Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

Date:

Wednesday, 12 October 2016 at 10:00am Venue: United Reformed Church, St George's Road, St Annes, FY8 2AE Committee members: Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman) Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder, Heather Speak.

Public Speaking at the Development Management Committee

Members of the public may register to speak on individual planning applications, listed on the schedule at item 4, at 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 7 September 2016 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
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5	St.Anne's on the Sea Neighbourhood Development Plan – Examiner's Report and Progression to Referendum	134 - 196
	INFORMATION ITEMS:	
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8	Capital Programme Monitoring Report 2016/17 - Position as at 31 st July 2016	212 - 222
9	Outside Bodies	223 - 227
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10	Exclusion of the Public	228
11	Exempt Item – Not for Publication Consideration of Case to Defend Appeal Against Refusal of Planning Application 14/0580, Land at Valentines Kennels, Wildings Lane, Lytham St Annes	-

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The code of conduct for members can be found in the council's constitution at

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

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2	16/0280	LAND OFF WILLOW DRIVE, RIBBY ROAD, RIBBY WITH WREA APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 14/0302 FOR THE DEVELOPMENT OF 86 DWELLINGS INCLUDING 26 AFFORDABLE UNITS, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE.	Grant	15
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Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Emerging Fylde Local Plan to 2032 Submission Version August 2016
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015
- Five Year Housing Land Supply Statement at 31 March 2015
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at <u>www.fylde.gov.uk/resident/planning</u> or for inspection by request, at the One Stop Shop Offices, Clifton Drive South, St Annes.

Development Management Committee Schedule 12 October 2016

Item	Number: 1 Con	nmittee Date: 12 October	· 2016
Application Reference:	16/0050	Type of Application:	Outline Planning Permission
Applicant:	Mr Coyne	Agent :	Homeplan Designs
Location:	THE HOMESTEAD, RIBBY	ROAD, KIRKHAM, PREST	ON, PR4 2BE
Proposal:	OUTLINE APPLICATION FOR ERECTION OF 1 No. DETACHED DWELLING WITH ACCESS, SCALE AND LAYOUT APPLIED FOR AND OTHER MATTERS RESERVED		
Parish:	KIRKHAM NORTH	Area Team:	Area Team 1
Weeks on Hand:	36	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/@53.7814393,-2.8899208,172m/data=!3m1!1e3?hl=en

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks outline planning permission for the erection of a single detached dwelling within the rear curtilage of an existing dwelling within the settlement of Kirkham. The dwelling is to be accessed from the newer development to the rear and sited alongside the rear boundary of those properties. Since its submission the scheme has been revised to relocate it within the site and to reduce the scale of the property and now it is considered to accord with policy HL2 of the Fylde Borough Local Plan, policies GD7 and H2 of the emerging Fylde Local Plan to 2032, and paragraph 17 of the NPPF. As such the application is recommended for approval.

Reason for Reporting to Committee

The Town Council raise objection to the proposal, and as the officer recommendation is for approval the Scheme of Officer Delegation requires that the application be determined at Committee.

Site Description and Location

The application site forms part of the rear garden area to The Homestead, which is a semi-detached dwelling located on the northern side of Blackpool Road (A583) and west of its junction with Ribby Road. The site adjoins the grounds of Kirkham Grammar School to the north, and the rear gardens of a large residential development to the west. The site is within the settlement boundary of Kirkham.

Details of Proposal

This application seeks outline planning permission for a new dwelling with details of access, layout and scale included for consideration, with all other matters (landscaping and appearance) reserved for future consideration.

The dwelling would be accessed via a driveway leading from the turning head of Cherry Close. Off street parking would be provided for two vehicles and a manoeuvring area formed to the front of the property to allow vehicles to exit the site in a forward gear.

The site plan indicates a dwelling with a rectangular footprint that largely spans the width of the garden and has a double garage added to the front. The scale is of a dormer bungalow with the ridge height shown on the submitted plan confirming that as the extent of the scale. The drawings indicate an illustrative appearance of a 4 bedroomed dwelling with dormers to the front and rear, although as appearance is not being sought at this stage that is not for consideration.

The plans are a revision from the original submission as they reduce the scale and relocate the dwelling so that it is closer to the access point to the rear of the site.

Relevant Planning History

None

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Kirkham Town Council were notified on 12 February 2016 of the original submission, and raise objection to the proposal on the following grounds:

- 1. "Block out natural light to properties 8,9 and 10 Cherry Close
- 2. Overlook 8, 9 and 10 Cherry Close affecting residents privacy
- *3.* With the 18.9 meter brick wall, overbear neighbouring properties and residents
- 4. Leave less than 12 meters gap between this and neighbouring properties to the rear
- 5. Provide a property far too big for the size of plot
- 6. Offer dangerous access and egress where it borders the Grammar School access putting school children at risk.
- 7. Need an environmental study to evaluate the impact on the active bat colony."

The Town Council has been consulted on the revised plans now under consideration but no comments had been received at the time of writing this report.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Trees)

Some clearance of trees and garden shrubs has occurred to provide the platform for the proposed house, but it appears what was taken down were not trees of high value and mainly represented the more usual garden evergreens such as *Prunus laurocerasus/Lustitanica*, etc.

What remains are conifers of only small aesthetic merit – trees not worth retaining by condition.

I have no further observation to make on this proposal.

Lancashire County Council - Highway Authority

The principle of an access to a single property isn't a major issue, however, there are a few concerns that should, and can, be addressed

There is a concern that vehicles using the access could come into contact with pedestrian using the path to the school. This can be resolved by a low fence or possibly landscaping. Details required.

The fence or landscaping would need to be kept low (controlled) close to where the access meets the highway. Details required

The access to the highway will need to be done under a S184 vehicle crossing and the developer must do this through LCC. The first 5m needs to be hard paved. Details required.

The development must have turning within curtilage (would need to be shown at reserved matters stage).

The revised plans need to be accurate and to scale.

Cherry Close is an adopted highway with a shared surface for vehicles and pedestrians. There is a 2m wide service strip around the carriageway which is overgrown in a number of places (including around the lighting column next to the access) and should be removed (Highway maintenance will be informed and may take further action).

Neighbour Observations

Neighbours notified: Amended plans notified: Site Notice Date: Number of Responses Summary of Comments 01 February 2016 19 September 2016 2 February 2016 Five letters of objection The letters all raise objection to the proposal with the reasons for this summarised as:

- Classic case of 'garden grabbing'
- The dwelling would be overbearing and overshadow the rear of adjoining properties on Cherry Close
- The site is inappropriate for a new dwelling
- The development would destroy wildlife habitat
- The proposed access from Cherry Close is inappropriate
- The access is next to a rear access to Kirkham Grammar School that is used by children and could compromise their safety
- The development would set a precedent for the future development of other rear gardens

	 The dwelling does not contribute affordable housing The dwelling is oversized and out of character with the local vernacular It would result in a loss of privacy to the rear of the properties along Cherry Close The division of the garden does not provide sufficient amenity space for both properties There is no requirement for a dwelling here given its close proximity to a nearby major housing development Construction traffic to the site during the build would be detrimental to the safety of school children The foundations of the path leading to Kirkham Grammar's rear access is not designed for heavy traffic and hence would likely be damaged, particularly by construction traffic during the build time
<u>Relevant Planning Policy</u> Fylde Borough Local Plan:	
SP01	Development within settlements
HL02	Development control criteria for new housing proposals
Fylde Local Plan to 2032:	
Other Relevant Policy:	
NPPF: NPPG:	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) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Local Plan Allocation and Principle of Development

The site is located within the settlement boundary of Kirkham and is surrounded by residential uses. The proposed development site forms part of the rear curtilage of an existing dwelling ('The Homestead') on Ribby Road. With regard to the development of garden land, policy H2 of the emerging local plan reflects the ethos of policy HL2 of the Fylde Borough Local Plan by permitting such development subject to scheme being acceptable in terms of design, character, access, amenity provision, and neighbour amenity. These matters are explored in more depth below.

Access and Parking

The access arrangements is one of the matters under consideration in this outline application. The proposed site plan indicates a vehicular access is to be formed from the turning head of Cherry Close, which is a cul-de-sac located within the St Georges Park development. Neighbours to the site have raised objections to the formation of this access on various grounds regarding suitability

and pedestrian safety. LCC Highways have been consulted on the proposal and have raised no objections to the formation of an access at this point but have requested the provision of a low fence or barrier landscaping to segregate pedestrians using the school access from the site access. With regard to off street parking there is provision for parking for two vehicles within the front curtilage of the site and a turning area to allow vehicles to exit onto Cherry Close in a forward gear.

It is considered that there is adequate capacity on the surrounding road network to accommodate the additional vehicle movements associated with the development of an additional dwelling, the site access offers good visibility, and the site is of a scale that allows for suitable levels of parking and turning arrangements. As such there are no issues with the access and parking arrangements and they comply with the requirements of Policy HL2. A series of conditions are appropriate to ensure that the access is correctly implemented with landscaping and safety measures as raised in the LCC consultation response.

Scale of the Dwelling and Site Layout

The layout and scale are the other issues under consideration and are assessed together here. The immediate neighbourhood of the application site is characterised by two storey dwellings. Whilst a two storey dwelling would be in keeping with the existing vernacular it is considered that a dwelling of the scale of a dormer bungalow would be more appropriate on this site in order to reduce any 'massing' impact on neighbouring properties. Given that the dwelling would be largely screened from public view by surrounding dwellings it is not considered that this would unduly affect the existing character of the residential area.

In terms of site layout the proposal requires the subdivision of the rear curtilage of The Homestead. The positioning of the property within the site is such that an appropriate area of rear amenity space is provided for both The Homestead and the proposed dwelling, with sufficient front curtilage to provide off an appropriate level of off street parking and a turning area. The positioning of the dwelling has been revised to improve the relationship to the Homestead and its adjoining neighbour and is now considered to comply with the requirements of Policy HL2.

Relationship to Neighbours

Objections have been raised by the neighbouring properties along Cherry Close that back on to the application site. The nature of the objections relate to loss of privacy, overbearing appearance and overshadowing.

With regard to loss of privacy whilst the application has reserved then appearance of the property for later consideration the indicative design submitted with the application indicates a single rooflight that would face towards the properties of Cherry Close. Whilst this has the potential for overlooking its removal or repositioning further up the roof slope would form part of the consideration at reserved matters stage, with the confirmation of the scale of the property at this stage giving confidence that the new dwelling will not be overly dominant to these neighbours. All other first floor fenestrations in the dwelling are directed either directly to the front or rear of the property where, due to the relative positions on Cherry Close, they would not provide undue overlooking issues. Any reserved matters submission would need to comply with these locations, but this would be possible to do and would ensure appropriate amenity levels are provided for all properties.

With regard to overbearing appearance, the spatial relationship and orientation of the proposed dwelling relative to neighbouring properties is one that is commonly found within residential developments, whereby a dwelling is located at the bottom of other dwellings gardens. In this case any potential impacts regarding massing would be mitigated to an appropriate level by ensuring the

dwelling is of a dormer bungalow scale through the use of an appropriate condition. There is existing planting to the boundaries of the Cherry Close neighbours that will assist in screening the 'bulk' of the property that remains albeit this is now much reduced with the hipped roof dormer bungalow design in the revised proposal.

With regard to overshadowing the dwelling would be sited to the east of Cherry Close, and whilst this may produce some shadowing of the Cherry Close gardens it would be limited to early/mid mornings and the far ends. As such it is not considered that overshadowing would occur to such a degree as to justify a refusal of permission.

Taking these relationship issues together it is considered that the revised proposal addresses the concerns raised with the original submission of a true two storey property and now accords with the requirements of Policy HL2.

Other matters

Concerns have been raised in respect of the loss of wildlife habitat that would occur if the site were cleared of trees and shrubs. In this instance the proposed development would require the site to be cleared of some trees, which may have the potential to impact on feeding or roosting bats. As such should permission be granted it is necessary to attach a condition requiring a bat survey to be carried out and submitted to the local planning authority prior to the commencement of any of the approved development.

Conclusions

This application seeks outline planning permission for the erection of a single detached dwelling within the rear curtilage of an existing dwelling within the settlement of Kirkham. Subject to conditions the proposal is considered to accord with policy HL2 of the Fylde Borough Local Plan, policies GD7 and H2 of the emerging Local Plan (to 2032), and paragraph 17 of the NPPF. Members are therefore requested to approve the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

- 1. A subsequent application for the approval of reserved matters, namely appearance and landscaping must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - [a] The expiration of five years from the date of this permission;
 - or

[b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2. This consent relates to the following plans and / or reports:
 - Location Plan Scale 1:1250
 - Site Plan and Indicative Plans and Elevations of Proposed Detached House Dwg no. HP/2177E PL/16/05.1, dated September 2016

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

3. That the details submitted for approval of reserved matters shall indicate a property that has a scale and layout within the site as shown on the approved drawing - Dwg no. HP/2177E PL/16/05.1, dated September 2016. This dwelling shall not exceed a single storey in height other than if any rooms above that level are positioned in the roof space to the dwelling.

To ensure the development has an appropriate scale and appearance within the surrounding area and relationship to neighbouring properties as required by Policy HL2 of the Fylde Borough Local Plan.

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.

To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

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

To ensure the site and development are adequately drained.

6. Prior to the commencement of any development hereby approved a schedule of the materials for the walls of the dwelling, for the roof, and for any external hard surface areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development.

To ensure an appropriate finished appearance to the development in accordance with Policy HL2 of the Fylde Borough Local Plan

7. Prior to the commencement of any development details of the boundary treatments to the site and to assist in providing protection for pedestrians using the school access route shall be submitted to and approve in writing by the Local Planning Authority. These details shall include their materials, colour and heights and the approved details shall be erected prior to first occupation of the dwelling hereby approved and retained thereafter.

To ensure an appropriate screening and definition of domestic curtilage to the dwelling in the interest of preserving the open character of the green belt and the relationship with neighbouring land uses

8. Prior to the first occupation of the dwelling the parking and any accompanying turning arrangements for the dwelling shall be provided in accordance with the approved block plan and made available for full use.

To ensure that vehicles have an appropriately surfaced area to enable on site parking and turning of vehicles as required by Policy HL2 of the Fylde Borough Local Plan

9. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E 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 dwelling

hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of Fylde Borough Local Plan policy HL2.

10. No development shall take place until a survey has been undertaken to establish whether features/habitats on the site are utilised by bats and the results submitted to and approved in writing by the Local Planning Authority. Any survey shall take place during the optimum period for bat activity. If such a use is established, then no development shall take place until a comprehensive method statement indicating how bats are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before the dwelling hereby approved is first occupied, and retained as such thereafter.

