SPA/Ramsar are: (i) the creation of Mawson’s Lookout; (ii) the lake water supply inlet; and (iii) the dredging deposition site. Accordingly, the HRA includes an appropriate assessment of these elements.
- Components (i) and (ii) were assessed and mitigated for as part of the sea defence works applications and so no specific mitigation above and beyond that associated with the sea defence works is required for these components of the scheme. The additional dredging and deposition operations would have no adverse effect upon the integrity of the European site.
- No in-combination effects were found.
- Because the impacts of all works associated with applications 18/0499, 18/0500 and 18/0744, both alone and in-combination are found to have no adverse effect upon the integrity of a European site, no specific mitigation is required. However, as a precautionary

measure the general mitigation principles outlined in the HRA for the sea defence works (VBA 2016, and repeated in section 10, paragraph 10.2 of the Shadow HRA) will be adhered to for all works associated with applications 18/0499, 18/0500 and 18/0744, and could be secured through planning condition.

Natural England's comments on the revised Shadow HRA are awaited. However, as the Shadow HRA concludes that the comprehensive development would have no adverse effects upon the integrity of the internationally important designated nature conservation site, either alone or in combination with other plans and projects, and that no specific additional mitigation measures are required above and beyond those identified for the sea defence works, it is considered that the application can be progressed through Committee on the basis that there is no apparent conflict with the objectives of section 1 (a) of FLP policy ENV2 in respect of the development's effects on internationally important nature conservation sites. This is subject to the caveat that the recommendation to grant planning permission can only be delegated to the Head of Planning and Housing providing that Natural England subsequently confirm their agreement with the conclusions and suitability of the mitigation measures set out in the revised Shadow HRA, along with any associated planning conditions.

Local nature conservation sites and priority species:

The application is accompanied by an extended phase 1 habitat survey which, among other matters, considers the development's effects on the BHS. The ecology survey makes the following conclusions in this regard:

- All areas of the study zone [the BHS] were heavily disturbed by recreational uses and showed evidence of other types of modification. Bare sand showed where high levels of constant disturbance were preventing dune vegetation from establishing and artificially flattened areas indicated the probable location of former tracks. Invasive species such as the non-natives Japanese rose and sea-buckthorn and opportunistic weeds such as creeping thistle were further evidence of disturbance, since these plants become established where high levels of disturbance occur.
- The sand and silt would be pumped out of the lake, along the pipeline and discharged into pre-prepared settlement cells within the dune complex. After settlement, a second return pipeline (along the same route) would take the water back to Fairhaven Lake. The temporary pipeline will be a 100mm or 150mm diameter plastic pipe laid on the dune surface and protected from damage by demarcation fencing. It will be removed on completion of the dredge. The silt is essentially wind-blown sand from the estuary that has accumulated in the lake, with a higher organic content (8-13%) than the dune sands (4%). Therefore spillages, while undesirable in non-target areas, would be of materials that are of broadly similar origin and organic content. Therefore they would be unlikely to have a serious impact upon the affected areas. Protective fencing and regular inspections during operating periods would help to minimise risk of pollution.
- At the deposition area, ground would be prepared by stripping and stock-piling the top-sand to retain a seed bank, then stripping the sub-base material below this to provide coarser sand with which to combine with the dredged silt (which may be prone to wind-erosion). The seed-bank material would be placed with the sub-base layer, with re-profiling aiming to mimic appropriate dune landforms. Some establishment management is proposed but no planting – natural regeneration would be allowed to occur. Non-native shrubs and other species would be removed prior to surface stripping of the existing dunes.
- Proposals for duneland restoration are to follow a three-step process: (i) ploughing deposited material to bring the organic material content down from 8-13% to 4%; (ii) combining stock-piled top-sand into the upper layers of the deposited material to

re-introduce native vegetation and seed bank; and (iii) monitoring the restored surface of the dune for invasive and ruderal species on a monthly until vegetation is established. The initial establishment period is expected to last up to 18 months and it is expected that a sustainable duneland system would have established after five years. An annual inspection by an external botanist is proposed, to review the success of the restoration and assimilation into the wider dune system. Once dunes are successfully restored and the five years have passed, the bi-monthly inspections would cease and the area would be managed with the rest of Fylde's dunelands. If success is not complete, then the enhanced monitoring and corrective actions would continue for another year followed by another review.

GMEU and the Lancashire Wildlife Trust have been consulted on the application with respect to local impacts. Natural England and the Environment Agency have also commented, though their observations do not include detailed advice concerning impacts on local ecological networks and are concerned more with particle size compatibility and environmental permitting.

The abovementioned consultees have raised concerns regarding the differences in composition between the dredged lake material and that which exists within the BHS duneland. These focus on the following issues:

- **Particle size** – There are concerns that the finer silt-based material taken from the lake would not combine successfully with the coarser sand within the dunes.
- **Organic content** – Samples from the lake material indicate that this has a higher percentage (8-13%) of organic material in comparison to the dunes (anticipated at around 4%).
- **Nutrient content** – Samples from the lake material indicate that this has elevated levels of nitrogen and phosphorus in comparison to the nutrient-poor material in the dunes.

Consultees note that, while sampling of the lake material has been undertaken, no equivalent sampling of the duneland has been carried out to allow a comparison between the characteristics of the material in the two sites. In summary, the consultees consider that deposition within the BHS should not be permitted until sampling of the existing duneland has taken place and the applicant has demonstrated that their method for treatment of the dredged material is capable of effectively reducing nutrient levels and organic content to a value which is similar to that of the existing dunes. If this cannot be achieved, then the deposition of dredged lake material with an elevated organic and nutrient content within the nutrient-poor environment of the dunes would, in effect, act as a fertiliser to enrich the dunes which would result in its colonisation by species that are incongruous to the duneland habitat. In terms of particle size, the deposition of finer material within the dunes has the potential to impact negatively upon sand dune morphology and stability if it does not combine with the coarser sand.

GMEU have recommended that, in the absence of any sampling of the existing dune material, there can be no certainty that the dredged lake material (even after treatment) would be compatible with that in the dunes and, accordingly, a precautionary approach should be taken to prevent the disposal of dredged material within the dunes as the transfer of inappropriate material into the dunes would result in damage to the BHS in conflict with the requirements of FLP policy ENV2. This precautionary approach is supported by the Lancashire Wildlife Trust.

Following the comments received from consultees, the applicant has commissioned sampling of the existing duneland in order to provide a baseline scenario for comparison with the dredged material. It is expected that the results of that sampling will be available before the committee meeting and presented in the late observations report. Any updated comments and recommendations received from the relevant consultees will also be reported. The applicant has, however, provided a response to GMEU's initial comments as follows:

- The reference to the lake material's nitrogen (N) and phosphorus (P) levels being "a perfect ratio for algae growth" refers to the soluble fraction of N and P in the lake silt (i.e. as it exists in the anaerobic conditions of the lake). Once the lake material is extracted, aerated and subject to oxidation its N and P fractions will change significantly. P chemistry will become dominated phosphate being highly bonded to iron salts and therefore no longer biologically available. N chemistry will be dominated by the slow conversion of organic N into ammonium salts (Mg, Fe and Ca bonded) through the process of nitrification. With the highly bonded P no longer biologically available in the dried silt, the small quantities soluble N are significantly less likely to exert an enrichment risk.
- The greater part of the sandy/silty material is at the sand end of the particulate fraction. The sand has originated from the adjacent estuary and dunes and is windblown into the lake. It is typically nutrient poor and we believe by regular turning by the proposed ploughing mitigation it will revert back to sand after oxidation of the silt. Fylde's Coastal Rangers Team has required the maximum completion level for organic material to be just 4% which is comparable with the existing organic content of the sand dunes.
- The opportunity for an alternative location for this material has been explored comprehensively and various options considered prior to the application. Other options has, however, proved cost prohibitive or more harmful to surrounding designated sites (e.g. deposition at sea concluded that there would be more disturbance on the national and internationally important habitats of the estuary).
- It must not be forgotten that the dredge has been proposed and designed to improve the water quality of the lake which in turn will improve its value as a brackish water habitat suiting priority species such as the European Eel. In the past there has been major fish kills in the lake due to anaerobic conditions in the later summer months. The adjacent coastal defence works are installing an improved tidal gate to the inlet / outlet structure designed for improved fish passage. This in turn will likely lead to the potential for greater fish numbers in the lake. Improvement in the water quality of Fairhaven Lake will bring other ecological benefits including:
 - Reduction in the risk of blue – green algae events;
 - Reduction in the risk of eutrophication from algae or weed dominance of the lake water;
 - Associated improvement as a habitat for priority species such as the European Eel;
 - Creation of a safe high water wading roost on one of the lake islands;
 - Management of existing invasive species in the dunes; and
 - Accretion and reinforcement of the dunes at this narrow duneland location to act as green sea defences.

The applicant's response to GMEU's comments sets out an action plan to address that response, the main aspect of which centres around "geo-technical sampling of the existing sandy soil profile of the proposed disposition site in order to allow a baseline to be established. However, as the results of this sampling are, as yet, unavailable, it is recommended that the precautionary approach suggested by GMEU is secured through the imposition of planning condition to prevent the deposition of any dredged material within the duneland unless and until the applicant has demonstrated that it can be appropriately combined into the dunes. The recommended condition (no. 3 in the schedule below) includes 4 main strands as follows:

- Sampling of the existing dunes to determine the difference between the composition of the existing dune and untreated dredged materials with respect to particle size, organic content and nutrient content (specifically, but not limited to, nitrogen and phosphorus) in order to establish a 'baseline scenario'.
- Setting of targets which will need be achieved in respect of the particle size, organic content and nutrient content (specifically, but not limited to, nitrogen and phosphorus) of the

- dredged material in order to allow its deposition within the dunes – the ‘target scenario’.
- Details of the method(s) to be employed in the treatment of the dredged material in order to achieve the agreed targets.
- Provision for the extraction and treatment of a sample of the dredged material from the lake in accordance with the proposed method(s) to demonstrate the appropriateness and effectiveness of that treatment method in achieving the agreed targets.

In essence, the condition requires the applicant to demonstrate that the dredged material, once removed from the lake and treated in accordance with their method, is capable of being modified from its current state to a target which is compatible with that of the existing dunes in terms of particle size, organic content and nutrient content (the baseline properties of which are to be established through sampling). This includes a requirement for the applicant to treat a small sample of dredged material taken from the lake outside the dunes in order to prove the effectiveness of their method prior to any deposition within the BHS. The final part of the condition sets out two scenarios which, depending on the success of the proposed treatment method in achieving the required targets, will either allow or prevent the deposition of the dredged material in the dunes. In the event that the treatment method is proved to be effective, the condition includes provisions for ongoing monitoring of the deposited material. Alternatively, if the treatment method is shown to be ineffective in achieving the required targets, no disposition will be permitted within the dunes and an alternative means for the disposal of the dredged material will be required.