Reason: To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Borough Local Plan policy EP19, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

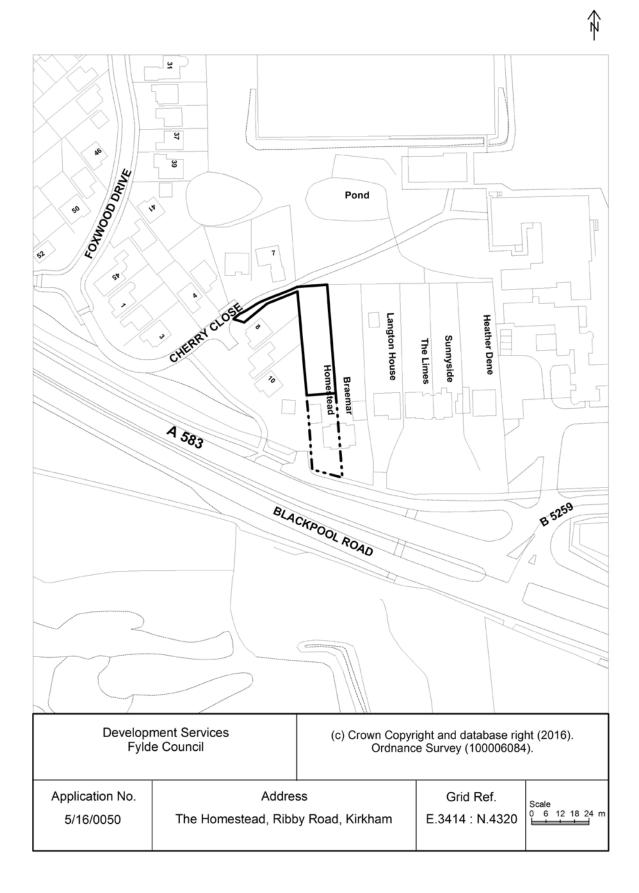
11. Prior to the commencement of any development a survey of the existing ground levels and the existing and proposed ground and FFL for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thee development shall be implemented in accordance with these approved levels.

Reason: To ensure that the development has an appropriate scale and relationship to the neighbouring dwellings as required by Policy HL2 of the Fylde Borough Local Plan.

- 12. No development shall take place, nor any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. the identification of the site access for construction traffic,
 - b. the timing of the provision, and standard of construction, of the site access for construction traffic,
 - c. times of construction activity at the site,
 - d. times and routes of deliveries to the site,
 - e. the parking of vehicles of site operatives and visitors,
 - f. loading and unloading of plant and materials,

- g. storage of plant and materials used in constructing the development,
- h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- i. wheel washing facilities, including details of how, when and where the facilities are to be used
- j. measures to control the emission of dust and dirt during construction,
- k. measures to control the generation of noise and vibration during construction to comply with BS5228:2009
- 1. a scheme for recycling/disposing of waste resulting from demolition and construction works,

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



Item	Number: 2	Committee Date: 12 Octob	er 2016
Application Reference:	16/0280	Type of Application:	Reserved Matters
Applicant:	Story Homes	Agent :	
Location:	LAND OFF WILLO	OW DRIVE, RIBBY ROAD, RIBBY N	VITH WREA
Proposal:	PLANNING PERMIS	APPROVAL OF RESERVED MATTER SSION 14/0302 FOR THE DEVELOP FORDABLE UNITS, PUBLIC OPEN SP.	MENT OF 86 DWELLINGS
Parish:	RIBBY WITH WRE	EA Area Team:	Area Team 1
Weeks on Hand:	25	Case Officer:	Andrew Stell
Reason for Delay:	Design Improven	nents	

If viewing online this is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.7751251,-2.9100982,687m/data=!3m1!1e3?hl=en

Introduction

This application was presented for a decision to the previous meeting of Committee on 7 September 2016. At the meeting Committee resolved to defer its consideration for the following reason:

"The application was deferred to allow for further discussion between officers and the applicant regarding the provision of an equipped play facility within the site in accordance with the obligations of outline planning permission 14/0302, and for clarification of the views of the Lead Local Flood Authority and United Utilities to be obtained relating to the proposed surface water drainage strategy."

Since that meeting officers have undertaken discussions with the applicant and sought clarification from consultees on both matters and these are explained below.

Play Area Provision

The reserved matters submission under consideration follows the grant of outline planning permission reference 14/0302 on appeal. The Inspector refers to the social benefits of open space and play provision in his decision letter and introduced a requirement to provide that through condition 5 of the decision which states:

"The reserved matters applications submitted pursuant to this outline planning permission shall include details of the amount, location, layout, design and phasing of provision of the public open space which will support the development. These details shall include an equipped playground, an area of informal public open space / park to the southern element of the approved site area, an area of open space to the northern element of the approved site area, and other areas of incidental landscaping around the area of built residential development."

The scheme presented to the September Committee sought to address the requirement of this condition to provide "an equipped playground" through the provision of a trim trail. This trim trail involved a series of markers over a 100m length of paved path along the western boundary of the development and trim equipment located around the southern pond and in the landscaped area at the southern end of the development. This equipment was to be a series of balance posts, a piece of equipment with connected balance poles, a wobble bridge, somersault bars and a balance beam.

The view expressed by Committee and articulated n the reason for the deferral quoted above, was that this did not adequately meet the expectations of the condition and was inappropriate for the family accommodation proposed.

The developer has revised their proposal in this regard to provide a traditional play equipped play area on an area of land adjacent to the northern pond on the site that was previously to be a grassed open space. The equipment provided is a roundabout, a swing and a climbing tower with hanging bars and slide. These pieces of equipment are provided within a fenced off area with perimeter planting around the outside of the fence and a gated access from the path that leads through this area of open space. The previous trim trail equipment has been omitted from the scheme.

The officer view on this is that it is an appropriate amount, design and location for the equipped play area. It will more clearly meet the obligations imposed by condition 5 of the outline permission and provides a formal play facility for the development in a location that is accessible to all new and existing residents as it is close to the site access, is overlooked by a number of dwellings to allow natural surveillance, yet is adequately separated from those properties to avoid its use leading to undue noise disturbance to the occupiers of the properties. This revised proposal is therefore supported and included as a revised drawing listed in condition 1. Condition 5 on the agenda to the September Committee referred to the provision of the trim trail and has been revised to secure the provision of this play facility by the 20th dwelling to allow construction works around its site to be completed, and also for its on-going maintenance.

Drainage

At the September meeting the Committee expressed some concerns that issues raised by the Lead Local Flood Authority (LLFA) were unresolved and United Utilities (UU) had not commented on the application.

With regards to the views of the LLFA revised comments have been received which confirm that they no longer have any objection to the proposal. These comments cover their previously reported concerns as follows:

- The LLFA are satisfied that the developer has investigated ground conditions to a sufficient degree, and that the underlying clay across the majority of the site means that infiltration is not viable and so a discharge to the sewer and open watercourse at a controlled rate is an acceptable solution on the surface water drainage hierarchy
- The development is adequately separated from the ponds to avoid being at risk of fluvial flooding.
- They suggest conditions that are all covered by conditions attached to the outline permission which remain to be discharged and so there is no need to impose the ones suggested by the LLFA
- Informative notes regarding the need to secure land drainage consent and relating to the highway drainage are suggested and can be added to this decision

Whilst UU have not provided formal comments to the council on the application, they have confirmed a lack of objection to the application to discharge conditions to the outline permission (16/0431). As this is the same drainage strategy as shown in this application it is logical to assume that they have no objection here. Their written comments to confirm this are expected to be with the council prior to the Committee meeting.

The officer view on this is that the lack of objection from these two drainage bodies to the submission should address Committee concerns. This is particularly the case as the developer must still apply to discharge condition 20 of the outline planning permission which secures the full details of the foul and surface water scheme, and so ensures that the council continues to have control over how this matter will be dealt with irrespective of the decision on this reserved matters application.

Recommendation

The previous officer recommendation was to grant approval of the reserved matters subject to a series of conditions. The details provided above seem to have addressed the concerns that were expressed by Committee in deferring the decision on the application at the 7 September 2016 meeting and so the officer recommendation remains that the Committee Approve the reserved matters submission with the conditions imposed at the foot of this report.

Comments received

With the relatively minor changes to the scheme and the lack of obvious implications for any neighbours to the site from the revised play area provision and the clarification of the drainage consultee comments there has been no further neighbour or Parish Council consultations undertaken.

However, the council did receive a letter from a planning consultant acting for some residents on the Wainhomes Fieldings site between the publication of the previous agenda report and the Committee date. These were reported in the late observations schedule to the previous meeting, and for completeness the points raised are included here rather than being incorporated in the main report below which is therefore unaltered.

Whilst my clients do not consider that residential development per se to be intrusive, they have considered the proposed scheme and the further amendments thereto, in a measured and dispassionate way and have concerns that what is being proposed is contrary to the proper planning of this part of Wrea Green for the following reasons:

- The proposed overall density of development is higher than the general level of density within this part of Wrea Green and significantly higher than that on the adjacent development the "Fieldings", a fact acknowledged by all the main parties who appeared at the Public Inquiry and referred to by the Inspector
- The proposed development remains urban in both form and layout and fails to reflect the overall character of this part of Wrea Green which is, in their view, a rural settlement where development is centered in and around the substantial village green.
- The landscaping proposals, particularly along the western boundary of the site where it fronts Duckworth Avenue and Stony Grove remain grossly inadequate. They fail to have regard to the fact that, when viewed from Duckworth Avenue and Stony Grove, approximately 50% of the proposed built form and layout will be visible from several public vantage points and private properties. In accepting that no person has a "right to a view", it is nevertheless a legitimate planning objective to ensure that new development proposals sit

comfortable in their surroundings and that appropriate levels of mitigation are introduced and incorporated into a development scheme to ensure that visually, the proposal has the least adverse impact upon the wider character of the area and the particular residential amenities of those residents living most closely to it. My clients consider that the whole of the western boundary of the development where it fronts Duckworth Avenue and Stony Grove should be more robustly protected by improved planting and new hedgerows. Whilst it is acknowledged that some residential units have been moved further away, this does not in any way compensate for the wholly inadequate landscaping proposed for the western boundary of the development site.

Original Report

The following is the report as it appeared on the agenda to the previous meeting without alteration other than the tweaks to conditions needed as a consequence of the discussions above.

Summary of Officer Recommendation

The application site is a rectangular area of land to the east of the settlement of Wrea Green that has the benefit of outline planning permission for the erection of up to 100 dwellings following a successful appeal against the council's refusal of application 14/0302 for that development. The site is outside of the settlement boundary but adjacent to it on the western and northern boundaries.

This proposal is for the remaining reserved matters of layout, scale, appearance and landscaping associated with that outline permission. The access arrangements were approved at the appeal and involve the demolition if the dwelling at 15 Willow Drive to provide a single point of vehicular and pedestrian access to the site.

The scheme provides for 86 dwellings across all but a small part of the site approved at outline, with these all being two storey properties (with 4 being dormer bungalows) and of a range of housetypes served by a single spine road and a series of cul-de-sacs. The mix of housetypes and their arrangement on the site has been revised during the consideration of the application and so further notifications undertaken with neighbours and key consultees.

These revisions have adequately addressed officer concerns over the proposal and so it is considered that the scheme now with the council accords with the requirements of Policy HL2 of the Fylde Borough Local Plan and policy H2 (Density and Mix and H4 (Affordable Housing) of the Fylde Local Plan to 2032. Accordingly Committee are recommended to grant the approval of these reserved matters.

Reason for Reporting to Committee

The proposal involves major development and is pursuant to an outline application that was determined at Committee, hence the council's Scheme of Officer Delegation requires that it be determined at Committee.

Site Description and Location

The application site is a roughly rectangular area of land extending to 5.8 hectares and is located within the Parish of Ribby-with-Wrea but almost entirely outside of the defined settlement

boundary to Wrea Green village. It is located to the east of Willow Drive and parts of Ash Grove and the south of Ribby Road and properties accessed off that road.

The site contains an existing residential dwelling (15 Willow Drive) which was occupied at the time of officer site visit and land that is greenfield and available for agricultural use. This land is divided into 4 fields with "gappy" hedgerows and has hedges around its perimeter. There are also a couple of ponds within the site, which is generally level but undulating in places although it rises gently to the south away from Ribby Road.

The land to the west is in residential use with the existing dwellings on Ash Grove and Willow Drive and the dwellings recently constructed by Wainhomes off Richmond Avenue. To the north it is residential with properties off Ribby Road backing onto the site. To the east and south is other land in agricultural use, with a line of trees providing a screen to the east.

The application site is almost the whole of the site which benefits from outline planning permission, but excludes an area that lies immediately to the rear of 3-11 Willow Drive which is understood that the developer is not to purchase form the landowner due to difficulties providing a viable development proposal on it.

Details of Proposal

The application seeks approval of the remaining reserved matters to outline planning permission 14/0302. That planning permission was granted on appeal and approves the development of up to 100 dwellings on the site, with the access arrangements approved at that time. Those access arrangements are a single vehicular access to the site provided by the demolition of 15 Willow Drive. This application therefore seeks the approval of the remaining reserved matters of layout, scale, appearance and landscaping.

The application proposes the erection of 86 dwellings on the site, with these contained in the area of residential development as was confirmed by the approved 'parameters' plan under the outline planning permission. The dwellings are in a mix of types with the accommodation schedule being as follows:

- 8 x 2 bed apartments
- 8 x 2 bedroom houses
- 16 x 3 bedroom houses
- 3 x 3 bed dormer Bungalow
- 1 x 4 bed Bungalow
- 38 x 4 bed houses
- 12 x 5 bed houses

The layout is based around a central spine road that enters the site before leading in a generally straight line through to the southern edge of the development. A series of cul-de-sacs lead off this road with areas of open space provided around each of the 2 ponds and to the northern and southern boundaries of the site.

The properties are for a mixture of market sale and affordable provision with 26 being affordable which amounts to 30% and so complies with the requirements of the legal obligation associated with the outline planning permission.

The landscaping proposed is in the form of areas of public open space to the northern and southern boundaries and then landscaping around the junctions and to soften the areas of residential development. No formal play area is provided, although the plans indicate a 'trim trail' is to be provided with equipment located generally in the southern area of open space and a route provided along part of the western boundary as an alternative to the main access road..

The proposal under consideration is a revised version of the original scheme and so has been the subject of further consultation with neighbouring residents, the Parish Council and other key consultees. Their latest views are reported in this report.

The application is supported with a suite of documents, with the conclusion of the Planning Statement explaining:

"The development of 86 no. attractively designed and sensitively laid out units including affordable housing and ample open space will bring with it many social, environmental and economic benefits and achieve a sustainable development. The development will meet existing and future housing needs while bring with it several direct and indirect construction and supply based jobs.

The proposal includes a SUDS scheme that will be in general accordance with the approved Site Specific Flood Risk Assessment and Drainage Management Strategy undertaken by Betts Associates (April 2014).

Existing landscaping to be retained will be enhanced by new attractive estate landscaping.

Additional secondary school places are to be provided via a commuted sum with the approach agreed at outline stage. In addition, a Travel Plan shall seek to improve the sustainable connections of the site to the wider area and will reduce car trips.

To that end, the Reserved Matters application in terms as to the proposed layout, scale, appearance, and landscaping is considered to be in compliance with the adopted Development Plan and material considerations including the NPPF and emerging draft Local Plan."

Relevant Planning History

Application No.	Development	Decision	Date
15/0458	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 49 DWELLINGS, INCLUDING THE PROVISION OF ACCESS FOLLOWING THE	Approved with 106 Agreement	16/10/2015
	DEMOLITION OF 15 WILLOW DRIVE		
14/0735	OUTLINE APPLICATION FOR THE DEVELOPMENT	Refused	13/01/2015
	OF UP TO 49 DWELLINGS INCLUDING THE		
	PROVISION OF ACCESS FOLLOWING THE		
	DEMOLITION OF 15 WILLOW DRIVE		
14/0302	OUTLINE APPLICATION FOR UP TO 100	Refused	05/09/2014
	DWELLINGS INCLUDING THE PROVISION OF		
	ACCESS FOLLOWING THE DEMOLITION OF 15		
	WILLOW DRIVE		

Relevant Planning Appeals History

Application No.	Development	Decision	Date
14/0735	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 49 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Withdrawn	30/11/2015
14/0302	OUTLINE APPLICATION FOR UP TO 100 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Allowed	14/01/2016

Parish/Town Council Observations

Ribby with Wrea Parish Council notified on 09 May 2016 and comment that they fully support the comments made by the CAPOW resident group (summarised below) and so recommend refusal.

The Parish Council have been re-consulted on the revised layout and confirm that they remain opposed to the development and in support of the grounds of objection raised by the CAPOW group.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No formal comments have been received at the time of writing this report, although informal comments were provide on the initial layout which have been incorporated into the revised scheme now under consideration. It is expected that their formal comments will be received prior to the Committee meeting and so will be reported as part of the Late Observations Schedule.

Regeneration Team (Landscape and Urban Design)

Whilst no formal comments have been received the Regeneration Manager has had input into the revisions to the layout that are now under consideration.

Environmental Protection

Raise no objection to the development, but highlight the potential for construction to cause nuisance by way of dust and other such issues and so appropriate mitigation will need to be implemented in the construction of the dwellings.

Environment Agency

Confirm that they have no comments on the application.

United Utilities - Water

No comments have been received.

Lancashire CC Flood Risk Management Team

Made comment on the initial layout to highlight areas of concern with that submission. These cover the issues below, and whilst they conclude not to object to the development that is conditional on the provision of satisfactory surface and foul water drainage systems and a mechanism for their maintenance. The issues highlighted are:

- That the intention to drain the site to a surface water sewer is sequentially less preferable than other options in the drainage hierarchy. The applicant is advised to examine these and demonstrate why the sewer would be the most preferable.
- That the drainage options for the site should be informed by a ground investigation to establish if the site can be drained by infiltration
- The scheme includes development within 8m of the pond and so puts properties at risk of fluvial flooding
- That there may be amphibian species present on the site which are to be assessed by a competent ecologist.

North Lancs PCT

No comments have been received

Neighbour Observations

Neighbours notified:	09 May 2016
Amended plans notified:	4 July 2016 and 23 August 2016
Site Notice Date:	12 May 2016
Press Notice Date:	12 May 2016
Number of Responses	16 letters from individual properties and 3 on behalf of residents

CAPOW Comments (resident group)

Raise objection to the development as initially on the following grounds:

- That the mix of dwellings proposed within the development does not reflect the identified local needs
- That the local housing needs survey confirms that there is a limited need for affordable housing in the village and this is met by other developments so none are needed in this development, and any that are should be suitable for the elderly residents of the village that are looking to downsize
- The inclusion of the three storey properties will change the character of the area as there are no other properties of this scale in the village
- The proposal involves positioning development very close to protected trees and so is likely to impact on their roots
- The submission is inconsistent with regards to the provision of boundary treatments and acoustic barriers. And this is acritical part of the scheme as it has a great bearing on neighbour amenity
- The submission does not provide any information to discharge the conditions that are required prior to the commencement of development, with some of these such as the construction plan and the drainage information of great importance to how the development can proceed
- The play area required by the outline is not provided
- The scale of the dwellings is such that highway use will lead to congestion and highway safety issues on Willow Drive and surrounding roads
- The ecology submission was not undertaken at the correct time of year in some areas and ignores the presence of great crested newts and Brown Hares which are known to habitat the area
- The application does not provide for the works required by the highway consultee comments to

the outline application.

Write to confirm that the revisions made to the scheme do not address any concerns that were initially stated and so they stand by them.

Consultant Comments for Langtons Farm

Highlight that the outline planning permission included several conditions that were in response to the relationship to this dwelling and to mitigate the impact on its residential amenity and the equestrian activity undertaken there. They comment on the application as follows:

- Condition 22 requires that a suitable boundary treatment is included to the northern edge of the site. The proposed 2m fence is inadequate to meet their expectations for privacy, security and equestrian safety.
- Condition 9 is to provide a landscaping area within the site adjacent to this boundary, but the details proposed are inadequate to achieve the required defensive qualities
- Condition 4 is to provide a suitable buffer zone to this area to reduce the potential for disturbance of the residential amenity and equestrian activities. It is suggested that a 30m buffer would be appropriate, and the scheme proposes much less than that with the access road, dwellings, garages and gardens within this area.

Consultant Comments for Wainhomes Development residents

With regard to the initial scheme they make the following comments:

- Procedure The outline permission is for 100 dwellings and as only 86 are proposed in this application can the council ensure that further applications for the other 14 potential dealings will not be received and so impact on the provision of public open space areas
- Appeal Decision The council needs to ensure that all the requirements of the outline permission are implemented, particularly the off-site highway works
- Density and Layout The proposal must reflect the character and spacing of the surrounding development. IT is argued that the density proposed here is excessive and significantly higher than even the newly constructed properties on the Wainhomes site where his clients live.
- Affordable Units These should be spread through the development not in a single cluster
- Landscape Character The greater part of the development is adjacent to the Wainhomes site and there is a limited amount of space for landscaping and the details provided of that landscaping indicate that its provision is 'lamentable'. The provision of a trim trail in this area would create concerns over amenity impacts to the Wainhomes properties from its use.
- Drainage The plan provided is limited in its scope and concerns are raised should the property levels need to be raised to achieve a suitable drainage fall
- POS Provision Concerns are raised should the area of public open space at the southern edge of the site be used as 'a magnet for public attraction and activity'. It is suggested that the council enter into a legal agreement with the applicant to ensure that these areas are protected from potential future development.

With regard to the revised scheme they make the following comments:

• Their concerns over the density of the development remain, with the introduction of additional bungalow properties not addressing their concerns as they see that the layout should be more reflective of the remainder of the village and it is much denser than that. The requirement of HL2 for the density to reflect that of the surrounding development is not met.

- The form and layout of the development is formal and regimented with limited areas of open space and a lack of individuality to the development. The scheme does not relate in any way to the needs of Wrea Green
- The affordable housing is provided in clusters around the southern part of the site and so fails to integrate fully with the development
- The introduction of three storey properties is out of character with Wrea Green
- There is an absence of effective landscaping around the perimeter of the site, particularly with the properties on Stony Grove and Richmond Avenue (Wainhomes site) which were designed to be outward facing and so will be particularly impacted by the urban development facing their properties without any effective softening of the views.
- The boundary to the Wainhomes site is a hedge and watercourse that is outside of this application site yet seems to be relied upon by the developers to provide an effective screen to these properties It is also described as a wildlife corridor but with the large gaps in it and the ownership constraint preventing this from being improved there is little comfort that it can fulfil this function
- The inclusion of a trim trail along this boundary will conflict with the wildfire objective and seems to be unjustified in the submission with no real detail over its constriction. They are concerned that its use will create a further erosion of privacy, outlook and amenity for the occupiers of the Wainhomes site

Resident Comments

- A neighbour that lives on the Wainhomes site has highlighted the proximity of the proposed development to their property and the limited landscaping between that they feel will cause a loss of privacy to be suffered as well as disturbance form the close proximity of the driveways
- A neighbour form Willow Drive refers to the failure to indicate the presence of a ditch that runs to the rear of Willow Drive on the drainage plans, and serves an important function in the drainage of the area.
- A neighbour from Willow Drive highlights the limited extent of the acoustic barriers around the entrance which do not extend to the road frontage, and are only across the rear of some of the rear boundaries to the site. The acoustic barrier details are also criticised as being inadequate.
- A number of residents refer to their objection to the principle of the development due to the loss of greenfields around the village, the lack of any need for additional housing in the village, the limited range of services (education, shops, health, drainage) available to support additional residents, and the highway implications of the development.
- A number of residents express a view that the submission of this reserved matters layout ignores key requirements of the appeal inspector's decision letter, and that details required by conditions are not included
- A neighbour that lives on the Wainhomes site has expressed opposition to the inclusion of a trim trail along the western boundary as it is very close to their properties and creates a potential source of nuisance
- A resident from within the village has written to highlight a general objection to new development, but specifically to state that the reference to affordable housing is providing properties that local residents can buy and receive value for money.
- A resident from Willow Drive highlights that an area of land that was within the outline application has been omitted from this layout and so creates a concern over what would be built on it. They also query the height of some dwellings and that the dwellings that are proposed do not meet community needs.
- A resident of Ribby Road has written to highlight the position of their property 'downstream' of the site and the impacts that the rain in December 2015/January 2016 had on the drainage system serving that part pf the village which failed and led to properties being flooded.

Relevant Planning Policy

Fylde Borough Local Plan:

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HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP25	Development and waste water
EP27	Noise pollution
EP30	Development within floodplains

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
FBLP32	Fylde Borough Local Plan to 2032 Policy H2 and H4

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

The outline planning permission establishes the principle of the development of the site for up to 100 residential properties. This scheme is for 86 and so is in accordance with that planning permission. A small part of the outline site that is between the rear of Willow Drive properties and the dwelling at Langtons Farm has been omitted from the site and it is understood that this is not to be purchased by the developer, but could be presented for development at a later stage without breaching the dwelling limit of the outline permission.

The ability of the site to accommodate the number of dwellings sought in the outline was the principle area of concern that the council had at the appeal, with the council's position being that the development of this number of dwellings on a site of this area would be unduly harmful to the rural character of the area and to the character established by the neighbouring dwellings. In response to this concern the extent of the developable area of the site was compressed in a revised plan that was submitted to the Planning Inspectorate immediately before the Inquiry commenced. This effectively increased the area of open space area to the south of the site and was sufficient to persuade the Inspector that the development would not have an unduly harmful visual impact. The reduced number of dwellings proposed here accords with the principles of the outline in that regard and is obviously closer to the realistic capacity of the area to provide for development than the 'up to 100' approved in that decision.

The net density of development (i.e. that limited to the area of development) is around 23 dwellings per hectare. Whilst it is higher than that seen in the surrounding area, it is a consequence of the number of dwellings approved at outline, and subject to the provision of an appropriate layout and landscaping will be acceptable.

Policy Background

With this being a reserved matters application the council's housing requirements and 5 year housing supply issues are not relevant for its consideration. The matters that are for assessment are the acceptability of the submitted information in respect of the appearance, scale, layout and landscaping of the development.

The policy tests for these are principally contained within the Fylde Borough Local Plan (FBLP) which is the development plan for the borough, with Policy HL2 being of most relevance as this confirms the 'Development Control Criteria for Housing Proposals'. Policies relating to drainage, open space, etc. are also of relevance and so referred to in this report in the respective sections.

The Fylde Local Plan to 2032 (FLP32) is currently undergoing consultation on the submission version, but the policies of the housing chapter were supported for the determination of planning applications at the June 2016 meeting of Committee and so the application will also be assessed against these where relevant.

Mix of Dwellings

Policy HL2 of the FBLP requires that proposals are in keeping with the character of the locality. Policy H2 of the FLP32 goes further than this and is prescriptive in the mix of dwellings that should be achieved in new developments. This requires that schemes provide at least 50% of the dwellings as 1-3 bedroomed properties, and that in rural villages (including Wrea Green) there should be 33% of the total at 1-2 bedroom size.

The mix offered in the latest proposals is:

16 x 2 bed 19 x 3 bed 39 x 4 bed 12 x 5 bed

This gives 40% as 1-3 bedroomed rather than the 50% sought, and 19% as 1-2 bedroom rather than the 33% sought by policy.

Clearly this is not in accordance with this emerging policy, but it does provide a mix of dwelling sizes that is more reflective of the policy obligation than the council has been able to secure with other developments. It is also the case that the surrounding properties on Willow Drive and the Wainhomes development are generally larger 4 and 5 bedroomed properties and so an over concentration on smaller properties would create conflict with the requirements of Policy HL2 for the mix of properties to be in keeping with the character of the locality.

Layout of Dwellings

The outline planning permission includes a condition that requires the extent of the development and its layout to be in general accordance with that shown on the Concept Block Plan that was presented to the Planning Inspectorate shortly before the Inquiry. This confirms the access point, ensures that the properties are laid out to respect the position of the ponds and trees on and around the site, and provides open space areas to the northern and southern ends.

The submitted layout under consideration respects all these aspects, and whilst there is a slight encroachment into both the northern and southern open space areas the layout is broadly in accordance with that which was required by the outline permission. The discussions with the applicant during the consideration of this application have brought improvements to the layout be increasing the separation from boundaries, refining the movements around ponds, and improving the potential for wildlife connectivity to the ponds. Accordingly it is now considered that they layout is acceptable and meets requirements of Policy HL2 and H2 in that regard.

Provision of Affordable Housing

The council's policy position on affordable housing is provided by Policy H4 of the Fylde Local Plan to 2032. This refers to developments of this scale providing 30% of the total as affordable units. The outline planning permission secures this through a Unilateral Undertaking that was submitted by the developer to support their appeal following discussion with the council over its wording so that the council's requirements were included within it.