The wording of recommended condition 3 adopts the precautionary approach advocated by GMEU (as further endorsed by the Lancashire Wildlife Trust and, to an extent, Natural England and the EA). As the sampling, treatment and testing requirements in the condition would need to be carried out over several months, it is not considered that these details can be provided prior to determination as this would jeopardise the grant funding timetable for the project with the Heritage Lottery Fund. In any case, the wording of the condition is considered to be sufficiently robust to ensure that any potentially damaging effects to the morphology and ecological value of the dunes and the BHS within which they are located can be avoided, including through the implementation of appropriate mitigation measures. Accordingly, providing that the requirements of condition 3 are adhered to strictly, the development should not conflict with the requirement of FLP policy ENV2.

While the grant of this planning permission will allow the dredging of the lake material as a separate process (i.e. it will allow the extraction of the material to be carried out independently of any subsequent disposal) it should be noted that, in the event that the applicant’s treatment method proves to be ineffective in meeting the required targets which would allow deposition with the dunes, an alternative method of disposal may require the benefit of a separate planning permission depending on how that is to be undertaken.

Flood risk:

Parts of the lake and deposition site are located within flood zone 2 as defined on the Flood Map for Planning.

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. This requirement is reiterated in FLP policy CL1. In addition, FLP policy CL2 requires developments to include suitable arrangements for the disposal of surface water, including the use of SUDS where appropriate.

The application is accompanied by a Flood Risk Assessment (FRA) which addresses the effects of the

wider project as a whole. A separate addendum letter specific to the dredge and deposition application is also provided. The addendum letter sets out the following conclusions:

- The current dunes are made up of a lower front dune of typically 7.15m AOD and higher back dune up to 10.05m AOD. The deposition would take place in an elongated hollow that exists between the front and back dunes and would raise the level of the former tack area from 5.65m to 6.65m AOD, remaining below the level of the front dune.
- The proposed deposition site would be subject to flooding but this would not lead to harm or endangerment of life or property.
- There would be no increase in the risk of flooding at the deposition site, nor any discernible consequential risks of flooding elsewhere.
- There would be no increase in surface water runoff as one duneland surface would be replaced with another and no impermeable surfaces are proposed.
- The augmentation of the dunes in this relatively narrow duneland system would assist in the function of the coast at this point to act as a natural sea defence.
- No alteration to accesses to watercourses in the form of the Ribble Estuary or the soon to be constructed coastal defences will take place. Co-ordination may be required to ensure that the temporary pipelines do not affect the construction processes of the coastal defence project. Given their proposed size the pipelines can be readily buried across any construction access route the coastal defence project may be running from St Paul's Car Park.
- The site is at low risk of flooding from flooding sources other than a residual risk from a tidal breach event. The placing of material behind the leading dune line assists in reducing the likelihood of a tidal breach in this area.
- Mitigation is proposed in terms of re-establishing the unfixed grass sward rather than leaving the deposition area as bare ground. The preferred method of sward establishment is through natural recolonization of the area using a saved seed bank. However should natural re-colonisation not take place then a more interventionist approach will be adopted and active sowing and planting of the exposed site with duneland grass species will take place.

The existing dunes are classified as "water-compatible development" in accordance with the flood risk vulnerability classifications in the NPPG (falling within the category of "Amenity open space, nature conservation and biodiversity"). Table 3: flood risk vulnerability and flood zone compatibility indicates that water compatible development is appropriate within flood zone 2 and, accordingly, the development is an appropriate use of land within this zone. As set out in the FRA addendum letter, the nature of the scheme is such that the development should have no adverse effects in terms of increasing the risk of flooding elsewhere. In addition, the EA have not raised any objections to the scheme on flood risk grounds. Accordingly, the development would not conflict with the requirements of FLP policies CL1 and CL2, or the NPPF.

Other matters:

The proposed dredging and deposition works are anticipated to last 6-8 weeks, with a further 6-9 months for the restoration works to take place. This means that public access through the deposition site will be restricted for around 12 months. As this area has a series of trodden footpaths which are well used by walkers and those travelling between Inner Promenade and the pebble beach beyond the dunes, it is considered that an element of public access over the deposition site should be maintained during the works. This is likely to include temporary bridging over the deposition area. An appropriate condition has been imposed in this regard which requires a scheme to be approved prior to the deposition works occurring.

Conclusions

The application relates to the site of Fairhaven Lake and an area of duneland lying to the west which falls within the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS). Both the lake and dunes are located within the coastal fringe between Inner Promenade and the Ribble and Alt Estuaries. The proposal forms part of a wider programme of landscape enhancements at Fairhaven Lake and relates specifically to works associated with the dredging of the lake for purposes of targeted de-silting and subsequent deposition of the arising material within the dunes (the 'dredge and deposition application')

The proposed lake dredging forms an integral part of a three-phase schedule of works (the others comprising the installation of an improved tidal gate to the inlet/outlet structure and a series of lake aerators) to improve water quality within Fairhaven Lake and, in doing so, enhance its value as a brackish water habitat suiting priority species such as the European Eel, minimise fish kills arising from anaerobic conditions and reduce the frequency of algal blooms. The additional lake depth afforded by the dredging will also allow the lake to accommodate a greater range of water-based leisure and sporting activities.

The proposed dredging works involve the removal of approximately 9300 cubic metres of sandy silt from the lake to restore the shallowest areas to a minimum depth of 1.3m. Material would be removed via suction of the sand and silt over a 3.1 hectare area of the lake by a pontoon or barge mounted pump dredger. The silt would be pumped in solution into four pre-prepared settlement 'cells' located within a *circa* 0.36 hectare area of the duneland to the west via a 975m long pipeline laid across the dune surface and enclosed by temporary fencing. The four holding cells will spread across a 360m long area with material deposited to a height of 1m. Once the dredged material has settled in the cells, the sand and water will quickly separate and surplus water will be pumped back into the link via a separate pipeline running within the same enclosure. Following deposition, it is anticipated that the organic and nutrient content of the dredged material will be reduced during the drying out process which will also include ploughing to promote oxidation and thereby lower the organic and nutrient content of the material to a level which is similar to the existing dune material. Finally, existing dune sand stockpiled to create the holding cells will be combined with the dredged material to act as a seed bank allowing the recharging and colonisation of the dunes to complete the restoration.

The nature and siting of the proposed dredging and deposition operations is such that the development will have no undue effects on the amenity of surrounding occupiers, nor would the height and spread of the deposited material adversely alter or diminish the duneland's present openness or appearance on the foreshore. Walking routes through the dunes are capable of being maintained both during and following the deposition and additional benefits to leisure and recreation would arise as a result of increasing the depth of Fairhaven Lake. The development would not give rise to any highway capacity or safety implications.

The main issue in this case is, therefore, to ensure that the deposition of sandy silt material from the lake within the dunes does not have any damaging effects which would harm the ecological value of the BHS by reason of differences in particle size, organic content and/or nutrient levels between the dredged and dune material. The applicant has set out series of measures to treat the dredged material which they consider will ensure the deposited material is assimilated sympathetically into the dune habitat, though the results of this method are, as yet, untested. Accordingly, it is recommended that a precautionary approach is taken which will require the applicant to demonstrate the effectiveness of their proposed method for treating the dredged material – including pre and post treatment sampling for compatibility with the duneland material – before any deposition within the dunes can take place. If the applicant's proposed treatment method does not achieve sufficient compatibility, an alternative method for the disposal of the dredged material will

be required. It is considered that this precautionary approach will ensure that the development would not cause degradation of the assemblage and ecological functions of the BHS.

Subject to the above, the proposal is considered to represent sustainable development in accordance with relevant adopted policies contained within the FLP, and the provisions of the NPPF.

Recommendation

That authority is delegated to the Head of Planning and Housing to GRANT planning permission subject to the following:

- The Local Planning Authority's adoption of a suitable Habitat Regulations Assessment which, in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017, demonstrates that the proposed development (including, where necessary, appropriate mitigation measures to be incorporated as part of it) will not have an adverse impact on the integrity of the Ribble & Alt Estuaries Ramsar site either alone or in combination with other plans or projects, including written confirmation of the same from Natural England; and
- The following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Regeneration believes is necessary to make otherwise unacceptable development acceptable, having particular regard to any amended/additional conditions that may be requested by Natural England in order to meet the requirements in (i) above):

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

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

2. This permission relates to the following plans:

Drawing no. 310-RYD-XX-XX-DR-L-2203 – Land ownership plan.

Drawing no. 310-RYD-XX-XX-DR-L-2205 Rev A – Location of proposed dredge and deposition site plan.

Drawing no. 310-RYD-XX-XX-DR-L-2206 – Dredge sections – Section Aa-Aa long section.

Drawing no. 310-RYD-XX-XX-DR-L-2207 – Dredge sections

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

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

3. There shall be no deposition of any dredged material within the dunes unless and until a scheme setting out a method for the treatment of the dredged material, and demonstrating the appropriateness and effectiveness of that method against agreed targets, has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of the differences between the composition of the existing dune material and the untreated dredged material with respect to particle size, organic content and

nutrient content (specifically, but not limited to, nitrogen and phosphorus), to be evidenced through appropriate sampling.

- Details of the targets to be achieved in respect of the particle size, organic content and nutrient content (specifically, but not limited to, nitrogen and phosphorus) of the dredged material in order to allow its deposition within the dunes.
- Details of the method(s) to be employed in the treatment of the dredged material to achieve the targets agreed in b).
- Provision for the extraction and treatment (outside the Biological Heritage Site) of a sample of the dredged material in accordance with the method(s) in c) to determine the appropriateness and effectiveness of that treatment method in achieving the targets agreed in b).

In the event that the method(s) for the treatment of the dredged material in c) is found to be effective in meeting the targets in b), a timetable for the deposition, treatment and monitoring of the ongoing effectiveness of the duly approved treatment method(s) in c), including provisions for future sampling and, where necessary, the ongoing treatment of the deposited material, shall be submitted to and approved in writing by the Local Planning Authority before any deposition of dredged material within the dunes takes place.

In the event that the method(s) for the treatment of the dredged material in c) is found to be ineffective in meeting the targets in b) there shall be no deposition of any dredged material within the dunes and an alternative scheme and timetable for the disposal of the dredged material outside the Biological Heritage Site shall be submitted to and approved in writing by the Local Planning Authority before any deposition of the dredged material takes place.

The development shall be carried out in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure that an appropriate method for the effective treatment of the dredged material is demonstrated to be feasible before any deposition within the dunes can take place in order that that any material deposited within the dunes is compatible with the existing assemblage of the duneland to avoid any damaging effects to the morphology and ecological value of the dunes and the Biological Heritage Site within which they are located, including through the implementation of appropriate mitigation measures, in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

4. No development shall take place until an Operational Method Statement (OMS) has been submitted to and approved in writing by the Local Planning Authority. The OMS shall include:

- a) hours of work for site preparation, delivery of apparatus and operation;
- b) arrangements for the parking of vehicles for site operatives and visitors;
- c) arrangements for any vehicle access into the deposition site;
- d) details of the size, routing and protection (including provisions for ongoing pedestrian access) of pipelines running between the lake and the deposition site;
- e) details of the siting, height and maintenance of any temporary fencing to enclose the pipelines and deposition site; and
- f) measures to prevent the accidental spillage of material from the pipelines into the duneland during transfer.

The development shall thereafter be carried out in full accordance with the duly approved OMS.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties, to avoid obstruction of the surrounding highway network, to ensure pedestrian access across the promenade is maintained and to minimise the potential for damage

to the Biological Heritage Site accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV2, and the National Planning Policy Framework.

5. No development within the deposition site (the location of which is shown on drawing no. 310-RYD-XX-XX-DR-L-2205 Rev A) shall take place unless and until a scheme for the restoration of the duneland within and surrounding the deposition site has been submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall include:
- a) Provision for the removal of all invasive non-native species prior to any stripping and/or excavation works taking place.
 - a) Provision for the preservation and/or re-location of the key plant species identified in paragraph 4.6 and Table 4 of the report titled 'Duneland Deposition Zone Phase 1 Habitat Survey Report' by Penny Anderson Associated LTD (report reference 180373 dated October 2018) prior to any stripping and/or excavation works taking place.
 - b) Provision for the creation of undulations (mounds and depression) and slacks as part of the dune re-profiling works.
 - c) Details of measures to promote the re-colonisation of the dune surface with non-invasive native species, including appropriate and proportionate intervention if natural re-colonisation proves to be ineffective.
 - d) Arrangements for ongoing monitoring and maintenance, including provisions for remedial measures, where necessary, for a period of not less than 5 years following the completion of the deposition works.
 - e) A timetable for implementation.

The development shall thereafter be carried out in full accordance with the details in the duly approved scheme and the timetable contained therein.

Reason: To ensure appropriate restoration of the duneland within and surrounding the deposition site and to secure suitable aftercare of the site in order to assist the recovery and recharging of the dunes in order to preserve the naturalistic form and ecological function of the duneland and wider Biological Heritage Site and to ensure that the restoration works deliver net gains for biodiversity in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV2, and the National Planning Policy Framework.

6. No development within the deposition site (the location of which is shown on drawing no. 310-RYD-XX-XX-DR-L-2205 Rev A) shall take place unless and until a scheme for maintaining public access through and around the deposition site during the deposition, treatment and restoration phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Provisions for the creation of walking routes through and around the deposition site, including details of their size, siting, design and surfacing.
 - b) Provisions for the erection of signage surrounding the deposition site to direct walkers to the routes in a), including details of the size, number, siting and design of any signs.
 - c) The publication of information concerning the scope of the works and provision of the walking routes in a) online.
 - d) Arrangements for the ongoing monitoring and maintenance of the walking routes in a).
 - e) A timetable for implementation.

The development shall thereafter be carried out in full accordance with the details in the duly approved scheme and the timetable contained therein.

Reason: To secure the maintenance of popular walking routes through and around the deposition site during the course of the development in order to preserve the use of the amenity open space for outdoor recreation in accordance with the requirements of Fylde Local Plan to 2032 policies

GD7 and ENV3.

7. No development, ground works or vegetation clearance shall take place until a Construction Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
- a) A risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones'.
 - c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The duly approved CEMP shall be implemented concurrently with the implementation of the development and shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on designated nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0744	Address Fairhaven Lake Dredge & Deposition Site, South of Inner Promenade, Lytham St Annes	Grid Ref. E.3336 : N.4273	Scale 0 40 80 120 160 m

Item Number: 9

Committee Date: 12 December 2018

Application Reference:	18/0813	Type of Application:	Variation of Condition
Applicant:	Kirkham Grammar School	Agent :	MCK Associates Limited
Location:	KIRKHAM GRAMMAR JUNIOR SCHOOL, RIBBY ROAD, KIRKHAM, PRESTON, PR4 2BD		
Proposal:	VARIATION OF CONDITION 2 ON 18/0245 TO AMEND THE PARKING LAYOUT.		
Ward:		Area Team:	Area Team 1
Weeks on Hand:	8	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.7806084,-2.8855486,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is Kirkham Junior School on Ribby Road in Kirkham. The application is submitted as a Section 73 application to vary the plans approved under planning permission 18/0245. This was granted earlier this year and approves a single storey extension to the front of the school building to provide a new entrance porch and cloakroom area.

As part of the scheme for that extension revisions to the car parking layout were approved to compensate for lost car parking spaces as a result of the extension. Some logistical issues have been identified with that layout and so this application seeks to revise the approved layout by providing two spaces for disabled drivers with a further four spaces created for use by school staff.

It is considered that the proposal provides a suitable number and arrangement of parking spaces for the school and so complies with Policies GD1, GD7, ENV1 and HW2 of the Fylde Local Plan to 2032. Accordingly it is recommended for approval by Members.

Reason for Reporting to Committee

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

Site Description and Location

The application site is Kirkham Grammar Junior School, Ribby Road, Kirkham. In particular the site is a single storey building and associated playing fields and car parks which is situated opposite the main Grammar School building, on the south side of Ribby Road. The junior school was originally granted approval in 1991 with parking arranged to the front of the building and abutting Ribby Road,

with the school playing fields situated to the west of the school building and extending up to the Kirkham by-pass (A583).

The site also abuts the burial ground for St. John's Church, to the east side, and is separated from it by a low brick wall with trees on the church side of the boundary which are covered by Tree Preservation Order 1997 No. 2 (Kirkham).

The site is within the settlement of Kirkham and Wesham as designated on the Fylde Local plan to 2032.

Details of Proposal

This application is submitted as a Section 73 application to vary the plans approved under application no. 18/0245 and listed in condition no. 2 of that application. The application granted approval for a single storey extension to the front of the school building to provide a new entrance porch and cloakroom area.

As part of the scheme for the extension revisions to the car parking layout were approved to compensate for lost car parking spaces. This application seeks to revise the approved layout by providing two spaces for disabled drivers with a further four spaces created for use by school staff.

Relevant Planning History

Application No.	Development	Decision	Date
18/0245	SINGLE STOREY EXTENSION TO FRONT TO FORM NEW ENTRANCE PORCH AND CLOAKROOM AREA	Granted	14/05/2018
02/0984	PROPOSED SINGLE STOREY EXTENSION TO FORM A NURSERY UNIT	Granted	07/04/2003
00/0420	SINGLE STOREY EXTENSION	Granted	01/11/2000
00/0407	SINGLE STOREY EXTENSION TO FORM STAFF ROOM WITH TOILETS, INFANTS CLOAKROOM WITH TOILETS AND OFFICES	Granted	12/07/2000
98/0528	ADVERTISEMENT CONSENT FOR INVESTORS IN PEOPLE FLAG MOUNTED ON 8 METRES HIGH FLAGPOLE	Granted	09/09/1998
96/0311	RE-SUBMISSION OF 5/95/0040, 2 STOREY EXTENSIONS TO FORM 6 ADDITIONAL CLASSROOMS, NEW SHOWER BLOCK, SCHOOL ENTRANCE AND INCREASED HARD PLAY AREA	Granted	19/06/1996
95/0040	TWO STOREY EXTENSION TO FORM 6 NO. CLASSROOMS AND ASSOCIATED FACILITIES	Granted	12/04/1995
93/0283	PROPOSED SINGLE STOREY SHOWER BLOCK EXTENSION	Granted	16/06/1993
93/0216	PROPOSED SINGLE STOREY CLASSROOM BLOCK	Granted	19/05/1993
90/0466	ERECTION OF SINGLE STOREY SCHOOL WITH ACCESS ROAD CAR PARKING AND PLAY AREAS	Granted	03/01/1991

Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 19 October 2018 and comment:

Kirkham Town Council recommend refusal and object to this application as the car parking spaces shown on the plans are not viable.

Statutory Consultees and Observations of Other Interested Parties

None.

Lancashire County Council - Highway Authority

"LCC Highways does not have any objections regarding the proposed variation of condition 2 and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site."

Neighbour Observations

Neighbours notified:	19 October 2018
Site Notice Date:	01 November 2018
Number of Responses	None received.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV1	Landscape
HW2	Community Facilities

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order

Environmental Impact Assessment

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

Comment and Analysis

This application has been submitted to under Section 73 of the Town and Country Planning Act 1990 as a variation of condition no. 2 (approved plans), of planning permission 18/0245. The effect of an application under this section is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

Condition no. 2 of planning permission 18/0245 lists the approved plans including the site layout plan which authorised some changes to the car parking layout to the front of the junior school building. This application proposes changes to that layout and the number of parking spaces.

Principle of development

The principle of an extension to the junior school for the purposes of creating a new entrance which provides a reception area and cloakroom areas has been accepted by the granting of application 18/0245. The extension has been constructed and is in use by the school and so is not an issue to re-consider in this application.

Impact on visual amenity

The changes proposed in this scheme will not have any visual impact beyond the confines of the school grounds in regards to the car parking layout.

In addition to the previously approved extension the school have created an outdoor soft play area around one of the protected trees on the boundary with the school which utilises part of the school car parking areas. This area has been provided with low timber seating and benches and is enclosed with roll top blue railings. Views of this area may be obtained from Ribby Road but this is small scale and is partially obscured by the trees along the Ribby Road boundary and does have a detrimental impact on the character and overall visual amenity of the area.

Impact on neighbour amenity

Policy GD7 refers to neighbour amenity. For application no. 18/0245 no neighbour objections were received and none have been received in regards to this application.

The variations proposed in this application will not have an impact on neighbours in regards to their amenity and as a consequence the proposal is considered to comply with Policy GD7 of the Fylde local plan to 2032.

Access and car parking

Access to the school and parking area is from a well-established access point from Ribby Road, and this is unaltered under this scheme.