This proposal complies with the requirements of that undertaking by including 26 of the 86 dwellings as affordable properties. These are split by tenure and type as follows:

- 8 x 2 bedroomed flat for affordable rent
- 2 x 2 bedroomed house for affordable rent
- 8 x 3 bedroomed house for affordable rent
- 2 x 3 bedroomed semi for intermediate affordable housing
- 3 x 2 bedroomed semi for intermediate affordable housing

The provision of these units is welcomed in terms of their scale and in being mainly for affordable rent which is the affordable tenure in greatest need in the borough.

The application proposes that the intermediate affordable housing will be presented as being Discounted Market Sale properties whereby the properties are sold to those in housing need, with an initial search being at those with a suitable local connection through residency or employment or family connection. The desirability of this tenure is a matter that needs further discussion with the council's Strategic Housing Team as the preference is for shared ownership rather than discounted market sale as the intermediate housing element of an affordable housing scheme.

The details of this tenure along with its management and retention as affordable housing is not given sufficient clarity in either the Unilateral Undertaking with the planning permission or in the 'Affordable Housing Statement' submitted with this application. Accordingly a condition is required to ensure that a suitable 'Affordable Housing Statement' is agreed prior to development commencing.

The properties are located in clusters towards the southern end of the site and so will be constructed later in the development. The Unilateral Undertaking requires that the phasing of the delivery of the affordable units is to be agreed in the Affordable Housing Scheme, and so this is a further matter to be secured as part of the condition covered earlier.

The council's Housing team have confirmed that this number, mix and tenure of properties meets their requirements and so it is considered that the proposal will comply with Policy subject to the condition to secure operation of the Discounted Market Sale Units.

Scale and Design of Dwellings

With regard to their scale, the application proposes that all the dwellings are built at two storeys. Whilst a number are referred to as bungalows, the two housetypes in question (Richmond and Banbury) are actually 2 storey properties albeit that the upper floors are served by dormer windows or Velux/gable windows. The Altrincham type is a flat that is available in 2 or 3 storey options, with the proposal here to use a 2 storey option although the cover sheet to the submitted housetype drawing has misled some as it does indicate the 3 storey version.

The comments made by CAPAW refer to there being a local need for bungalows to be built, with these intended to support elderly occupants of the village looking to downsize but remain within the village. This point has been promoted to the applicant who has responded by increasing the number of bungalows to the 4 shown on the layout under consideration here. This remains a low figure in a development of this scale, and is a disappointing position although they highlight the relatively high land take involved in providing such properties which would have implications for the overall density if more were included.

Policy H2 of the FLP32 requires that 20% of the dwellings on a site of this size should be designed specifically to accommodate the elderly. This does not however mean that the dwellings provided must be bungalows and so it is not considered that there is a policy requirement that can allow this application to be refused for its failure to deliver any more bungalows than the four shown in the latest revision of the layout.

With regard to their design, the dwellings are from the applicant's standard portfolio of housetypes and so are not specifically designed to accord with a Wrea Green vernacular. However, it is difficult to establish what that would be given that the village has seen growth over the years with properties typically built to reflect the design specification of their time. In this case the site bounds the 1980s development on Willow Drive, the 1990s development on Ash Grove, the on-going development by Wainhomes, and the replacement dwelling completed last year at Langtons Farm. These do not have a consistent style and so the requirement from this development must simply be that the proposed dwellings are of a suitably high quality.

Having assessed the individual housetypes, the proposed arrangement of them within the site, and the proposed materials of their construction it is considered that the development complies with the requirement of criteria 2 of Policy HL2 to the FBLP in that regard. The design requirements of the FLP32 are contained in a policy outside of the Housing Chapter and so it is not yet an appropriate test for applications.

Provision of Open Space and Landscaping

The outline planning permission requires that the development complies with the Concept Block Plan presented to the appeal with specific reference made to the provision of an open space buffer to the north of the site (condition 4), that there shall be details of the public open space proposals within the site to include an equipped playground and an informal area of open space to the southern end (condition 5), and that details of the on-going management of these shall be provided prior to occupation (condition 6). Whilst it is not stated in the Inspector's conditions the discussion at the Inquiry was that these conditions are to meet the requirements of Policy HL2 for the development to be appropriately laid out, to meet the requirements of Policy TREC17 in terms of provision, and to ensure that the layout respects the proximity of the site in the landscape and the relationship to neighbouring land uses.

There has been some improvement of the open space and landscaping since the initial version of the layout plan was presented, with the current position on open space being:

- There is an area of open space to the northern end of the site that is adjacent to the dwelling and equestrian facility at Langtons Farm. This has a width of 25m tapering down to 12m to the rear of the stable building. The landscaping details of this are not confirmed at the time that this report was drafted, with the expected position being that part will be grassed over, and the narrower parts and area adjacent to the boundary will be planted with defensive plants to protect the boundary with this property as is required by condition 4.
- There is an area of open space to the southern edge of the site that has a width of 65m 40m across the 105m width of the site. This is to serve a couple of functions. Primarily it is to be planted with a strategic planting belt of trees and shrubs that will become established to soften the appearance of the development in views from the south. This visual impact was one of the main reasons that the council was opposed to the development and whilst the Inspector accepted that the development could proceed this was based on this area being landscaped, and so it is imperative that this landscaping is implemented and maintained. A secondary function of this area is to support the formal play area requirements of the development. This is in the form of a number of pieces of timber play equipment as part of a trim trail. This type of equipment will be less visually intrusive than a traditional formal play area and so can be better accommodated in this sensitive area. Care is needed with its siting though to ensure the amenity of the neighbouring residents is safeguarded. The provision of this should be secured by a further condition.
- A 'trim trail' is proposed and consists of a marked pedestrian / cycle route that is physically separated from the roadway to be used as an alternative to that route. This was initially shown running along the entire western boundary and wrapping around both ponds to connect the access point to the north with the open space area to the south. This has been revised since submission to re-route it around the southern pond so that it retains that as a more natural feature, and to omit the southern section as that generated particular amenity concerns given the proximity to the neighbours on the Wainhomes development. It is expected that this route will be lit and surfaced and so offer a year round route
- There is no formal play area on the site with the trim trail and timber play equipment to provide that aspect of the open space obligation. There are existing play facilities in the village: one of which is close to this site at Wray Crescent albeit across Ribby Road, whilst the other is physically close on the Wainhomes development but not accessible due to the lack of a route between the two sites at present. With the availability of these, and the onsite provision of open space it is considered that the failure to deliver the formal open space obligations of the outline condition is not a matter that should prevent this scheme being supported.
- Other smaller areas of open space are provided within the development around both ponds.

The scheme also respects the protected trees that form a belt along much of the eastern boundary, with condition 15 of the outline permission requiring that these are protected during development. A further condition is required to secure the appropriate construction methods for the parking area to the apartments as this encroaches into the Root Protection Area of these trees.

Whilst the final landscaping scheme has yet to be received as the layout has evolved during the consideration of the application, it is expected that a satisfactory scheme will be received and so ensure that the proposed layout will accord with the requirements of Policy HL2, TREC17, EP12 and EP14 of the FBLP and H2 of the FLP32.

Neighbour Relationships

The relationship of any development to its neighbours is an important assessment that is to be made of its acceptability. That assessment is particularly critical here as the properties which share boundaries with eh site are all relatively recently built and are generally designed to be outward

facing. As they raise slightly different issues they are assessed in turn below:

- Langtons Farm (dwelling) This is a detached house with associated equestrian facilities located to the north of the site and so is adjacent to the northern area of open space, with the grazing land wrapping around the north western corner of the site and so alongside a dwelling on the development. The dwelling at Langtons Farm has been designed with a rear aspect that features extensive glazing and balcony areas to make the most of the southern facing aspect across the site, and so this is dramatically altered by the development. The nearest dwelling is the side of a two storey house and its garage with the house over 40m from the rear of Langtons Farm with that house having a couple of ensuite windows only in its side gable. At this distance the relationship is an acceptable one.
- Langtons Farm (stables) The two nearest dwellings on the site 25m from the stables and that on plot 84 immediately adjacent the boundary with land used for grazing. This is a concern both for the potential for the residential use of these properties to 'spook' the horses, and from the odour and other such issues that are inherent with equestrian activities causing a nuisance to occupiers of the dwellings on the site. This proximity is slightly less than a 30m distance that was sought when determining a smaller application for residential development on the site, and incorporates the garden to the dwellings within much of the separation. Notwithstanding this tightening of the relationship it is considered that on balance the separation and relationship is an acceptable one, particularly given the potential for the intervening boundary treatment to be substantially constructed and supported by planting that will help mitigate this relationship.
- Willow Drive These are detached houses that are at either side of the access point and that back onto the area of open space to the north of the development. An area of concern raised over the initial scheme was the level of disturbance that would be suffered by these properties from the use of the access by construction and vehicular traffic from a site of this scale. These concerns were adequately addressed by the commitment for an acoustic barrier to be erected alongside the dwellings and their gardens. This is secured by condition 8 of the outline permission. An application has been received with details to seek to discharge this condition (application 16/0431 refers) and this will be determined once an acceptable arrangement for the location, design and acoustic qualities of this has been agreed. There are no dwellings adjacent to these properties and so the relationship of these to the development is acceptable.
- Ash Drive These are detached houses that face onto the northern pond and a number of
 proposed dwellings, some with a direct boundary and others across Ash Drive. The
 relationships between these properties are generally angled ones and are in excess of 30m in all
 cases with this assisted by the presence of a well-established hedge along the boundary. This
 gives an acceptable relationship between these neighbouring dwellings.
- Wainhomes development There are a number of streets on this site that have properties which face onto new dwellings within the site, and with the boundary being a ditch and then a hedge with a number of gaps they have highlighted concerns over the relationships. The plans have been revised to increase the separation in some areas, to introduce a bungalow property where it is closest to the boundary, and to remove the trim trail and introduce landscaping. These alterations have improved these relationships to ensure the current proposal is acceptable.
- Other boundaries The eastern boundary of the site is with farmland and trees, and the southern boundary is with farmland and so there are no neighbour relationships in these areas.

The expected floor levels of the development have been checked against the existing ones as residents raise concerns that the site drainage could require the new dwellings to be elevated to achieve a gravity fall to the drainage network off site. The existing ground levels are generally similar across the boundary as the land gradually raises to the south before falling away at the tip of the developed part. The proposed properties are to be built at a similar level to the existing

ground and so to the properties off site, and as such this aspect of the relationships is also acceptable.

Criteria 4 of Policy HL2 of the FBLP requires that new development does not adversely affect the amenity and privacy of neighbouring properties. Whilst the revisions introduced to the layout it is considered that the proposal as presented achieves that requirement and so there is no conflict with this Policy. There is no equivalent requirement in the Housing Chapter of the FLP32 as the design requirements are elsewhere in that Plan and so it is not yet necessary to examine compliance with them.

Internal Access and Parking arrangements

Unfortunately the final comments of the highway authority are not available, but there has been some dialogue with them over the layout requirements to ensure it is capable of adoption once constructed. It is expected that their comments will be received prior to the Committee meeting and will be supportive of the design of the layout.

The majority of the properties are provided with in curtilage parking for at least 2 cars, with the majority having garages and only the affordable houses not benefiting from these. The only area where in curtilage parking is not provided is the apartments that are provided with a parking court that is located to the rear of the buildings and provides 14 spaces for the 8 flats. The parking levels across the site are acceptable for a development of this nature, and areas of frontage parking are generally unattractive these are limited in number with many garages provided to the rear of properties so allowing an opportunity to remove parked cars from the streetscene.

The access to the site is not for consideration here and so the requirements within the outline permission for its construction and the associated off-site highway works remain relevant and will be implemented as part of this development under the conditions attached to that permission.

The scheme is considered to have appropriate access and parking arrangements and so complies with criteria 9 of Policy HL2 of the FBLP and H2 of the FLP32 in that regard.

Boundary treatments

Condition 8 of the outline permission includes a requirement for the developer to submit and secure approval for the acoustic barrier that is to prevent amenity harm being suffered around the site entrance, with condition 4 relating to the protection of amenity concerns to the equestrian activity at Langtons Farm and so potentially continuing it across that boundary. The remaining boundary treatments are for consideration as part of this scheme and so also need to be assessed.

The submission is supported with a plan that indicates the intended boundaries around the site. In the public areas these are predominantly a hedge to form the front boundary of properties and is a suitable treatment for a rural village development. The two ponds and two main open space areas are surrounded by an estate rail to 1200mm high which is also a suitable treatment that defines these areas but allows them to be viewed as part of the streetscene. In a small number of areas there is a need to provide a taller, solid boundary to provide privacy to the rear garden areas of dwellings alongside roadways, and in these areas a brick wall to 1800mm height is proposed. This is a starker boundary, but given the limited extent of its use and the relatively short lengths involved it is not harmful to the overall development. Timber fences are used to separate internal garden boundaries but are not readily visible in the street and so are acceptable in this location.

The overall position on the proposed boundary treatments is that they are all of an acceptable routing, form and extent and so the layout of them proposed in this application is appropriate.

However, that layout does not include details of their design and so a condition is proposed to secure the approval of this. The condition on the outline will also need to be assessed under the existing discharge application to ensure that this boundary is appropriate in both its design and its acoustic characteristics given its potential extent around the northwest and northern boundaries.

Levels and Drainage

The outline application was supported with a Flood Risk Assessment that highlights the intention to connect the drainage to the surface water sewerage system at a controlled rate equivalent to the greenfield run off rate with an allowance for climate change. This is standard practise for the development of greenfield sites such as this.

The sewer runs along Willow Drive northwards before crossing Ribby Road and connecting to Wrea Brook. The site will drain by gravity to connect to that sewer at the point of access to the site, with the flow into this limited by hydrobrake and the water awaiting release stored on site in a series of underground surface water storage areas in the open space areas adjacent to the site access. The site levels naturally fall towards this point making the gravity flow a viable option, with the latest plans confirming the floor levels of the dwellings demonstrating that they remain broadly equivalent to the existing ground levels.

The surface water network from this point has been the subject of flooding events in the past winter, and this has led to LCC leading some detailed investigations of the cause and implementing some remedial action to address the issues that caused this flooding. These works are an obvious benefit to the whole community, with the restriction in this scheme to greenfield rates ensuring that it does not involve any greater flows for the site into this watercourse.

The Lead Local Flood Authority highlight concerns over the use of the sewer as they believe that the developer has not demonstrated that other methods of site drainage, such as ground infiltration, have not been examined. Whilst this hs implications for this reserved matters application, the site drainage is actual for approval through the discharge of conditions 20, 21 and 22 associated with the outline permission. These are currently under consideration through application 16/0431 and so any concerns of the Lead Local Flood Authority can be addressed through the determination of that application.

The LLFA raise a concern over the proximity of some dwellings to the ponds on site as they are within the 8m buffer zone required for access and as a protection against flooding in the event that the pond floods. The revised layout places properties outside of this separation distance and it is to be noted that the ponds do not form any part of the site drainage system.