The front extension to the school approved under application no. 18/0245 involved the loss of a parking space for a disabled driver at the front of the building. To compensate for that loss that scheme required the provision of two spaces for disabled drivers at the end of the central parking area and one further space abutting the boundary wall with the church. Since that scheme was approved it has become clear that these spaces restrict the ability of larger coach type vehicles to manoeuvre around the car park and so they are not operational. The creation of an external play area has also resulted in a loss of a further three parking spaces within the site.

The revised layout now under consideration provides two disabled driver spaces at the new entrance to the junior school with a further four spaces provided in tandem adjacent to the boundary wall with the church and alongside four of the existing parking spaces. This will replace those proposed in the initial scheme and those lost since by the formation of the play area. The result is that parking levels are not reduced as the initial permission increased the number by 2 spaces and the revised proposal actually provides those and replaces the 3 lost through the

formation of the play area Overall there is a gain of 2 spaces.

This arrangement does mean that some spaces are not always accessible and so to address that it is proposed that four of the existing spaces and the four spaces to be provided are to be allocated for staff parking only. The school have confirmed that teachers who use the spaces work the same hours who should arrive and leave simultaneously. Should any need to leave early this would be arranged in advance.

The school have advised officers that they are aware of community concerns in regards to parking and traffic issues around pupil drop off and collection times. In order to alleviate some of these problems the school have introduced extended opening times and are now open from 07.30 to 18.00 hrs. In addition they have increased their number of free after school clubs which has resulted in a staggered the school day and has helped to alleviate some of the congestion around the school.

LCC Highway Engineers are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Given that the revised scheme does not result in a net loss of spaces from that previously approved it is considered that the proposal is acceptable and in compliance with Policy GD7.

Impact on protected trees

The extension which has been built was close to a tree covered by TPO 1997 No. 2 Kirkham. The council's tree officer at that time expressed comment that the extension has the potential for impact on the root protection areas of the tree. However, his view was that the development could be undertaken without detriment if careful ground preparation was undertaken.

Three of the parking spaces now lost were within the root protection areas of the TPO tree. This area now provides the external play area, which whilst covering the RPA of the tree is achieved using soft flexible and porous material which is likely to cause less damage than use by vehicles. Accordingly the proposal is considered to be acceptable in regards to Policy ENV1 of the local plan.

Conclusions

The proposal seeks permission for revisions to the car parking layout on school grounds. The revisions result in no net loss of parking spaces and other practices introduced at the school to extend the school hours will assist to alleviate congestion at busy times of the day.

It is considered that the development can be carried out without undue harm to the visual amenity, the amenity of neighbours or highway safety.

Accordingly it is considered that the development complies with the 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:

- a) Location Plan -
- b) Proposed site layout plan - drawing no. 1002 REV. B

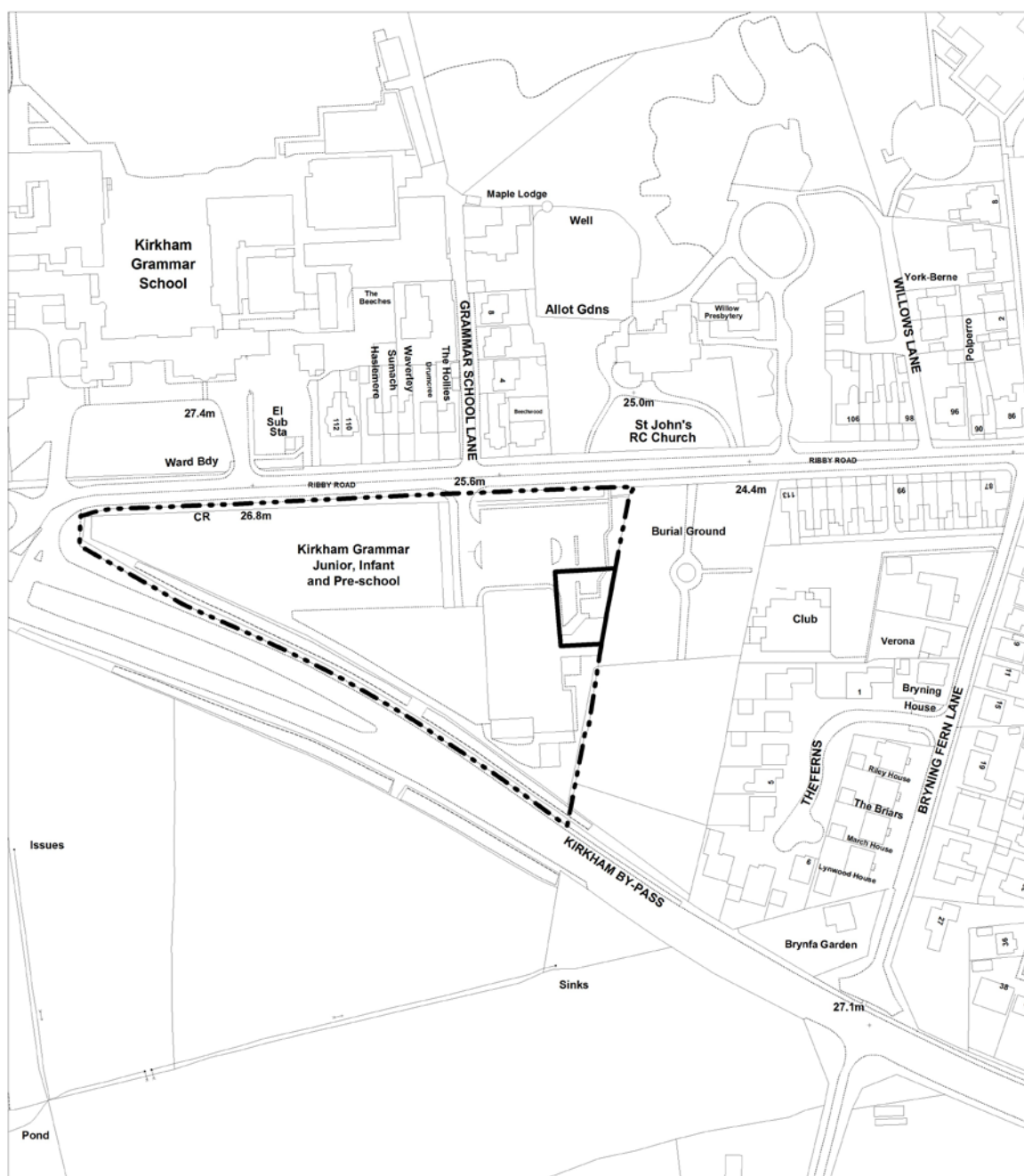
Supporting Reports:

- c) Kirkham Grammar School supporting letter - Daniel Berry 23 November 2018

Reason: To provide clarity to the permission.

- 2. That within 3 months of the date of this permission the parking arrangement indicated on the plan listed in condition 1 of this planning permission shall be implemented, with the spaces shown surfaced and marked out in accordance with that layout. These spaces shall all remain available for staff or visitor parking associated with school operations at all times thereafter.

Reason: In order to provide an appropriate number and arrangement of parking spaces in accordance with Policy GD7 of the Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0813	Address Kirkham Grammar Junior School, Ribby Road, Kirkham	Grid Ref. E.3417 : N.4319	Scale 0 10 20 30 40 m

Item Number: 10

Committee Date: 12 December 2018

Application Reference:	18/0838	Type of Application:	Change of Use
Applicant:	Mr ROBINSON	Agent :	ML Planning Consultancy Ltd
Location:	BOLTON HOUSE FARM, CHURCH ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SE		
Proposal:	CHANGE OF USE OF LAND TO PROVIDE EXTENSION TO DOMESTIC CURTILAGE INCLUDING ERECTION OF DETACHED GARAGE WITHIN EXTENDED GARDEN AREA		
Ward:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	6	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.7970402,-2.8476375,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a detached dwelling located in a small cluster of properties at either side of Church Road north of Treales. The application seeks approval for a change of use of land from an agricultural use to a domestic use as part of an extended garden area to Bolton House Farm together with the erection of a garage on this land. The land has been used previously for a domestic use although this has never been formalised.

It is considered that scale of the land and the garage proposed are acceptable and will not result in a detriment to neighbour amenity, highway safety or the visual amenity and character of the countryside. Accordingly the proposal complies with the criteria of Policies GD4 and GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework and so is recommended for approval by Members.

Reason for Reporting to Committee

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

Site Description and Location

The application site is Bolton House Farm, Church Road, Treales. In particular the application relates to a recently constructed two storey replacement dwelling, approved under application no. 17/0919.

The property has open fields to the north and west of the site with 'Brockanfield House' to the south and 'Carrsfield Barn' to the north and east. The site is located in an area designated as countryside on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the change of use of an area of land of 46m² from an agricultural use to form part of an extended domestic curtilage to the property and then the erection of a detached garage on this land.

The proposed garage measures 8.5 metres in width by 5.4 metres in depth and designed with a dual pitched roof with eaves at 2.5 metres in height and with a ridge height of 4.3 metres. The garage building is proposed to be constructed with a timber frame on a brick base and finished with Cedar cladding under a slate roof.

The building is designed with two sections, one an open area capable of accommodating two vehicles and a closed section provided with double doors.

Relevant Planning History

Application No.	Development	Decision	Date
18/0156	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0919 CONDITION 3 (MATERIAL SAMPLES) CONDITION 6 (LANDSCAPING SCHEME)	Advice Issued	26/04/2018
17/0919	ERECTION OF 1 No. REPLACEMENT DWELLING FOLLOWING DEMOLITION OF EXISTING HOUSE & OUTBUILDING.	Granted	23/01/2018

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 31 October 2018 and comment:

“Parish Council resolved to object to this planning application for the following reasons.

- The application conflicts with policy GD 7 (d) because the proposed garage does not relate well to the surrounding context in its currently proposed location adjacent to the highway.*
- The application conflicts with policy H7 (a) because the existing home has already been extended by more than 33% of the original ground floor area of the home on this site.*

However, the Parish Council would support erection of the garage in the previously approved location to the rear of the property and within the current curtilage as shown on the approved site plan, drawing No: LF/AR/3330 dated 30/09/2018.”

Statutory Consultees and Observations of Other Interested Parties

National Grid (now Cadent Gas)

Highlight that the site is in close proximity to National Grid’s transmission assets.

Health & Safety Executive

A consultation has been undertaken due to the site being within the consultation proximity distance to a pipeline. The response to this is that the HSE do not advise against the granting of the application on safety grounds.

Neighbour Observations

Neighbours notified:	31 October 2018
Site Notice Date:	02 November 2018
Number of Responses	None received

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Site Constraints

Pipelines

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for the change of use agricultural land to within the domestic curtilage of Bolton House and the erection of a garage building on the plot.