The foul sewer is proposed to drain by gravity across the site and then connect to the existing foul sewer in Willow Drive. United Utilities did not raise any objection to this at outline stage, and have been consulted on the latest proposals and it is expected that they will be satisfied with these details as they accord with the principles of the outline and are drawn to the relevant technical specifications.

The scheme provides an appropriate solution to the site drainage that will ensure that it can be drained without any adverse impacts on the existing drainage networks in the village. The outline planning permission provided sufficient details to satisfy the relevant consultees over the principle of the drainage solutions, and this scheme demonstrates that these can be implemented with this layout. The proposal therefore accords with criteria 10 of Policy HL2 of the FBLP.

Ecology

With the site being a greenfield site that contains ponds and is surrounded by trees and other countryside land then there is an obvious potential for the residential development to have an impact on matters of ecological importance. These were assessed at the outline stage with that application supported by a range of surveys that concluded there would be no overriding harm causes to these issues subject to further survey works and appropriate mitigation. Conditions 16, 17 and 18 of the outline permission make specific reference to this.

This reserved matters application is supported with a method statement for the identification and protection of wildlife that has been prepare by specialist ecologists. This reports the findings of further surveys undertaken this year on the site and presents mitigation and habitat improvements for the various habitats and species as follows:

- Pond Habitat These are important wildfire features and they are to be maintained and improved for their ecological value through the development of the site and beyond. A condition is appropriate to secure the implementation of this.
- Water Voles The various ditches and ponds within and around the site were surveyed but found to be unsuited to water vole use and no evidence of them was found
- Amphibians The site is not known to support any Great Crested Newts or other protected species but does provide suitable habitat. The layout has been improved to facilitate improved commuting opportunities to the southern pond form the east and the site is to be managed to ensure that the conditions remain favourable for the use of this habitat.
- Birds The site has opportunities for various bird species to use for nesting. The report suggests that works are timed to avoid disturbance of them, and that mitigation with new nest boxes and habitat being provided. These can be secured through conditions.
- Bats The dwelling at 15 Willow Drive is known to provide a day roost for a common pipistrelle bat and so a Natural England Licence is required to ensure that this appropriately mitigated in the development of the site. The mitigation involves new bat boxes and panels in the new dwellings and around the site.

It is considered that the developer has submitted sufficient details to address any reasonable ecological issues arising from this proposal and that the scheme is therefore in accordance with Policy EP18 and EP19 of the FBLP with regard to the protection of wildlife and its habitat.

Conclusions

The application site is a rectangular area of land to the east of the settlement of Wrea Green that has the benefit of outline planning permission for the erection of up to 100 dwellings following a successful appeal against the council's refusal of application 14/0302 for that development. The site is outside of the settlement boundary but adjacent to it on the western and northern boundaries.

This proposal is for the remaining reserved matters of layout, scale, appearance and landscaping associated with that outline permission. The access arrangements were approved at the appeal and involve the demolition if the dwelling at 15 Willow Drive to provide a single point of vehicular and pedestrian access to the site.

The scheme provides for 86 dwellings across all but a small part of the site approved at outline, with these all being two storey properties (with 4 being dormer bungalows) and of a range of housetypes served by a single spine road and a series of cul-de-sacs. The mix of housetypes and their arrangement on the site has been revised during the consideration of the application and so further

notifications undertaken with neighbours and key consultees.

These revisions have adequately addressed officer concerns over the proposal and so it is considered that the scheme now with the council accords with the requirements of Policy HL2 of the Fylde Borough Local Plan and policy H2 (Density and Mix and H4 (Affordable Housing) of the Fylde Local Plan to 2032. Accordingly Committee are recommended to grant the approval of these reserved matters.

Recommendation

That Reserved Matters Approval be GRANTED subject to the following conditions:

1. This consent relates to the following details:

Approved plans:

- Location Plan POD Project 692-STO Drawing 001
- Proposed Detailed Site Layout POD Project 692-STO Drawing 100 Rev L
- Proposed Elevation Treatment POD Project 692-STO Drawing 102 Rev E
- Proposed Boundary Treatments POD Project 692-STO Drawing 103 Rev G
- Indicative Finished Floor Levels Story Homes drawing SL115.90.9.ILP1
- Indicative Finished Floor Levels Story Homes drawing SL115.90.9.ILP2 Rev B
- Street Scenes Story Homes drawing SL115.90.9.SS
- Landscape Proposals South Pegasus Design Drawing YOR.2195.017 Rev F
- Landscape Proposals North Pegasus Design Drawing YOR.2195.016 Rev F
- Proposed Public Open Space Pegasus Design Drawing YOR.2195.019 Rev B
- Proposed LEAP Pegasus Design Drawing YOR.2195.021 Rev D
- Housetype Plans and Elevations (Altrincham v2) Storey Homes
- Housetype Plans and Elevations (Arundel v3) Storey Homes
- Housetype Plans and Elevations (Banbury v3) Storey Homes
- Housetype Plans and Elevations (Boston v3) Storey Homes
- Housetype Plans and Elevations (Epsom) Storey Homes
- Housetype Plans and Elevations (Harrogate v3) Storey Homes
- Housetype Plans and Elevations (Hastings v3) Storey Homes
- Housetype Plans and Elevations (Hawthorn) Storey Homes
- Housetype Plans and Elevations (Mayfair v3) Storey Homes
- Housetype Plans and Elevations (Richmond v3) Storey Homes
- Housetype Plans and Elevations (Rowan) Storey Homes
- Housetype Plans and Elevations (Salisbury v3) Storey Homes
- Housetype Plans and Elevations (Taunton v3) Storey Homes
- Housetype Plans and Elevations (Warwick v3) Storey Homes
- Housetype Plans and Elevations (Wellington v3) Storey Homes
- Housetype Plans and Elevations (Westminster v3) Storey Homes
- Housetype Plans and Elevations (Winchester v3) Storey Homes
- Housetype Plans and Elevations (York) Storey Homes
- Housetype Plans and Elevations (Garages) Storey Homes

Supporting Reports:

- Design and Access Statement
- Planning Statement Story Homes March 2016
- Tree Survey Report PDP Associates February 2016
- Arboricultural Method Statement PDP Associates February 2016
- Method Statement for Identification and Protection of Wildlife ERAP 2016-0047

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

2. Notwithstanding the details listed in condition 1 of this approval for boundary treatments a full specification of these supported with details of the design and materials for the structures and the planting schedule for the hedges shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These approved details site shall be implemented as the respective boundary treatments across the site in accordance with a phasing schedule that is to form part of that submission.

Reason: To provide sufficient clarity over the boundary treatments for the site in accordance with Policy HL2 of the Fylde Borough Local Plan.

3. Notwithstanding the details listed in condition 1 of this approval for materials of construction a full specification of these supported with details of the manufacturer, colour, texture and finish for the external materials of construction to the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These approved details site shall be implemented during the implementation of the development.

Reason: To provide sufficient clarity over the construction materials for the dwellings in accordance with Policy HL2 of the Fylde Borough Local Plan.

4. Prior to the commencement of a full specification of the materials to be used on the hard surfaced areas of the site supported with details of the manufacturer, colour, texture and finish shall be submitted to and approved in writing by the Local Planning Authority. These approved details site shall be implemented during the implementation of the development.

Reason: To provide sufficient clarity over these surfaces on the site in accordance with Policy HL2 of the Fylde Borough Local Plan.

5. That the areas that are kept free from built development on the approved site layout listed in condition 1 of this approval shall remain free of development and available for communal public open space use at all times thereafter.

Reason: To provide clarity over the extent of the built development to minimise its impact on the surrounding landscape and to ensure provision of areas of open space within it in accordance with condition 4 of outline planning permission 14/0302, Policy HL2 of the Fylde Borough Local Plan, and Policy TEC17 of the Fylde Borough Local Plan.

6. That prior to the first occupation of the 20th dwelling hereby approved the equipped play area indicated on the drawing of such approved in condition 1 to this reserved matters approval shall be provided in full and shall be available for use by the general public for its intended purpose. This play area shall thereafter be remain available for that use at all times.

Reason: To secure the appropriate provision and retention of the equipped play area as is required by condition 5 of outline planning permission 14/0302, Policy HL2 of the Fylde Borough Local Plan, and Policy TREC17 of the Fylde Borough Local Plan.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 4, 5 and 8 of outline planning permission 14/0302 and plans indicated on condition 1 of this approval, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first

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

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP14 and EP18, and the National Planning Policy Framework.

8. Prior to the commencement of any development a construction methodology to detail how any construction works that are to be undertaken within the Root Protection Area of any of the protected trees within and around the site (including the parking area to plots 65-72) shall be submitted to and approved in writing by the Local Planning Authority. This shall specify the surface material, method of excavation, treatment to an roots found, drainage works, and any other such aspects that are important to ensure that the potential for harm to these trees is minimised.

The development shall be implemented in full accordance with this scheme as it relates to the affected plots.

Reason: To ensure that the risk of harm to protected trees is minimised in accordance with Policy EP12 of the Fylde Borough Local Plan.

9. Prior to the commencement of any development hereby approved an 'Affordable Housing Statement' shall be submitted to and approved in writing by the Local Planning Authority. This shall confirm the arrangements for the timing of delivery, the operation as affordable housing, the occupancy criteria, and the mechanism by which these properties are retained as affordable dwellings for any affordable dwellings within the site that are not to be operated by a Registered Provided / Registered Social Landlord as affordable rented units.

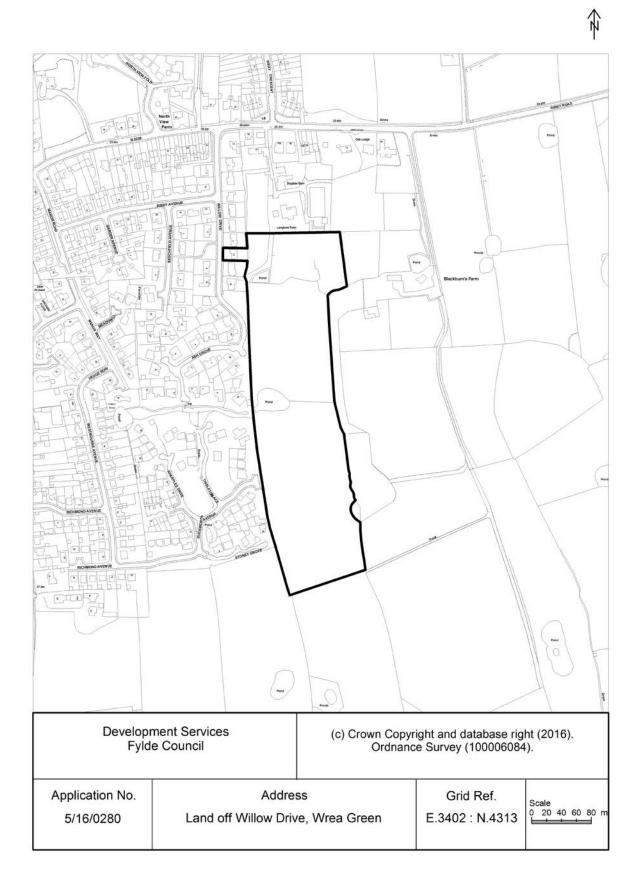
Reason: To provide sufficient clarity over the initial and on-going affordability of these units in accordance with Policy H4 of the Fylde Local Plan to 2032 and para 50 of the NPPF.

10. That wherever windows are indicated at an above ground floor level on the side facing elevations of dwellings these shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and to ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Borough Local Plan policy HL2.

11. That the development shall be implemented in full accordance with the protection measures and wildlife mitigations listed in the ERAP 'Method Statement for the Identification and Protection of Wildlife' report listed in condition 1 of this approval. This shall include the pre-commencement surveys and protection measures, the timing of woks, the introduction of bird and bat nesting and roosting opportunities throughout the development, and the on-going maintenance of the features of wildlife habitat importance.

Reason: To unsure that the risk of harm to species of ecological importance is minimised and that opportunities to enhance their presence in the area are maximised in accordance with Policy EP18 and EP19 of the Fylde Borough Local Plan.



Item	Number:	3
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Committee Date: 12 October 2016

Application Reference:	16/0317	Type of Application:	Full Planning Permission
Applicant:	Lidl UK GmbH	Agent :	Plan A (North West) Limited
Location:	FORMER WESTGATE HO	OUSE AND LAND REAR OF	5 TO 21 WESTGATE
	ROAD, SQUIRES GATE L	ANE, LYTHAM ST ANNES,	BLACKPOOL, FY4 2TS
Proposal:	ERECTION OF CLASS A1 RETAIL STORE AND CAR PARKING AND SERVICING AREAS,		
	SITE ACCESS AND ASSOCIA	ATED WORKS.	
Parish:	ST LEONARDS	Area Team:	Area Team 2
Weeks on Hand:	23	Case Officer:	Kieran Birch
Reason for Delay:	Considering Consultation	on Replies and other infor	mation

If viewing online this is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.7779755,-3.0464448,343m/data=!3m1!1e3?hl=en

Summary of Recommended Decision: Grant subject to s106

Summary of Officer Recommendation

The application relates to the erection of a retail food store on a site that is located adjacent to Squires Gate Lane and the entrance to Blackpool Airport, and formerly housed offices used by Blackpool Council but has been vacant for some years.

The proposal complies with SP1 of the Adopted Fylde Borough Local Plan and the NPPF. The principle of the development is acceptable, the development will not have an unacceptable impact on existing retail centres and will not have no detrimental impact on highway safety. The proposal will also bring economic investment into the Borough and so is recommended for approval subject to a legal agreement under s106 to secure funding for a travel plan and highway works.

Reason for Reporting to Committee

The application is before members as the proposal forms a Major development and therefore under the scheme of delegation should be considered by the Development Management Committee.

Site Description and Location

The application site is located directly south of Squires Gate Lane which also forms the boundary between Fylde and Blackpool authorities. Along Squires Gate Road are a number of residential and commercial properties, with residential dwellings and some smaller commercial/retail units located to the north and a mix of types and size of commercial uses to the south, including large food and non-food retails stores, leisure facilities and Blackpool Airport which is located east of the site. To the west of the site is Westgate Road which is residential in nature with a three storey apartment building located directly opposite the entrance to the site and two storey dwelling houses to the

south. Directly south of the site are residential properties.

The site itself previously contained an expansive Local Authority office building named Westgate House which was a single storey flat roof building with a footprint of approximately 1,960 square metres. This building was located in the eastern part of the site adjacent to the road to the southern boundary with car parking to serve the offices located off Westgate Road in the western part of the site. The site currently stands vacant as the buildings have been demolished with the boundaries formed by a variety of fencing, walls, fences and hedgerows/shrubbery.

Details of Proposal

Full planning permission is sought for the development of a 2,469m2 gross Class A1 Lidl foodstore that will be served by 127 parking spaces, to include 6 mobility impaired and 5 parent and child spaces, together with cycle parking facilities.

In terms of the proposed layout the store will be accessed from Westgate Road for vehicles and pedestrians and a pedestrian route from Squires Gate Lane leading directly to the stores entrance. The submitted Transport Assessment concludes that there is sufficient capacity in the existing road network and junctions to accommodate the traffic generated by the proposal. The building itself is set back into the site and is rectangular in shape and is set back from Squires Gate by 43m with the car parking located in front of the store to the north and west. The store is two storey with a mono pitched roof increasing in height from 5m at the east to 8m to the west. The building will feature white rendered walls, stone columns, grey cladding and panels of glazing. The elevation facing Squires Gate will be completely glazed.

The application states that a quality landscaping scheme will be delivered that will ensure that the application site as a whole provides a high quality environment and that this will be agreed with the LPA.

Of relevance when considering this application is application 14/0358 which approved in outline a 1,762m2 gross retail foodstore on part of the application site. The application site for this application is larger and incorporates the southern area of the site and incorporates the area where two dwellings have been demolished.

Relevant Planning History

Application No.	Development	Decision	Date
14/0358	OUTLINE APPLICATION FOR ERECTION OF RETAIL FOOD STORE OF 1,762 SQM GROSS FLOOR AREA ON SITE OF FORMER LOCAL AUTHORITY OFFICES (ACCESS AND SCALE APPLIED FOR)	Approved with 106 Agreement	30/03/2015
DEM/11/0001	PRIOR NOTIFICATION FOR DEMOLITION OF OFFICE BUILDINGS (RETROSPECTIVE).	Withdrawn - Invalid	23/04/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 16 May 2016 and comment:

"The Town Council still has concerns over access via Westgate Road and would have preferred entrance and exit on the airport access road."

Statutory Consultees and Observations of Other Interested Parties

Blackpool Airport

No comments received.

Lancashire County Council - Highway Authority

I refer to the above planning application and would make the following comments.

The site benefits from an extant outline planning permission for a food retail unit and as such the principle of the development has been set.

This proposal, however, has a larger floor space and as a consequence has the potential to generate a greater level of traffic than the extant permission.

The application for full planning permission is accompanied with a Transport Assessment (TA).

The TA lists the mitigation measures that were deemed necessary to make the extant consent acceptable and concludes that no additional mitigation measures are necessary in order to make this proposal acceptable. The previous mitigation measures are:

- *s106 agreement to fund a Travel Plan;*
- s106 agreement to fund a TRO for parking restrictions on Westgate Road;
- s278 agreement to improve the right-turn lane on Squires Gate Lane;
- s278 agreement to upgrade the nearest bus stops to quality bus stops; and,
- s278 agreement to include a pedestrian phase at the signalised junction of A5230 Squires Gate Lane/B5262 Westgate Road/Airport Access

Whilst I would question the use of discount food store trip rates when the use class which the application falls into doesn't distinguish between food retail and discount food retail. As such the trip rates are not agreed, however, I do not see the need for the developer to revise the TA to reflect higher trip rates.

The developer does acknowledge that the trip rates used in the previous application on this site do not reflect the trip rates that they have experienced at one of their new stores. The TA compares peak hour trips from the consented development with the proposal using the higher trip rates. However, the time periods do not directly compare but are sufficient to demonstrate that this proposal will generate between 40 and 60 additional vehicle movements in the afternoon peak when compared to the extant permission.

The developer has undertaken junction capacity analysis of the Squires Gate Lane / Stoney Hill Avenue / Westgate Road junction which shows that the junction operated well within capacity. The developer has produced a cumulative car parking table that shows that the car park operates well below full, however, the table does refer to "discount food" and as such I do not consider this to be a true reflection of car parking levels. Using non-discount food trip rates would produce higher levels of car parking. I have carried out a cumulative car parking assessment using higher trip rate and found that the 50 occupied car parking spaces would increase to around 67 occupied car parking spaces. This will mean at peak times of car parking demand sufficient spaces are available to prevent queuing on Westgate Road into the car park from occurring.

The car parking layout is acceptable as are the levels of mobility and parent & child spaces. No motorcycle spaces are shown, however, secure motorcycle parking could be provided without the loss of car spaces. Cycle parking is not identified on the car park plan but adequate provision is available and described in the Travel Plan and the Planning and Retail Statement.

The development will be serviced via the main access and through the car park. A swept path for service vehicles has been provided which shows that adequate servicing arrangements are provided.

The developer has submitted "Travel Plan" (TP)in support of the application. Having reviewed the document I can confirm that it is generally acceptable as a Framework Travel Plan however, I would ask that a number amendments are made. The development site is located in Fylde, where Lancashire County Council are the local highway authority, although the site abuts Blackpool (unitary authority) and as such there are a number of cross-border issues. The TP should therefore be amended to reflect this unusual situation.

To make the development acceptable the following improvements should be undertake through S278 works:-

- Introduction of a pedestrian phase at the signalised junction of A5230 Squires Gate Lane/B5262 Westgate Road/Airport Access. Reason: To provide safe access to the site for pedestrians.
- Upgrade existing nearest 2 bus stops. Reason: To make the site accessible by public transport for those with mobility issues.
- Highway improvement to the right turn facility on Squires Gate Lane at the Westgate Road junction. Reason: To provide a safe turning facility and enable free flow of traffic on Squires Gate Lane.

The make the development acceptable following should be included with a S106:-

- £12,000 Travel Plan contribution.
- £5,000 Traffic Regulation Order contribution.

Section 106 contributions will primarily be used to enable the LCC to:

- Appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
- Support the development and implementation of the Travel Plan.

- Develop and provide online, mode of travel surveys and collation of returns for baseline and subsequent monitoring purposes.
- Attend meetings with developer/occupier/co-ordinator as necessary.
- Provide access to leaflets, publicity, maps and information provision of bespoke literature and large quantities may be subject to additional charges.
- Conduct a basic site audit.
- Provide localised maps and plans, GIS mapping of staff postcodes or other origin and destination data, accessibility plot of public transport, walking and cycling routes/thresholds to site.
- Advise and offer appropriate support with implementation or suitability of specific elements or measures.
- Assist with the development of sustainable travel directions for web pages and other appropriate content.
- Help stage promotional events and activities including Walk to Work Week, Bike Week, car free days or measured mile walks etc.

The TRO contribution would be used to cover monitoring of off-site parking, assessment, consultation and implementation as appropriate.

From the TS it is clear that the above are acceptable to the developer and as such I can confirm that there are no highway objections subject the a Section 106 and the following conditions.

Environmental Protection (Pollution)

No issues with opening times. I would ask that delivery times are restricted to during store opening hours - no earlier than 07.00 but no later than 21.00. The noise report suggests that the store will not have a detrimental effect on any neighbouring dwellings. However I would suggest the following noise condition:

The proposed development shall be designed so that cumulative noise from industrial or commercial sources to all outdoor living areas, for example rear gardens and balconies, do not exceed 50dB LAeq (16 hour) from 07.00 to 23.00 or any such level as agreed in writing by the Local Planning Authority.

Blackpool Borough Council

Have asked that their previous comments on the outline application are taken into consideration and state they are still relevant particularly as the overall floorspace has increased and that a sequentially preferable site has become available and Blackpool have adopted their Core Strategy which reinforces the hierarchy of retail centres.

The site on the southern end of Squires Gate Lane is at some remove from Local Centres on the northern side of Squires Gate Lane and some 750m from the District Centre based on Highfield Road and 2km south of South Shore District Centre. The Council's policy is to locate new retail development in the District and Local Centres to meet the day to day needs of local residents. The development would not assist in sustaining the District and Local Centres and if it were in Blackpool it would be contrary to Policy BH16 of the Local Plan. It is acknowledged that there is a cluster of properties on the southern side of Squires Gate Lane that are segregated from Local Centres on the northern side of Squires Gate Lane by a busy dual carriageway but to the east of the site is a large Morrisons store which is easily accessible without crossing the road. If it were deemed necessary to provide a retail store for the needs of the residents on the southern side of the road it is questioned whether a store of the size proposed is required. It is noted that you have a locally set threshold of 750 sq metres which requires an impact assessment and sequential test. The Council would argue that the proposal is likely to have an adverse impact on the District and Local Centres and that there are sequentially preferable sites *in/close to the District Centres in Blackpool which would be a more appropriate location for retail development. Siting it on a busy dual carriageway seems to suggest it is designed to attract passing trade.*

Further comments were received on the 30 December and are reported in full below;

Having reviewed the report for your Council's Development Management Committee on 3 December there are several points I would ask you to consider. Firstly that the update to the Fylde Coast Retail Study produced in 2013 suggests that there is no immediate need for new convenience retail floorspace in the whole of the study area and in the period 2016-2021 only a need for 1652 square metres in the whole of the study area. This proposal on its own would satisfy that need and is in a sequentially less preferable location than a Town, District or Local Centre. It is noted that the Committee report makes no reference to a condition restricting the floorspace to be provided to be for convenience goods sales only and not comparison goods. Whilst this Council is concerned about the provision of retail floorspace in this location it is particularly concerned if the permission were to be unrestricted.

United Utilities - Water

No objections to the development subject to conditions in relation to drainage of the site for foul and surface water.

Lancashire CC Flood Risk Management Team

Initially objected to the proposal on the basis that the proposal does not provide robust evidence or justification as to why infiltration cannot be used for surface water at the site. The applicants submitted a drainage plan and provided a permeability testing report for the site which shows that three soakaway pits were dug to calculate infiltration rates at the site. The average infiltration rate across the site was found to be 5.57x10-3ms. The results show that the site is suitable for inclusion of a SuDS based infiltration system.

Blackpool Borough Council Highways

The principle of development was accepted some time ago and Blackpool Council were happy to support the proposal so long as a scheme for off-site highway works was undertaken as concerns were cited with the access to the store being taken from Westgate Road utilising the existing vehicle access point. At the time, I had asked why access could not be taken from the former Airport access road and having reviewed my previous comments, it would appear that no response was ever received. One reason why taking access was not possible was due to where the building was positioned within the red edge boundary which gave little scope to create a new access onto the former Airport access road. I understand also that land ownership issues played as part. The area has now been designated as an Enterprise Zone and I am unsure of who owns or is responsible for what – Has the applicant discussed the access strategy with other stakeholders in this area to determine whether access could be made available elsewhere?.

Having reviewed the latest plans, may I ask again why the applicant considers it acceptable to continue to use Westgate Road as the primary access point. I do accept that the trip patterns and volume for the proposed store will be slightly different to the previous use, however with the end use, there will be peaks and troughs in terms of vehicle movements and the junction is not always easy to negotiate, especially onto a busy dual carriageway where speeds are likely to be higher than the recommended speed limit – 30mph in this instance. The store is larger is size with additional car parking provision compared to what was originally proposed, this may further intensify the use of Westgate Road. Surely now that the position of the building has altered, there is the opportunity here to take access from the former Airport access road onto a controlled traffic signal junction, this is considered better and safer as opposed to taking all access from Westgate Road. Has this been considered? and why has it been discounted. Long term, this is by far a better option.

There are pockets of undeveloped land which can be accessed via Westgate Road, should these be developed in the future, the use of Westgate Road will intensify, possibly creating a problem with traffic flows in the area. The developments will be in Fylde with the impact on Blackpool's highway network.

The scheme proposes to reduce the number of lanes past the proposal site via the alteration of the road markings and effectively reducing the two lane approach to a single lane in each approach on Squires Gate Lane – this will not be supported by Blackpool Council as this change will affect capacity along this key strategic corridor. It will also impact on the operation of the signal junction which may in effect, lead to the overall cycle time increasing creating delays. The introduction of formal pedestrian facilities at the junction will increase the cycle time but this is considered necessary as the store it likely to attract customers who may choose to walk from the wider area. I make this point just in case the Highway Consultant acting on behalf of the end operator raises this subject matter.

An opportunity has arisen, where access could be taken from the controlled signal junction taking into account where the building is now positioned within the red edge boundary – an opportunity missed and I do feel that this should be discussed to ensure it fits in with the wider access strategy for the Enterprise Zone and one which is acceptable to Blackpool Council as Highway Authority.

Neighbour Observations

Neighbours notified:	16 May 2016
Press Notice Date:	26 May 2016
Number of Responses	Five
Summary of Comments	• Concerns over access onto Westgate Road.
	• Reduction in lanes on Squire's gate lane from 2 to 1.
	Detrimental impact on traffic.
	 Visual impact and loss of light.
	Increase in noise.
	• Better positioned over footprint of old buildings.
	- Current the exection of retail store

- Support the erection of retail store.
- Entrance would be better located on the airport site.

Relevant Planning Policy

Fylde Borough Local Plan: SH13

Provision of large retail stores

SH14

Design of large retail stores

Fylde Local Plan to 2032:

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

The main issues when considering this application are:

- Principle of the development
- Impact of proposed retail development on other retail centres
- Visual impact and scale
- Access and impact on highways network
- Impact on residential amenity
- Flooding and drainage

In order to assist officers in the decision making process, specialist retail planning consultants were appointed to provide advice on the impact of the proposal on existing retail centres. This report takes into account the content and conclusions of the advice provided.

Principle of the development

The application site though located within the administrative boundary of Fylde is located directly adjacent to the settlement boundary with Blackpool, in an urban area widely considered to be a part of that settlement. The site is a brownfield site identified through Local Plan Policy SP1 as being an area where subject to other policies within the plan that development will be permitted within and therefore this development is acceptable in principle. The other policies within the plan relevant to the application are SH13 Provision of large retail stores and SH14 Design of large retail stores. The development needs to be assessed in relation to these policies as well as the NPPF, which is more up to date policy guidance on such matters, this is considered below.

Impact of proposed retail development on other retail centres

Policy Basis

Policy SH13 states that proposals for large scale retail developments within existing town centres will be permitted. Proposals for edge of centre and out of centre sites will not be permitted unless the need for the development has been demonstrated by the application and:

- 1. No preferential site is available in terms of the sequential approach to large retail developments; or
- 2. The proposed development, by nature of its size, land requirement or likely vehicle generations would be inappropriately located within a town centre; and
- 3. The nature and scale of the proposed development is appropriate to the sites location and the catchment area it seeks to serve; and

4. The development would not in itself, or in conjunction with other existing or planned retail stores with planning permission significantly prejudice the vitality and viability of any nearby town centre.