Background

Planning permission was sought and approved under application no. 17/0919 for the erection of a replacement dwelling and a new detached garage. The new dwelling was on a footprint slightly to the north of the existing dwelling site with the new garage to the north and west of the site of the new dwelling. The property has been constructed.

Principle

The application site is located in the Countryside area under Policy GD4 of the Fylde Local Plan to 2032 where the principle of replacement dwellings, extensions and other buildings is acceptable subject to compliance with Policy H7.

Policy H7 states: *'Proposals to replace and/or to extend an existing home in the countryside will be permitted where the following criteria are met:*

- a. *The replacement or extended home is increased in size by no more than 33% calculated in relation to the ground floor area of the original home; and*
- b. *The appearance of a replacement home respects the character of the surrounding rural area and the appearance of an extended home respects the character of the original building and the surrounding rural area.'*

The justification for this policy refers to the requirement to retain smaller dwellings in rural locations hence the reference to the floor space of the dwelling. This policy does not take into account outbuildings.

The built development involved in this scheme is a garage. There was a garage approved as part of the previous permission, which has not been constructed as part of that development. The current proposal is intended to provide an alternative garage design and location. Given that the garage is for a residential use at a dwelling, and that Policy H7 does not apply to outbuildings, the erection of the garage is acceptable in principle.

The main policy consideration therefore is Policy GD7 'Achieving Good Design in Development'.

The general principles of this policy is that *development will be expected to be of a high standard of design, taking account of the character and appearance of the local area*

- c) *Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.*
- d) *Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.....*

Impact on visual amenity

This first element of this application relates to the change of use of agricultural land to form extended domestic curtilage. The land in this application was indicated on the location plan for the replacement dwelling and garage (17/0919 refers) however, this was outside of the 'red edge' and did not form part of the domestic garden area proposed at the time of the application.

Notwithstanding this, the land was fenced off from the adjoining field at the time of the site visit for that application. The applicant has advised through his agent, that the area has been used for the siting of an oil tank for the central heating system for the original dwelling and it provided a storage area for the domestic waste bins and other domestic type paraphernalia, although no formal permission for the change of use of the land had been granted. Reference to Google Earth images dating back to 2013 confirms that this is the case.

The area is situated behind a Hawthorne hedge and separated from the adjoining field by a post and rail fence and is provided with a gravel surface and so has the appearance of currently being of part of the domestic curtilage. As a consequence of the small scale size of the plot and its nature it is considered that the change of use and its inclusion as part of the domestic curtilage associated with Bolton House Farm will not result in a detriment impact on the visual amenity of this part of the rural area.

The second element of this application is the erection of a garage building which is being proposed

on the plot instead of in the location as approved under application 17/0919. The scale has increased from the previous garage size at 36 square metres to 45.9 square metres with an increase in height from 4 metres to 4.3 metres.

This current application has revised the design of the garage from a solid brick garage to a part open sided building with an oak frame. The revised garage is considered to be of a high standard of design and is of a similar style to that of the open porch to the front of the new dwelling. It is proposed to be constructed in traditional, good quality materials which are sympathetic to its rural location and will assimilate well into the landscape.

Accordingly as a consequence of its scale, design and siting the development is in keeping with the character of the countryside and so complies with the requirements of Policy GD7 of the local plan.

Relationship to Neighbours

The proposed garage is situated to the north side of the site and consequently away from the neighbouring properties. Consequently there are no neighbours in proximity to the site, who will be affected by this proposal. As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criterion c) of Policy GD7.

Parking and Access Arrangements

The proposal for the new dwelling included the creation of a 'lay-by' to the front of the property with a 'drive in and drive out' arrangement. LCC Highway Engineers considered this proposal acceptable at the time of consultation on the new dwelling and these access arrangements have now been provided on site.

The application proposes to utilize the existing access from the highway which has been laid with gravel. It is considered that the access will not result in a detriment to highway safety as a consequence of the previous approval for the dwelling, subject to the provision of 5 metres of the driveway being laid with material which will not travel onto the highway.

Accordingly the proposal complies with GD7 of the Local Plan in this regard.

Other matters

The Parish Council have objected to the scheme on two points, in respect of the conflict with Policy H7.

As reported above Policy H7 does not make reference to outbuildings and so it is not possible for erection of a garage to conflict with the scale element of this policy, irrespective of the scale of the replacement dwelling.

The council have also objected in that the development fails to comply with Policy GD7 (d) "*The application conflicts with policy GD 7 (d) because the proposed garage does not relate well to the surrounding context in its currently proposed location adjacent to the highway*".

As part of the redevelopment of the dwelling the siting of the new property was moved further northwards towards the area of land referred to in this application. As a consequence the siting of the garage is less remote from the dwelling. It is opposite 'Carrsfield Barn' which extends further north on the opposite side of Church Road and so is within the general area of ribbon development

on this part of Church Road. It is set behind the existing hedge which will partial screen the development and as reported the building is to be constructed in Cedar cladding, a natural material which is in keeping the features on the new dwelling and is an appropriate material for its rural surroundings. This will allow compliance with Policy GD7d.

Consequently it is considered that the objections of the Parish Council in this case are not supported and the development is not actually contrary to the stated policies.

Conclusions

The application relates to the formalisation of a small area of agricultural land to a domestic use and the erection of a new garage on the land in place of the garage approved under the previous application 17/0919 for the replacement dwelling.

Having viewed the proposal and assessed the issues raised, it is considered that the proposal is acceptable and would not result in a detriment to neighbour amenity, highway safety nor the visual amenity of the countryside.

Accordingly the development complies with Policies GD4 and GD7 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 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:

- d) Location Plan - 'Stanfords' Map data
- e) Proposed site, floor and elevation plan - drawing no. LF/AR/3330

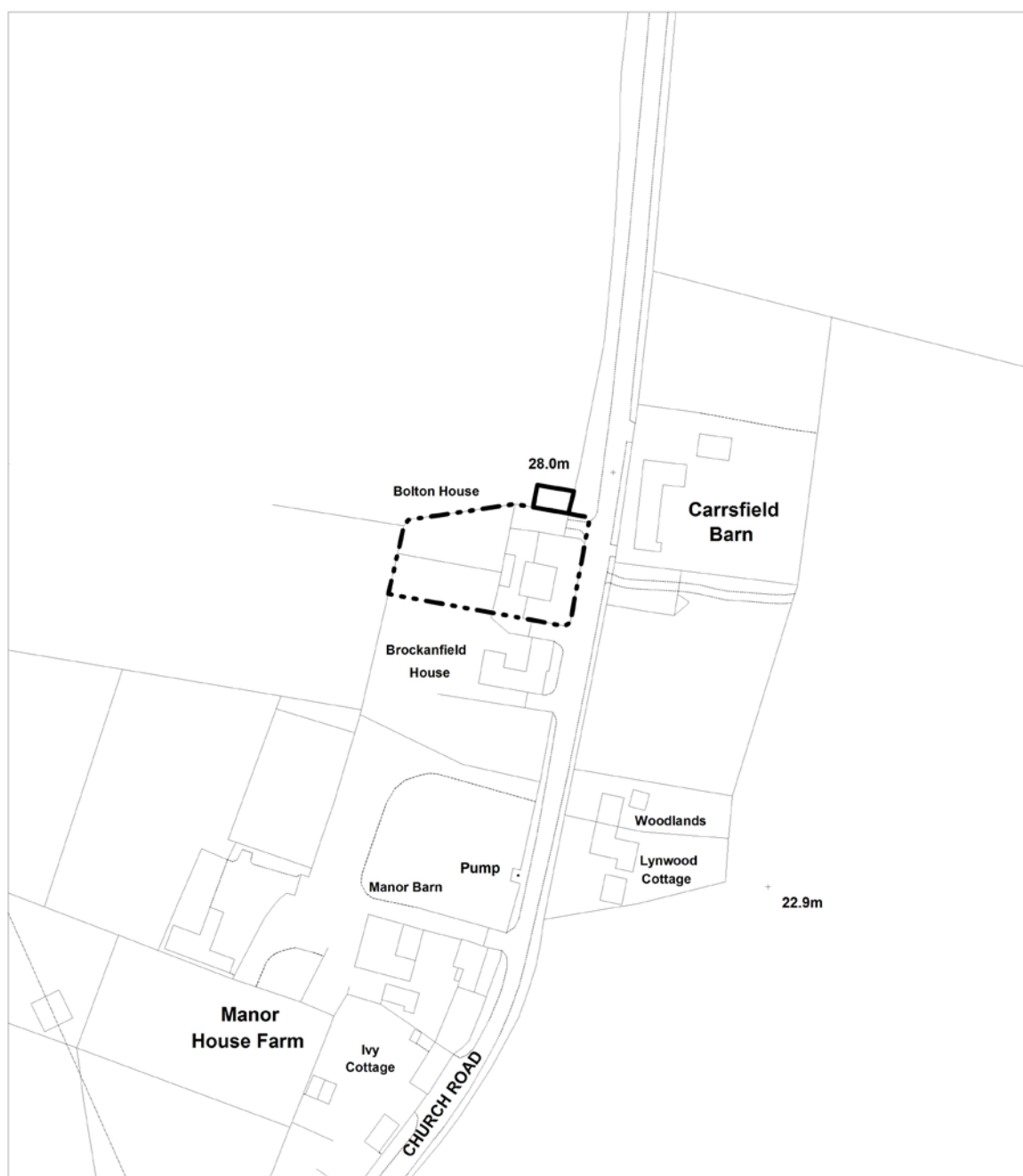
Reason: To provide clarity to the permission.

3. That construction of the garage shall be carried out in accordance with the materials indicated on drawing no. LF/AR/3330.

Reason: In order to secure a satisfactory appearance to the development as required by Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviours, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users in the interests of highway safety in accordance with Policy GD7 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 (2018). Ordnance Survey (100006084).	
Application No. 5/18/0838	Address Bolton House Farm, Church Road, Treales	Grid Ref. E.3443 : N.4337	Scale 0 6 12 18 24 m

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	12 DECEMBER 2018	5
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 1/11/18 and 30/11/2018.

SOURCE OF INFORMATION

Development Services

INFORMATION

Appeal decisions received between 1/11/2018 and 30/11/2018.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on any appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

APPEALS DECIDED

The council has received the decision on the following appeals between 1 November 2018 and 30 November 2018. The decision letters are attached as an Appendix to this report.