Policy SH14 states that in addition to meeting the above requirements large new retail developments will also be required to meet criteria in relation to design, amenity, and highways impacts which are considered in turn below.

The NPPF is the most recent policy consideration and part 2 'Ensuring the vitality of town centres' states that planning policies should promote competitive town centre environments and recognises town centres as the 'heart of their communities'. In order to protect the vitality of town centres the NPPF requires local authorities to apply the sequential test to planning applications for main town centre uses when not in an existing centre or not in accordance with an up to date plan. Therefore as retail is a main town centre use the Sequential test needs to be carried out. The preference remains for town centres although if such sites are not available then the NPPF states that preferences should be given to edge of centre and out of centre sites that are accessible and well connected to the town centre (paragraph 24). Paragraph 26 states that retail developments outside of town centres, which are not in accordance with an up-to-date Local Plan should require assessment of their impact on town centre vitality and viability, up to 5 years from the time of the application (or 10 years in the case of major schemes) if the proposed floorspace is over 2,500 sq.m.

The current proposal is for a store that is 2469 square metres of which 1424m is proposed to be sales floor space. The previous approval at the site was for a 1762 square metre store with a condition restricting sales floor space to that amount. So therefore whilst this store is proposed to be a bigger store overall the proposed sales area is less than has been previously approved. The difference between that application and this one is that there was no end user defined in that application and therefore it was made in outline and the worst case scenario in terms of retail impact was considered by officers. With this application the end user Lidl is and the impact can be more accurately calculated on that basis and with the stores size and format and likely trade patterns known. Whilst the floor space is less than 2500 sqm Fylde Council has a locally set floorspace of 750 square metres in its Emerging Local Plan and an impact assessment is required to be submitted. This Locally Set Threshold was endorsed by the Portfolio holder on the 10th June 2014 and is part of the planning policy evidence base. Therefore in order for the principle of the development to be found acceptable the development will need to satisfy the Sequential text and the impact test. The fact that the site benefits from an extant planning permission for a retail store is also a material planning consideration when considering these issues.

Sequential test

Paragraph 24 of the NPPF requires proposals for new town centre uses to proceed via a sequential approach. In short, first preference should be for town centre sites, followed by edge-of-centre sites and then well connected out-of-centre sites where there are no suitable and available sites within more sequentially preferable locations. The NPPF also requires a flexible approach to be taken on matters of format and scale when considering alternative sites.

In terms of flexibility the applicants have put forward that the Planning Inspectorate has recognised that there are inherent difficulties in the flexibility of the Lidl business model and refers to appeal decisions that take account of the deep discount operating style of Lidl. The applicant's area of search has been defined by a 5 minute off peak drive time from the application site which is an accepted methodology. The applicants found the development to pass the Sequential test with the other sites assessed with regard to their availability, suitability and vitality, therefore only

considering alternative sites to be suitable if they can accommodate the development proposed as part of this application. They refer to the fact that they are aware of the vacant former Booths store that is located on Highfield Road, which was not available at the time of the previous approval being granted consent and state that this is located on the very fringe of the area of search and, therefore, a new store on this site would serve a different catchment to the proposed store. Furthermore, the former Booths store is located close to the existing Lidl store at Bloomfield Road. It would, therefore, not be viable for Lidl to deliver a new store on the former Booths site due to its trading impact on the Bloomfield Road store. Accordingly, the former Booths site does not represent a suitable location to deliver the proposed Lidl store.

The conclusion of the assessment that there was no sequentially preferable sites in the catchment area undertaken that meets the 'suitable' and 'available' test set out in paragraph 24 of the NPPF. They also state that the LPA has recently accepted that the application site is a sequentially preferable site and that there has been no material change to the availability of alternative site since that decision was made.

In order to assist officers a retail consultant was appointed to assess the information within the report, the same consultants which were appointed to assess the outline application Alyn Nicholls associates. With regard to the sequential test aspect of the submission they agree with the submission that none of the sites identified and assessed are suitable to accommodate the application. They do however state that it is apparent that it is specific to Lidl occupying the proposed development and that the occupation of the development by a different retailer may justify a search over a wider geographic area.

A letter has been received from Asda stores objecting to the development on the basis that the application has failed to pass the Sequential test in its dismissal of the Booths store on Highfield road. They state that the applicant's assessment which concludes that the former Booths store is unsuitable/unviable is flawed because the assessment relies wholly on the corporate personality of the Applicant / intended occupier to exclude the former Booths store on Highfield Road. This approach has recently been tested in the High Court (Aldergate Properties Ltd v Mansfield District Council [2016] EWHC 1670 (Admin), Ouseley J – decision dated 8 July 2016). This case related to the grant of planning permission for an out of centre foodstore (intended occupier Aldi) in Mansfield. The Claimant (Aldergate Properties Ltd) was a property developer who owned a site in Mansfield Town Centre which had planning permission for retail and other uses. The Claimant challenged the decision on four grounds: 1) that the Council erred in its approach to the sequential test required by paragraph 24 of the National Planning Policy Framework, NPPF, by ignoring sites in Mansfield town centre because Aldi would not locate there in view of the nearby location of other existing or permitted Aldi stores; 2) that the Council imposed a condition personal to Aldi without considering relevant planning policy objections to such a condition; 3) that the Council failed to consider whether the proposal accorded with the Development Plan, also failing to consider the adverse impact which the proposal could have on the viability and vitality of Mansfield Town Centre including future investment there, and 4) that the Council failed to consider the Claimant's contentions about the extent of the proposed store's catchment area. The first ground (which was successful – the application was quashed) is of particular interest here as this facilitated the interrogation of the meaning of "available" and "suitable" in the context of NPPF and perhaps more importantly the 2012 Tesco v Dundee decision. It effectively concludes that it was never the intention of the Tesco v Dundee decision to allow Applicants (such as Lidl) to rely on the individual corporate personality of the applicant or intended operator in undertaking the sequential test. In other words, the sequential test (including the area of search and the sites that are assessed) should focus on the development that is proposed and not the intended occupier. In the Mansfield case, it was found that the Council was incorrect to accept the exclusion of Mansfield Town Centre from the sequential assessment on

grounds that Aldi already had a store nearby

Asda's letter as well as bringing the above to officers attention states that the Booths store on Highfield Road offers a suitable, available and more accessible alternative to that of the proposal site if the Sequential test was applied correctly. They state that 'to approve the proposed Lidl store at Westgate House where there is a sequentially preferable site would severely undermine the local and national emphasis upon well located main town centre uses and to maintain a network and hierarchy of centres that is resilient to future economic changes. It would also go against the recent High Court decision which clearly states that in respect of the sequential test, the NPPF is simply not couched in terms of an individual retailer's corporate requirements or limitations'.

Upon receipt of the letter Officers asked Alyn Nicholls associates for their views as well as the applicants. The applicants have stated that their Sequential test has not sought to limit the scope in any way and have undertaken an assessment within an area of search defined by a 5 minute off peak drive time. Whilst there is an inference that personal grounds have been taken into account in terms of the presence of existing Lidl stores, this has not inhibited the scope of the exercise undertaken. In this regard, the necessary test has been carried out. The High Court judgement does not render the scope of the sequential exercise defective. They state that *at paragraph 5.24 of the PRS, the suitability of the former Booths store is dismissed on the following grounds:*

- 1. The site being located on the very fringe of the area of search and, therefore, serving a different catchment area to the proposed store;
- 2. The close proximity of the former Booths store to the existing Lidl store on Bloomfield Road and the resultant degree of competition between two stores not being viable to the Applicant.

It is acknowledged that point 2, above, is personal to Lidl and may not be applicable to other retailers. Accordingly, the High Court judgement instructs that point 2 is not a valid ground to dismiss the former Booth store as unsuitable for the proposed development. However, the High Court judgement does not have any implication upon the validity of point 1, above. In revisiting the merits of point 1, detailed scrutiny of the drive time plan at Appendix 1 of the PRS confirms that the former Booths site is located outside the area of search. This confirms the fact that a store on the former Booth site would serve a different catchment area to the proposed development, with only a limited area of shared catchment. Accordingly, the key issues for the Local Authority's consideration do not relate to the High Court judgement whatsoever, but to the following:

- whether the definition of the area of search by a 5-minute off peak drive time is appropriate and proportionate to the proposed development; and
- whether a site located outside the area of search can be deemed a suitable alternative to the application site in principle.

If required, we can refer the Local Planning Authority to multiple decisions, including those made by the Planning Inspectorate and Secretary of State, that confirm that a 5-minute off peak drive time is an acceptable means of defining the area of search for the undertaking of sequential assessments in support of foodstore proposals of a similar scale to that proposed. Indeed, it is noted that the extant consent to deliver a foodstore on the application site was assessed on this basis, confirming that the definition of the area of search by a 5 minute drive time is appropriate and acceptable to the Council. The former Booths store has been dismissed as being unsuitable on valid grounds. We note that Asda does not claim that there are any other sites that may be sequentially preferable to the application site.

They also refer to other material considerations including High Court judgements which state that a

breach of the sequential test does not infer automatic refusal of a planning permission and that this includes the extant foodstore consent which is a significant material consideration to be taken into account when determining this application. They state that even if the Council agrees that the Sequential test has failed singularly as a result of the suitability and availability of the former Booths store on Highfield Road it cannot be ascribed greater weight than the extant consent as there is a very real prospect of a Lidl store being delivered on the application site in any event as the extant approval could simply be implemented.

The Council's consultants were asked for their view on both the representation made by Asda and the applicant's response to it. They state that their initial advice set out in June 2016 was completed prior to the 8 July High Court Decision to which Asda refer, and that they added the caveat that the area of search was influenced by the presence of existing Lidl stores at Bloomfield Road and Lytham and as a consequence, it was apparent that the assessment was specific to Lidl occupying the development. They noted that the occupation of the development by a different retailer may justify a search over a wider geographical area and that their conclusion needs to be reconsidered in light of Aldergate v Mansfield.

The Booths premises should be capable of accommodating the application proposal (given appropriate flexibility in design) and are available. A designated local centre is by definition a "town centre" for the purposes of applying policy within the NPPF.2 The Booths premises are therefore in a sequentially preferable location and there seems to be no dispute that the premises are available. It is therefore clear that in this instance, the question of whether the Booths premises are suitable is dependent on whether that location would serve the same catchment as a development on the application site. The view expressed in my initial advice, that was based upon the identity of the end user being Lidl, was that the Booths premises at Highfield Road would serve a different catchment. It is relevant to draw attention to a difference between the PPS4 Practice Guidance for Retail and Town Centres3 that was in place prior to the PPG published in March 2014.

In the PPS4 Practice Guidance, paragraph 6.22 indicates that when considering applications, local planning authorities will need to consider the extent of the catchment area likely to be served by the proposal, and then identify alternative sites located in existing centres within the catchment area. The PPG states that the application of the sequential test should be proportionate and appropriate for the given proposal and that the suitability of more central sites to accommodate the proposal should be considered (reference id: 2b-010-20140306). There is no specific reference to catchment in the PPG. My conclusion on the sequential test set out in my initial advice was subject to the caveat that the area of search had taken account of the particular circumstances of Lidl in terms of the likely catchment area and presence of Lidl stores nearby. In light of Aldergate v Mansfield it seems to me that caveat cannot apply. In my judgement, a retail development on the application site could have a wider catchment and that the Booths premises at Highfield Road could serve a significant part of the catchment of the current application. The site at Highfield Road is in a sequentially preferable location (being at the edge of a designated local centre). There is no issue about its availability or suitability in physical terms to accommodate the application proposal. Set in this context, the application does not satisfy the sequential test because Booths at Highfield Road is suitable and available to accommodate the application.

NPPF paragraph 27 states that where an application fails to satisfy the sequential test, it should be refused. The PlanA response to the Asda objection refers to the Zurich Assurance v North Lincolnshire Council Judgment.4 This Judgment sets out the uncontentious view of the parties concerned in that case that national policy is capable of being displaced if it is outweighed by other material considerations. This is discussed in more detail in the PlanA response. Material considerations are not confined to retail matters. However, the extant planning permission (application reference 14/0358)

for a foodstore on the application site is, in my opinion, an important factor to take into account. If the current application is refused permission, there must be a high probability that the extant permission will be implemented.

In summary, the conclusion in my initial assessment, which pre-dated the Aldergate v Mansfield Judgment was that the application satisfied the requirements of the sequential test. However, my view expressly took account of the particular circumstances of Lidl in terms of the likely trading area and presence of Lidl stores nearby. I noted that my conclusion in respect of the sequential assessment may not therefore apply if the development was occupied by a different retailer. The general principle of Aldergate v Mansfield is, as noted in the Asda objection, that the sequential test should focus on the development that is proposed and not the intended occupier. My view is that a different retailer on the application site may have a larger catchment and in those circumstances the Booths premises at Highfield Road would be a sequentially preferable location.

There is no dispute that the former Booths supermarket is, in physical terms, suitable for the current application and it is also available. In light of this, I have to conclude that the application does not meet the sequential test. NPPF paragraph 27 states that where an application fails to satisfy the sequential test, it should be refused. However, the fact there is an extant planning permission for a supermarket on the application site is an important consideration, which in my view, should attract significant weight. The objectives of the sequential test need to be considered in light of the fact that a supermarket can be developed on the application site regardless of the current application. The fact that a supermarket is capable of being developed on the application site in my opinion negates the purpose of the sequential test which is to direct investment to existing centres. Clearly, the assessment I have undertaken in this letter deals only with retail matters and the Council will need to balance all material considerations in weighing the merits of the application. As the balancing exercise will involve matters beyond the scope of my brief it would be inappropriate of me to express a view about a decision on the current application.

Officer's view on Sequential test

It is clear to officers that if the application were submitted with no defined end user and a sequential test was carried out on size of store alone that the former Booths store on Highfield Road would be sequentially preferable to the application site and therefore this application cannot pass the Sequential test because of the High Court decision. That said the application before members is with a defined end user Lidl who consider the application to pass the Sequential test because of the likely trading area and the presence of Lidl stores nearby. It is clear that Lidl will occupy the development site and whilst a condition restricting it to Lidl only is not appropriate a condition controlling the character of use may be applied. The fact that the site benefits from an outline permission which could be implemented and therefore the store could be built albeit in a different guise is a significant material planning consideration which if the impact of the store is found to be acceptable in officer's view outweighs the failure of the sequential test.