Rec No: 1

01 August 2018	18/0629	SPAGO, 7 DICCONSON TERRACE, LYTHAM ST ANNES, FY8 5JY ENFORCEMENT APPEAL AGAINST ENFORCEMENT NOTICE SERVED ON ENCLOSURE OF FRONT TERRACE TO PREMISES WITH CANOPY OVER AND BALUSTRADES AROUND	Enforcement Written Reps Case Officer: AS
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Fylde Dec. Level

Appeal Decision: Dismiss: 13 November 2018

Rec No: 2

22 October 2018	18/0195	23 AVALON DRIVE, FRECKLETON, PRESTON, PR4 1PE RETROSPECTIVE APPLICATION FOR 1.8 METRE HIGH TIMBER FENCE WITH GATES TO NEWTON CLOSE BOUNDARY	Householder Appeal Case Officer: RC
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Fylde Dec. Level DEL

Appeal Decision: Dismiss: 30 November 2018

Appeal Decision

Site visit made on 7 November 2018

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2018

Appeal Ref: APP/M2325/C/18/3203663

Land at 7 Dicconson Terrace, Lytham St Annes, Lancashire as shown edged red on the plan attached to the notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Anna Maximus Ltd against an enforcement notice issued by Fylde Borough Council.
- The enforcement notice, numbered EN/17/0430, was issued on 10 April 2018.
- The breach of planning control as alleged in the notice is that works have been undertaken to enclose the front terrace of the property with those works involving the erection of a front canopy over the whole of the terrace and associated balustrades around its edges.
- The requirements of the notice are either (a) remove the unauthorised canopy and balustrades, or (b) make alterations to the unauthorised works so that they comprise only (i) a canopy that complies in all respects with planning permission 15/0533 granted by the Council on 14 January 2016 and (ii) a glazed balustrade of no more than 1500 mm in height (measured from the floor level of the terrace in front of the building) glazed entirely with clear glass and without any signage or advertising that complies in all respects with planning permission 15/0452 granted by the Council on 2 September 2015.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. Since the enforcement notice was issued, the Council has adopted the Fylde Local Plan to 2032 (LP). The LP replaces the Fylde Borough Local Plan (As altered October 2005). Hence, Policies EP03 and EP04 of the Fylde Borough Local Plan (as altered October 2005) are no longer relevant for the purposes of determining the appeal. In respect of the main issue, the relevant policies in LP are policies ENV 5 (Historic Environment), GD1 (Settlement Boundaries) and GD7 (Achieving Good Design in Development). I do not consider that Policy EC5 (Vibrant Town, District and Local Centres) is directly relevant to the main issue.
3. In addition to the above, in September 2018 the Council adopted the Supplementary Planning Document: Canopies and Glazed Extensions on

Commercial Forecourts - A Design Note (SPD). I have taken this SPD into account as part of the determination of this appeal.

4. The National Planning Policy Framework was revised on 24 July 2018 (the Framework) and this post-dates the enforcement notice. I have taken the Framework into account as part of the consideration of the deemed planning application below.

Appeal on ground (a) and the deemed planning application

5. The appeal has been made on ground (a) of s174 of the Town and Country Planning Act 1990 (as amended) which is that planning permission ought to be granted in respect of any breach of planning control which may be constituted by the matters stated in the notice.
6. The breach of planning control is the erection of a front canopy with balustrades. The appeal building is mid-terraced and is used as a restaurant called Spago. It is a Grade II listed building and falls within the Lytham Town Centre Conservation Area (CA). The main issue is whether or not the appeal works preserve the Grade II listed building, or any features of special architectural or historic interest that it possesses and whether or not the appeal development preserves or enhances the character or appearance of the CA.
7. The Grade II listed building dates back to 1825. It is positioned within a predominantly two storey brick terrace of properties with some of the buildings also including projecting bay windows. All of the properties include architecturally impressive window and door surrounds.
8. I have been able to view the appeal site/building prior to the breach of planning control. The photograph from Lytham Heritage Group clearly shows that the building is symmetrical, with a wide ground floor entrance breaking forwards slightly and containing a round-headed doorway with a door case of Tuscan semi-columns and a fanlight with radiating metal tracery; two large C20 segmental bow-windows with glazing bars to the ground floor front elevation; three 8 over 8 pane sashes to the upper floor, and a small 3 over 3 pane attic window in the imposing and grand pediment.
9. Prior to the breach of planning control, the land immediately to the front of the building was open and undeveloped, a characteristic which exists for almost all of the other properties in the rest of Dicconson Terrace. Taken as a whole, the above attributes add considerably to the architectural interest and significance of the listed building and this part of the CA. There is no doubt that the appeal building contributes positively to the traditional character and appearance of this part of the CA.
10. I am aware that planning permission has been approved for both a glass balustrade¹ and canvas canopies² at the appeal property. These relatively recent planning permissions are material planning considerations of considerable weight in decision making terms. Indeed, the requirements of the enforcement notice give the option of compliance with the aforementioned planning permissions.

¹ 15/0452 Erection of 1.5 metre high glass balustrade and facing of existing kerb upstand with honed York Stone to replace existing rendered dwarf wall and railings around the front terrace area – approved 2 September 2015.

² 15/0533 Erection of post-mounted canvas canopy over front forecourt dining area – approved 14 January 2016.

11. Whilst I do acknowledge that the Council has previously approved planning permission for glass balustrades and canopies, I note that in making these decisions the Council very carefully ensured that the balustrades were clear glass and low in height and that the canopies were light weight, retractable, included appropriate decorative features and did not extend across the entrance doorway/pathway. Indeed, the approved development included two canvas canopies either side of the entrance doorway thereby breaking up the overall mass of development. Overall, and recognising that there are some exceptions, the approved development is more reflective of the most of the other canopies in the CA which are light weight, do not include solid sides and where the facades of the buildings are visible to the passer-by.
12. Given the height of the approved clear glass balustrades and the overall position, extent and design of the approved canopies, I am satisfied that the consented works would preserve the Grade II listed building and its setting. Indeed, had the planning permissions been implemented, I am satisfied that the aforementioned and important listed building architectural features would have remained visible in the street-scene and that the character and appearance of the CA would be preserved.
13. In contrast to the above, the appeal development has the appearance of a more dominant and imposing front extension. The development includes a more extensive roof(s). The connecting roof over the entrance pathway is higher than the roof(s) of the main canopies and appears discordant and clumsy to the passer-by. This represents an unacceptable departure from the simpler and more slender design solution previously approved by the Council.
14. Owing to the use of enclosed glazed sides (one side also includes the use of obscure glazing which is particularly harmful and the hedge does not fully screen it), coupled with the use of some thick frames/structural bars and a number of cross members, and an overall absence of sympathetic architectural detailing, I consider that the appeal development looks out of place and unacceptably interferes with and substantially obscures the strong symmetry and balance of the appeal building's facade. In fact, the development unacceptably erodes the architectural composition of the facade from which a considerable degree of its special interest and significance derives. I find direct conflict with the SPD which states that "*the canopy shall not obscure any key design or architectural features to the host building*".
15. Much of the front facade of the building is now obscured from view to the passer-by and unlike the approved development which would be light weight and subservient in scale, the appeal development appears dominant and imposing on the building. It is seen as a very solid addition to the front of the otherwise more open and undeveloped forecourts to the terrace of properties. The difficulty in seeing parts of the front facade of the building is compounded to some extent by the fact that in parts the glazing includes etching. In this regard, I find direct conflict with the SPD which states that "*the canopy shall retain the open character of the frontage and not result in a closed space, such that it assumes the form of a projecting conservatory*".
16. When considered as a whole, the appeal development undermines the building's contribution to the street-scene to the detriment of the character and appearance of the CA. Bearing in mind the duties arising from the Planning (Listed Buildings and Conservation Areas) Act 1990, these considerations lead

me to the inescapable conclusion that the development/works preserve neither the listed building and its special interest, nor the character and appearance of the CA.

17. The appellant has referred me to examples of other canopies/front extensions in the CA. I note that some of the developments referenced by the appellant do not actually have the benefit of planning permission. Indeed, No 84 Clifton Street is also the subject of an enforcement notice and both this and a regularising planning application have been appealed³. In respect of 62A Clifton Street, the Council say that this development will "*likely be the subject of enforcement action in the event that it is not removed willingly*". I do acknowledge that the No 4 Dicconson Terrace (Capri), which is also a listed building, includes a front canopy. I do not know the exact circumstances which led to this development being approved. However, it cannot be directly compared to the appeal development/works as it is a much more open and slender structure with no glazed balustrades to the front. Furthermore, this structure does enable more of the front facade of the listed building to be viewed from the street.
18. Whilst I do accept that there are other front canopies in the street/CA, I do not consider that the appeal development suitably reflects the more light weight and relatively unenclosed structures that exist in most parts of the CA. Furthermore, I have identified that harm has been caused to the listed building. Therefore, none of the examples of other canopies/front extensions referred to by the appellant outweigh the identified harm that has been caused to the CA and the appeal listed building.
19. I acknowledge that the breach of planning control is likely to enable more extensive use of the forecourt than the permitted scheme which would not have fully enclosed sides. Indeed, I do not doubt that the more enclosed/solid nature of the development means that dining can take place more regularly particularly during inclement weather. This in turn could increase turnover for the business, and in this sense would be an economic benefit. However, I have not actually received any objective evidence from the appellant to substantiate the view that the business would be unviable if the appeal development/works were removed or indeed were replaced with development/works approved in 2015/16 respectively.
20. In addition to the above, the appellant says that it is not possible to implement planning permission 15/0533 due to "*wind loadings*". I have no objective evidence before me to substantiate this view, but, in any event, this would not justify allowing harmful development. I agree with the Council, that had this been an issue then the appellant could have first discussed the possibility of a different and more sensitive design solution taking into account the character and appearance of the CA and the special architectural or historic interest of the listed building.
21. I have concluded that the works and development have failed to preserve the listed building and the character and appearance of the CA. Whilst due to the extent of these effects I consider that this causes less than substantial harm to the significance of these designated heritage assets, their conservation is nonetheless a matter which the Framework anticipates (at paragraph 193) should carry great weight. Moreover, that harm should be balanced against

³ Appeal Ref Nos APP/M2325/C/18/3206089 & APP/M2325/W/18/3206090

the public benefits of a proposal (para 196). In this case, there are no identified public benefits accruing from the development and works that are of sufficient weight to tip the balance in its favour of allowing the appeals when set against the clear heritage harms. For above-given reasons, the development/works do not accord with the conservation and design aims of Policies EN5, GD1 and GD7 of the LP; the SPD and the Framework. In reaching this conclusion, I have taken into account the supportive comments made by the occupier of the Old House, the comments of which have already been addressed in the reasoning above.

Conclusion

22. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

D Hartley

INSPECTOR

Appeal Decision

Site visit made on 20 November 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2018

Appeal Ref: APP/M2325/D/18/3209256

23 Avalon Drive, Freckleton, Preston PR4 1PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Bianca Abbott against the decision of Fylde Borough Council.
- The application Ref 18/0195, dated 5 March 2018, was refused by notice dated 30 July 2018.
- The development proposed is a 1.8 metre high timber fence with gates to Newton Close boundary.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development is taken from the appeal form and the Council's decision notice as this is more accurate and concise; but I have not included 'retrospective application' as this is not an act of development.
3. From the observation on my visit and the evidence before me, the development is retrospective and I have considered the appeal on this basis.
4. Since the Council's decision, the Fylde Local Plan to 2032 (FLP) was adopted in October 2018. This means that Policy HL5 of the Fylde Borough Local Plan As Altered (October 2005) has been replaced by Policy GD7 of the FLP. The new policy has the same principles as the previous one in relation to design. The appellant was provided with the opportunity to comment, yet no comments were received.

Main Issue

5. This is the effect of the development upon the character and appearance of the area.

Reasons

6. The site is a semi-detached bungalow that occupies a corner plot on Avalon Drive and Newton Close. The area has a suburban, open and low density residential character, comprising semi-detached bungalows set back from the road. Low height brick walls are a prevalent, consistent and distinctive characteristic in the area. The walls act as boundary treatments, but facilitate highly visible front and side gardens, which contribute towards an open, high quality and pleasant environment.

7. The development is an approximately 1.8m high timber fence, which has been erected on the top of the original low height brick boundary wall. It projects sideways from the front elevation of the house towards Newton Close and then turns on a right angle to return along the side boundary with Newton Close.
8. Whilst established landscaping is common in the area, particularly to other corner plots, there are very few taller boundary treatments to the fronts or sides of dwellings. Furthermore, despite the good quality workmanship, the fence has an exposed and conspicuous position, sited forward of the build line of Newton Close. Accordingly, in this context, the fence appears as a tall, dominant, unbroken and expansive structure; incongruous to the surrounding street scene. It does not make a positive contribution to the character and local distinctiveness of the area, nor does it respond to its context.
9. Consequently, the development has an unacceptable effect upon the character and appearance of the area; conflicting with Policy GD7 of the FLP, which seeks to achieve good design. I also find conflict with the National Planning Policy Framework, which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Other Matters

10. The appellant refers to other properties that have a similar fence, yet no examples are identified. Additionally, although the fence may provide additional security for the dwelling along with protection of the family dog, these other matters do not outweigh my findings above.

Conclusion

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

Katie McDonald

INSPECTOR

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING & HOUSING	PLANNING COMMITTEE	12 DECEMBER 2018	6
REVIEW OF THE JOINT LANCASHIRE MINERALS AND WASTE LOCAL PLAN PUBLICATION CONSULTATION VERSION (REGULATION 19)			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

As the Mineral Planning Authority, Lancashire County Council, along with Blackpool and Blackburn Councils, are undertaking a review of the Joint Lancashire Minerals and Waste Local Plan. They have sought the views on the Publication Version of the Plan in line with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

In accordance with the Council's scheme of delegation, a response to the consultation has been provided by the Head of Planning & Housing.

SOURCE OF INFORMATION

Regulation 19 consultation response prepared by the Head of Planning & Housing dated 28 November 2018.

LINK TO INFORMATION

[Fylde Consultation Response Joint Lancashire Minerals and Waste Local Plan 2018](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

In order to inform the Planning Committee of the nature of the representations made to Lancashire County Council on behalf of Fylde Council.

FURTHER INFORMATION

Contact: Mark Evans, Head of Planning & Housing.



Planning Policy Team
Lancashire County Council
County Hall
PO Box 100
Preston
PR1 0LD

Our Ref:

Your Ref:

Please Ask For: Mark Evans

Telephone: 01253 658640

Email: Mark.Evans@fylde.gov.uk

Date: 28 November 2018

Dear Sirs

RE: Review of the Joint Lancashire Minerals and Waste Local Plan Publication Consultation Version (Regulation 19).

Thank you for the opportunity to comment on the Review of the Joint Lancashire Minerals and Waste Local Plan (the Plan).

The Spatial Vision

Fylde Council generally welcomes 'The Spatial Vision', however it is considered that the Vision should make clearer reference to the environment and the requirement to balance the economic benefits of mineral extraction with the protection of the environment. Whilst it does mention avoiding sensitive or unsuitable locations, it does not say that when minerals and or waste development takes place (in any location) there should be protection and enhancement of the environment.

Onshore Oil and Gas Developments

Clearly onshore oil and gas exploration and exploitation has significant relevance in Fylde. The Council welcomes the fact that the review of the Plan has provided an opportunity to incorporate the proposed Supplementary Planning Document relating to Onshore Oil and Gas into the plan itself. However, Fylde Council would wish to see greater emphasis placed on a number of key issues relating to this particular matter.

Whilst it is appreciated that, in accordance with transitional arrangements, the plan has been prepared having regard to the National Planning Policy Framework 2012, there are a number of elements of the 2018 Framework that could be incorporated into the plan in order to 'future proof' its policies.

The Glossary to the Plan includes reference to 'Mineral' but does not reflect the definition of

‘Minerals of National Importance’ as set out in the National Planning Policy Framework (2012 or 2018). Whilst the glossary makes reference to ‘Rock or other material’ this potentially has implications for the application of many of the minerals policies if this is interpreted as not including oil and gas. Whilst the glossary of the 2012 Framework referred to Oil and Gas, which it is assumed includes both conventional and unconventional oil and gas, the definition used in the NPPF18 includes specific reference to unconventional oil and gas. To avoid any future confusion, Fylde Council would wish to see confirmation that conventional and unconventional oil and gas are included within the definition.

If the Framework definition is utilised, this would confirm that many of the more general minerals policies would also apply to On Shore Oil and Gas e.g. MW1, MW2 and MW4. It should be made clear within the plan whether it is intended that these policies apply to On Shore Oil and Gas, as they are in some respects less restrictive than the more detailed Onshore Oil and Gas policy. This can be achieved by changing the definition and by cross referencing to Policy MW17, in all of the Minerals policies.

It is noted that Policy MW1 is used as mitigation in relation to the Habitats Regulations Assessment, and this matter is addressed in further detail in the HRA section of this response.

Clearly onshore oil and gas exploration and winning has significant relevance in Fylde. The Council welcomes the fact that the review of the Plan has provided an opportunity to incorporate the proposed Supplementary Planning Document relating to Onshore Oil and Gas into the plan itself. However, Fylde Council would wish to see greater emphasis placed on a number of key issues relating to this particular matter.

MW17 Onshore Oil and Gas Developments

Unlike Policy MW11 this policy does not set out the local, regional and national needs for shale gas, to allow an evaluation against the Policy Aim in Appendix 1. Therefore, it is not possible to use the plan to determine the weight that should be attached to the “need for shale gas” when determining a planning application. It is considered that the text that is included in the sustainability appraisal relating to the national need for shale gas should be included as justification for this policy.

Fylde Council considers that the wording of Policy MW 17 should be amended to read will not be permitted unless all of the following criteria are met:

In regard to Criteria 1, this should be more specific about how the word ‘sensitive’ will be interpreted, it is considered that this should refer to the impact on residents, businesses, biodiversity, heritage, landscape and water resources as a minimum. Whilst such reference is included in the justification, it would strengthen the policy if it specifically referred to the separate issues that will be considered.

In order to provide clarity, Criteria 2 should define what ‘close proximity’ to the primary route network means, either in terms of distance, ease of access or both. The primary route network is defined but excludes the motorway network and other A roads such as the A6. It is considered that the policy should include reference to all roads above the Primary Route Network in the road network hierarchy. Those areas in close proximity to the Primary Route Network should be defined on the Policies map for clarity. Areas in close proximity to motorway junctions should also be defined and included on the Policies map.

The policy includes reference to cumulative impacts which should be assessed by a sustainability appraisal (SA). Comments on the SA are included in this response. The policy should include the

parameters for assessing the combined impacts of multiple wells and should provide a way of assessing clusters of wells. This is mentioned in Appendix A (see comments below), however, as drafted, the policy does not address this issue to the satisfaction of Fylde Council.

Appendix A Implementation, Monitoring and Policy Evaluation

The Policy Aim 'Extract sufficient minerals to meet our contribution to local, regional and national needs', includes an implementation issue 'should the industry develop to the extent that there are 10 wells per 100km² this may indicate a review of the plan should be considered'.

For Fylde this would mean 17 wells, and for the whole of Lancashire 300 wells. As drafted, this policy takes no account of the effects of clustering, so the policy would allow for 10 wells to be located in a single square kilometre. This text also refers to onshore gas as a mineral, which is why it is considered that the definition needs to be amended alongside other policies in the Plan.

It is considered that Policy MW17 should be amended to include a ninth criteria which could read as follows:

No more than 10 well heads should be developed per 100km². Where an area being developed by an operator comprises a PEDL or licence block area of less, or more than 100km², the density will be applied pro-rata to prevent the clustering of well heads

It should be noted that the approach suggested in the second part of the criteria set out above is proposed as a modification to the North Yorkshire Minerals and Waste Local Plan. It is important that throughout the Plan the text refers to well heads as it is the well pad that creates the impact, and a well head can accommodate a number of wells without significant additional impacts.

The Policy refers to 'fugitive emissions' and it is considered that this term should be defined in the glossary.

The policy should be strengthened by adding: At the appraisal stage, it is required that:

And also at the production stage, it is required that:

Paragraph 4.4.7 refers to the requirement for an Environmental Impact Assessment (EIA), but should also refer to the need for project level Habitat Regulations Assessment (HRA) where for example proposed developments are located on the Fylde Coast and land is likely to be functionally linked land (with respect to the Ribble and Morecambe Estuaries).

The policy does not make any requirements for the exploration phase, if as described at paragraph 4.4.12 exploration and appraisal take place as a single process. It is considered that the Policy should be amended to include the word Exploration.

The terms 'progressively installed' and 'dewatering' should be defined in the glossary.

Paragraph 4.4.17 states that subject to the effects on the environment (no mention of the health and well being of people etc) being appropriately addressed and mitigated, and a satisfactory restoration and aftercare plan prepared, applications for exploration may be favourably considered. Given that exploration is not mentioned in the policy this could be interpreted as meaning that most applications for exploration should be approved. Fylde Council objects to the drafting of this policy and considers that exploration should come under the same level of control as Appraisal and Production and, therefore, should be covered by Policy MW17.

Other Policies in Plan Order

Policy MW1 Management of Waste and Extraction of Minerals

It is assumed that this policy includes onshore oil and gas extraction, in line with the definition of minerals in the Framework. It is a protective policy, but it is considered that, as drafted, the policy contains insufficient detail to deal with the potential impacts of on shore oil and gas. It is considered that the policy should cross reference Policy MW17 Onshore Oil and Gas. This opening section of the plan mentions issues associated with minerals extraction e.g. vibration but does not mention earth tremors, quakes or seismic events associated with hydraulic fracturing. It is considered that a section on this issue should be included.

MW2 Minerals Exploration

Likewise, it is considered that Policy MW2 Minerals should be amended. Policy MW2 states that proposals for exploration will normally be approved provided they do not give rise to significant adverse impacts. This Policy should also cross reference Policy MW17 Onshore Oil and Gas.

Policy MW3 Planning Obligations. Fylde has no comments to make in regard to this policy.

Policy MW4 Development in the Countryside. This Policy should cross refer to MW17 Onshore Oil and Gas.

Policy MW5 Decommissioning, Restoration and Aftercare. Fylde Council considers that the sixth bullet should be strengthened by removing the “wherever possible” and including the words “net gain” in Biodiversity.

Policy MW6 Protection of the Surface of the Former Salt Field from Development. Fylde Council has no comment on this policy.

Policy MW7 Safeguarding Minerals.

In the 2nd paragraph, the policy should read planning permission for built development. It is noted from the Policies Map that this designation includes the Lytham St Annes Sand Dunes which are a Site of Special Scientific Interest. The sand dunes are being actively managed by the Council to facilitate their accretion seawards in order to provide an effective soft sea defence for Lytham St Annes. Policy MW7 also covers extensive areas of the Ribble Estuary, which is designated as a RAMSAR site and SPA. The Ribble Marshes are also designated as a National Nature Reserve. It is considered that the minerals in these areas should be excluded from the safeguarding areas highlighted by Policy MW7. These areas do not require safeguarding as they are protected by environmental designations which mean they should not be exploited.

Policy MW8 Ensuring the Best and Most Efficient Use of Resources. Fylde Council has no comment on this policy.

Policy MW9 Sustainable Construction. Fylde Council has no comment on this policy.

Policy MW10 Designing in Waste Management. It is considered that the word ‘accessible’ should be inserted after the word ‘secure’. If a bin storage area is not easily accessible, there is a risk it won’t be used. It is also considered that the word ‘be’ should be inserted before ‘visually’.

Policy MW11 Aggregate Provision. Fylde Council has no comment on this policy.

Policy MW12 Limestone for Aggregate Purposes. Fylde Council has no comment on this policy.

Policy MW13 Gritstone for Aggregate Purposes. Fylde Council has no comment on this policy.

Policy MW14 Sand Gravel. Fylde Council has no comment on this policy.

Policy MW15 Building Stone. Fylde Council has no comment on this policy.

Policy MW16 Industrial Minerals. Fylde Council has no comment on this policy.

Policy MW 18 Waste Management Provision. Fylde Council has no comment on this policy.

Policy MW 19 Recycling, Treatment and Recovery of Waste. Fylde Council has no comment on this policy.

Policy MW20 Construction, Demolition and Excavation Waste Recycling. Fylde Council has no comment on this policy.

Policy MW21 Energy From Waste. Fylde Council has no comment on this policy.

Policy MW22 Landfilling of Waste. Fylde Council has no comment on this policy.

Policy MW23 Landfilling of Low Level Radioactive Waste. Within paragraph 4.6.2.4 'cartilage' should be replaced by 'curtilage'.

Policy MW24 Construction, Demolition and Excavation Waste Deposits to Land. Fylde Council has no comment on this policy.

Policy MW25 Safeguarding Minerals Infrastructure. Fylde Council has no comment on this policy.

The 'agent of change' principle should be defined in the glossary.

The NPPF

Chapter 17 of the NPPF Facilitating the Sustainable Use of Minerals paragraph 204 criterion f) mentions human health. Human Health is only mentioned in Appendix L General Duties and the Relevant Objectives, human health should be mentioned in the plan itself, in the Vision, Objectives and in the policies. Paragraph 205 criterion b also mentions aviation safety, aviation safety is not mentioned in the Plan. Aviation safety is a significant issue in Fylde as there are two airfields, Blackpool Airport and Warton Aerodrome. Both the Ministry of Defence and the Civil Aviation Authority have to be consulted on planning applications which could impact on the safe operation of these sites. The restrictions are very significant and should be acknowledged in the Plan.

Interim Sustainability Appraisal (SA)– Minerals and Waste Local Plan Review August 2018.

It is noted that this document has been produced in house, however the guidance recommends that it should be produced independently of the Plan, by staff who are not working on the Plan or by an independent consultant. It is not clear whether this the case. The SA should be an unbiased independent sustainability appraisal of the Plan.

It is noted that the social objectives do not include safeguarding human health and the social/economic objectives do not include aviation safety. It is considered that the objectives should be amended to reflect the NPPF.

It is noted that this document takes a different approach to the Local Plan in that under options the SA covers the emerging onshore and gas industry first and then goes on to describe mineral resources, as though onshore and gas are not actually a mineral which is at odds with the definition in the NPPF. This should be resolved by the amendments to the Plan although the Sustainability Appraisal should follow the same approach as the Plan, at present there are inconsistencies.

The SA makes it clear that the plan does not have a role in identifying need for onshore and gas, as this is established at the national level. However, this does not appear to be made clear in the Plan. It is considered that this text should be included in the Plan so that it is clear that oil and gas production in Lancashire is meeting part of the national need rather than a need identified for Lancashire (see earlier comments).

At paragraph 3.5 Lancashire's Mineral Industry, once again minerals in the traditional sense are referred to with no reference to On Shore Oil and Gas.

At 3.6.1 the NPPF 2018 should be referenced.

At 3.6.5 the section on Biodiversity neglects to mention the areas of International significance for biodiversity which are immediately adjacent to the Local Plan area boundary e.g. the Ribble Estuary. These areas are very significant because they rely on functionally linked land within Lancashire e.g. areas of grass land within Fylde which are used as feeding areas for Pink Footed Geese. It only describes areas of interest within the landmass of Lancashire, this is considered to be a major flaw as the Plan boundary does include these areas.

The Section on Links to other Plans, Programmes and Strategies (3.6) should contain a review of all of the Local Plans for all of the Local Planning Authorities of Lancashire. All of these plans contain policies that are relevant to Minerals and Waste development. The policies in these Local Plans do make up the Development Plan and should be referred to accordingly. There should also be a reference to all the Neighbourhood Development Plans that have been made in Lancashire.

At 5.1.3 the seventh bullet is: Will it assist Lancashire in achieving a sustainable supply of minerals? This is misleading because using the NPPF definition, minerals includes Onshore Oil and Gas therefore this bullet should be amended to say will assist the UK in meeting a sustainable supply of minerals? Alternatively onshore oil and gas could be referred to separately.

The Table on page 49, fifth column refers to restricting development at certain environmental designations, again it makes no mention of environmental designations which are immediately adjacent to, or within the Plan's boundary area, but within the Ribble Estuary e.g. The RAMSAR/SPA sites of the Ribble Estuary

Again with respect to the SA Objective can it be accommodated within the environmental capacity of the area? No mention is made of the areas of International significance which are located within the Plans boundary but are within the Ribble Estuary.

Section 5 Assessment of Options and Alternatives, it would be better if the key to assessing the effects was included at the beginning. It is not proposed to make detailed comments on the scoring of the options however there do appear to be some inconsistencies. For example for Onshore Oil

and Gas, will it reduce car and lorry traffic?, the third option which prioritises development at accessible locations must have a more positive impact on the Options, than the alternatives, but this is not reflected in the scoring with it being given an uncertain impact.

The Local Policy Section on page 171 should refer to the Neighbourhood Plans in each Local Authority Area and the Sand Dunes Management Plan and Coastal Strategy within Fylde. Also the Marine Plan for the North West which is currently being produced by the Marine Management Organisation, in addition to the shoreline management plans.

Habitats Regulations Assessment

Page 160, the emerging Fylde Local Plan to 2032 was adopted on 22 October 2018. It is considered that the paragraph in the right hand column does not comply with the Sweetman II Judgement because it refers to mitigation to conclude that the Fylde Local Plan is unlikely to have any significant effects on the European Sites. The conclusions of the final HRA/AA Addendum should be referred to as follows:

The Habitats Regulations Assessment Fylde Local Plan to 2032:HRA Report concludes as follows:

It has, therefore been concluded that, for the Fylde Local Plan whilst screening identified a small number of sites with the potential for likely significant effects, subsequent Appropriate Assessment showed that there would be no adverse effects on the integrity of European site identified within this HRA Report, either alone or in- combination with other plans or projects.

Within section 5.2, some Minerals policies are screened out. If they relate to onshore oil and gas then Fylde Council considers that these policies should not be screened out, depending on clarification of the definition of minerals.

At page 30 MW4 Development in the Countryside, possible impacts should include loss of habitats. At Page 66 MW17 Onshore Oil and Gas, possible impacts should include loss of habitats, wildfowl such as pink footed geese and swans fly to grassed areas (functionally linked land) just inland of the coast, they also fly over the Fylde Peninsular to Morecambe Bay. As well as wildlife disturbance, there will be habitat destruction associated with the exploration and exploitation of minerals if well pads are constructed in large compounds in the countryside. Also noise associated with 24 hour working plus lighting on drilling rigs has potential to create a significant amount of disturbance to bird flight paths. Accordingly these potential effects should be taken into consideration in the assessment.

The Conclusion on page 126 is that “As a result of the screening process a number of policies were identified as potentially having a significant effect on some European sites, principally as a result of the uncertainty around where potential developments may come forward. These policies were subsequently assessed in more detail and it was concluded that any impacts could be mitigated against through the application of other policies in the plan, most notably Policy MW1 which is concerned with environmental safeguards.

The definition of Minerals in the plan as drafted excludes Onshore Oil and Gas. The definition needs to be changed in order for this policy to apply to such activities. Also this conclusion does not appear to comply with the Sweetman II Judgement in that mitigation (in this case using another policy) cannot be used to determine that Appropriate Assessment (AA) is not necessary. The table on page 10 sets out the Habitats Regulations Assessment methodology. Chapter 7 is described as containing the further assessment by an Appropriate Assessment, but uses MW1 as mitigation and

concludes that an AA is not required. Based on the findings of the Sweetman II judgement, this is not the correct procedure and the Plan should be subject to an AA.

I hope the above comments are of assistance in progressing the Minerals and Waste Local Plan. Fylde Council wishes to be kept informed of the submission of the Local Plan for Independent Examination, the publication of the recommendations of the independent examiner and the adoption of the Local Plan.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Mark Evans', written in a cursive style.

Mark Evans
Head of Planning and Housing