Retail Impact assessment

The current proposal is for a store that is 2469 square metres of which 1424m is proposed to be sales floor space. The previous approval at the site was for a 1762 square metre store with a condition restricting sales floor space to that amount. In assessing that application officers considered the worst case scenario in terms of retail impact on existing centres and therefore considered a greater impact which was found to be acceptable. This application however still needs to consider the impact of the development proposed. The applicant's statement says that the local threshold of 750m should have little weight as the plan is not yet adopted, and that this view reflects

that of the Councils consultant when considering the outline application. They state that whilst it can be concluded that the impact test is not applicable to the proposed development that material considerations demonstrate that the impact of the store will fall within acceptable limits in any event. These material considerations being that a store has been granted permission with no end user to which the Council considered the impact with a worst case approach and assessed the impact on the basis of the proposal being occupied be a 'full-line foodstore operator. That outline application was found as a worst case scenario to result in the following convenience cumulative impacts:

- -19.4% on St Anne's Town Centre;
- -2.4% on Lytham Town Centre; and
- -15.7% on South Shore District Centre.

Alan Nicholls Associates conclusion was that;

We have undertaken an alternative assessment in order to consider the significance of the points we have identified. Our estimates of impact are higher than those produced by [the applicant]. However, the difference is not so great as to justify a different conclusion that the proposal individually, or cumulatively, would not cause significant harm to investment or the vitality and viability of an existing centre'.

The applicants for this application therefore make the case that the LPA has accepted this evidence and approved a new foodstore achieving a convenience turnover in excess of £11m has been found by the applicant, the Council's independent retail advisor and the Council itself to be within acceptable limits (i.e. it is not significantly adverse). It should be expected that the impact of a store achieving a convenience turnover less than £11m would also not be significantly adverse. Indeed, this was acknowledged by ANA in its advice to the Council, with paragraph 3.16 of the ANA advice informing the Council that *'if the end user was another discount operator such as Lidl or Netto, the effects are likely to be similar or less significant compared to Aldi as an end user.'*

The proposed Lidl store will deliver 1,424m2 net floorspace, of which 80% (1,139m2) will comprise convenience goods sales area. At a company average sales density of £4,833/m2 (Mintel Retail Rankings), the proposal can be expected to achieve a convenience turnover in the region of £5.5m. This level of turnover is significantly below the £11m previously assessed by the Council.

The Councils retail consultants have commented on the applicant's assessment and comment that *in* view of the strength of St Annes and Lytham and the fact that the principal store affected would continue to trade at levels above company average, the impacts of Lidl trading from the application site would be less than the "worst case" assessed when considering the previous application, notwithstanding the fact that the current proposal is larger in scale. Our conclusion is therefore the same: that it is unlikely that the proposal would have any material impact on investment or the vitality and viability of the centres.

Officer conclusion

The application site has therefore been found to previously be sequentially preferable and it is officers view that the existing permission outweighs the failure of the sequential test and that the impact of the development on existing town centres does not reach the threshold level of 'significantly adverse' as set out in the NPPF paragraph 27. The retail development is therefore acceptable in principle in planning policy terms. As the application has been considered and found to have an acceptable impact on other retail centres on the basis of having a total gross internal sales floorspace of 1424 square metres it is appropriate to condition that this be the maximum area of sales floorspace that can be implemented at the site. To allow a larger area of sales floorspace would

mean that the impact would need to be re-assessed. A condition can also be placed on any permission granted so that the retail store operates primarily as a store for the sale of convenience goods with only ancillary sales of comparison goods. A condition can also be placed on the permission which restricted the number of lines sold at the store, so that the store retains the character of a Lidl deep discount store and does not become a full line foodstore operator which could potentially have a greater impact. Lidl will take the freehold interest in the site and the application is in Lidl's name. There is therefore greater certainty that the development will trade as Lidl for the foreseeable future. Therefore the principle and the impact of the development on existing centres is considered acceptable.

Visual impact and scale

The proposal differs from the previously approved scheme both in terms of size and siting. The approved outline application allowed a store which was 1762 square metres and was located nearer to Squires Gate Lane. This application proposes a store of a 2,469m2 and is set further back into the site. In terms of scale the previous approval was up to 8m high and this application has a monopitch roof with heights between 5m and 8m. The appearance of the building is considered acceptable and will appear as a modern building without being visually intrusive. The visual impact of a two storey building is considered acceptable given that the majority of the buildings around it are two storey, with three storey development directly west of the site. The development would relate to the character in terms of scale to these development, with the modern design also relating to the new college building being constructed on the airport site. An appropriate landscaping scheme has also been provided which will help soften the visual impact of the development.

Access and impact on highways network

The application site benefits from outline planning permission for a retail store with a potentially larger sales floor than this application. The impact on the highways network was found to be acceptable in that application and was approved subject to a section 106 contribution towards a Travel Plan and a Traffic Regulation Order. This application has again been submitted with a Transport Assessment and a Travel Plan which has been considered by LCC Highways and Blackpool Borough Council Highways Officer. The previous application considered the option of an access the site from the road to the east using the road that serves the airport development which has again been raised by the Town Council. This was considered and discussed with highways officers but was found to be not an option for this development as the road is unadopted and therefore the operational aspects of the development cannot be made safe at this location. LCC Highways response refers to the fact that the site benefits from an extant outline planning permission for a food retail unit and as such the principle of the development has been set but that this proposal, however, has a larger floor space and as a consequence has the potential to generate a greater level of traffic than the extant permission. LCC state that the TA lists the mitigation measures that were deemed necessary to make the extant consent acceptable and concludes that no additional mitigation measures are necessary in order to make this proposal acceptable. The previous mitigation measures are:-

- s106 agreement to fund a Travel Plan;
- s106 agreement to fund a TRO for parking restrictions on Westgate Road;
- s278 agreement to improve the right-turn lane on Squires Gate Lane;
- s278 agreement to upgrade the nearest bus stops to quality bus stops; and,

• s278 agreement to include a pedestrian phase at the signalised junction of A5230 Squires Gate Lane/B5262 Westgate Road/Airport Access

LCC state that they do not agree that different trip rates should be used for discount food stores as oppose to non discount retail stores but does not see the need for the TA to be revised. The TA compares peak hour trips from the consented development with the proposal using the higher trip rates. However, the time periods do not directly compare but are sufficient to demonstrate that this proposal will generate between 40 and 60 additional vehicle movements in the afternoon peak when compared to the extant permission. The developer has undertaken junction capacity analysis of the Squires Gate Lane / Stoney Hill Avenue / Westgate Road junction which shows that the junction operated well within capacity. LCC state that at peak times of car parking demand there will be sufficient spaces available to prevent queuing on Westgate Road into the car park. There are therefore no issues with capacity of the network, the amount of car parking spaces proposed or the vehicle movements generated.

LCC state that the car parking layout proposed is acceptable, no motorycycle spaces are shown but this could be provided without losing car parking spaces. LCC confirm that the servicing arrangements shown are acceptable. With regard to the submitted Travel Plan LCC state having reviewed the document and state that it is generally acceptable as a Framework Travel Plan however, but would ask that a number amendments are made. The development site is located in Fylde, where Lancashire County Council are the local highway authority, although the site abuts Blackpool (unitary authority) and as such there are a number of cross-border issues. The TP should therefore be amended to reflect this unusual situation. They state that to make the development acceptable the following improvements should be undertaken through S278 works:-

- Introduction of a pedestrian phase at the signalised junction of A5230 Squires Gate Lane/B5262 Westgate Road/Airport Access. Reason: To provide safe access to the site for pedestrians.
- Upgrade existing nearest 2 bus stops. Reason: To make the site accessible by public transport for those with mobility issues.
- Highway improvement to the right turn facility on Squires Gate Lane at the Westgate Road junction. Reason: To provide a safe turning facility and enable free flow of traffic on Squires Gate Lane.

The make the development acceptable following should be included with a S106:-

- £12,000 Travel Plan contribution.
- £5,000 Traffic Regulation Order contribution.

These contributions and off site works are the same as that which was required in the outline application. The Section 106 contributions will primarily be used to enable the Sustainable Travel team to:

- Appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
- Support the development and implementation of the Travel Plan.
- Develop and provide online, mode of travel surveys and collation of returns for baseline and subsequent monitoring purposes.
- Attend meetings with developer/occupier/co-ordinator as necessary.
- Provide access to leaflets, publicity, maps and information provision of bespoke literature and large quantities may be subject to additional charges.
- Conduct a basic site audit.
- Provide localised maps and plans, GIS mapping of staff postcodes or other origin and destination data, accessibility plot of public transport, walking and cycling routes/thresholds to site.

- Advise and offer appropriate support with implementation or suitability of specific elements or measures.
- Assist with the development of sustainable travel directions for web pages and other appropriate content.
- Help stage promotional events and activities including Walk to Work Week, Bike Week, car free days or measured mile walks etc.

The TRO contribution would be used to cover monitoring of off-site parking, assessment, consultation and implementation as appropriate.

The NPPF says that LPAs should consider whether "otherwise unacceptable development could be made acceptable" be using planning obligations. Planning obligations should only be sought where they meet all of the following tests:

i) The obligation is necessary to make development acceptable in planning terms

- ii) The obligation must be directly related to the development
- iii) The obligation must be fairly and reasonably related in scale and kind to the development.

Planning obligations should only be used where unacceptable impacts cannot be dealt with by a planning condition.

Section 122 of the Community Infrastructure Levy Regulations 2010 also specifies that an obligation must be:

- i) necessary to make the development acceptable in planning terms
- ii) directly related to the development
- iii) fairly and reasonably related in scale and kind to the development

It is officers opinion that without the contributions the development would be unacceptable in planning terms and are therefore necessary. The obligations relate directly to this development and are fair and reasonably related to the development proposed. Without them the development would have an unacceptable impact on the highways network. They are therefore CIL and NPPF compliant. With the requested conditions relating to the site, the off-site works detailed above and financial contributions made through a section 106 agreement the development will have an acceptable impact on the highways network.

Whilst it is agreed that the development with the above mitigation will have an acceptable impact on the highways network there has been significant email correspondence with Blackpool Highways with regard to the off site works on Squires Gate Lane. Whilst they agree with that the off site works need to be completed via a S278 agreement as per the outline permission they do not support some of the design details proposed by the developer including the changes proposed to Squires Gate Lane as this will affect capacity at the signal junction (BC are responsible for the junction) and the changes will affect capacity along this key corridor and it will convert the dual carriageway to a single lane approach past the proposal site, this may lead to conflict between drivers trying to merge from two lanes into one. The applicant has subsequently amended the plan so that the scheme shows two through lanes in each direction but a wider right turn pocket for both side roads. They suggest that a condition for of site highway works to be agreed be placed on any permission. The conditions placed on the outline permission can therefore be repeated here, the conditions would require the works to Squires Gate Lane such that a scheme is agreed with Blackpool prior to the store opening.

Impact on residential amenity

The application proposes opening hours of 7am to 10pm Monday to Saturday and 10am to 5pm on Sundays. This is the same opening hours that were approved on the outline application asides that it is proposed to open for one hour later on a Sunday. The Councils EHO has been consulted and has no objections to the scheme or its opening hours and has commented that the submitted lighting plan is acceptable from an amenity point of view. They also comment that they would like a condition restricting delivery times to between 07.00 and 21.00 and that whilst the noise report submitted with the application indicated that there will be no detrimental impact on residential amenity they would like to have a condition placed on the permission which will mean the development is designed so that cumulative noise in neighbouring outdoor living areas (gardens and balconies) does not exceed 50dB from 07.00 to 23.00. In terms of loss of light or overlooking there are no windows that face the dwellings on Westgate Road and these dwellings are located between 48m and 37m away which far exceed the 21m requirement for two storey to two storey buildings. It is therefore considered there will be no unacceptable impact on residential amenity.

Flooding and drainage

The application site is not in a Flood Zone. Neither United Utilities or the Environment Agency have any objections to the proposal and request conditions relating to the drainage of foul and surface waters from the site. These conditions can be combined and placed on any permission granted at the site. The LLFA have requested additional information and this has found that average infiltration rate across the site was found to be 5.57x10-3ms. The results show that the site is suitable for inclusion of a SuDS based infiltration system. The details of which can be subject to condition.

Conclusions

The proposal complies with policy SP1 of the Adopted Fylde Borough Local Plan as the principle of the use is considered acceptable, it has been shown that the development will not have an unacceptable impact on any existing retail centre and the impact on the highways network and safe operation of the store is also acceptable. The scale proposed is considered acceptable in this location with other matters reserved for a future application.

Recommendation

That, Subject to the completion of a Section 106 agreement in order to secure a financial contribution of £12,000 towards a Travel Plan and a £5,000 Traffic Regulation Order contribution then planning permission be GRANTED subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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

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

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

To allow for the effective use of the parking areas.

3. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Lancashire County Highway Authority and Blackpool Council Highway Authority.

In order to satisfy the Local Planning Authority and Highway Authorities that the final details of the highway scheme/works are acceptable before work commences on site.

5. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 4 has been constructed and completed in accordance with the scheme details.

In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

6. No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority. The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development. Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

To ensure that the development provides sustainable transport options.

7. The retail unit hereby approved shall not exceed 2469 sq.m gross internal floor area, including, for the avoidance of doubt any mezzanine floorspace, of which the sales floor space shall not exceed 1424 sq.m.

In order to protect the vitality and viability of nearby town, district, and local centres in accordance with the provisions of section 2 (Ensuring the vitality of town centres) of the National Planning Policy Framework, and because the retail impacts associated with the development have been assessed on the basis of these floorspace figures.

8. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 2007, the retail store hereby approved shall primarily trade as a store for the sale of convenience goods and no more than 15% of the gross floor area shall be used for the sale of comparison goods and the number of lines that shall be for sale in the store at any one time shall be limited to a maximum of

1,800. For the purposes of this condition, comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.

In order to prevent the establishment of an open A1 retail use that would detract from the vitality and viability of established local centres.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

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

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

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

- 11. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - 8. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - 9. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial woks and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

12. The retail unit hereby approved shall not be open for trading outside of the hours of 07.00 to 22.00 Monday to Saturday inclusive and 10.00 to 17.00 on Sundays. There shall be no deliveries to or waste collection from the store outside of the hours of 07.00 and 21.00 Monday to Saturday.

In order to protect the residential amenity of neighbouring dwellings.

 Prior to commencement of development full details of an acoustic fence to form the boundary of the site with the adjacent dwellings shall be submitted and agreed in writing with the Local Planning Authority. For the avoidance of doubt the proposed development shall be designed so that cumulative noise from industrial or commercial sources to all outdoor living areas, for example rear gardens and balconies, do not exceed 50dB LAeq (16 hour) from 07.00 to 23.00 or any such level as agreed in writing by the Local Planning Authority. The approved details shall be installed and in place prior to the operation of the store.

In order to protect the residential amenity of neighbouring dwellings.

14. The whole of the landscape works, as approved on drawing number R/1815/1 shall be implemented prior to occupation of the premises hereby approved and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

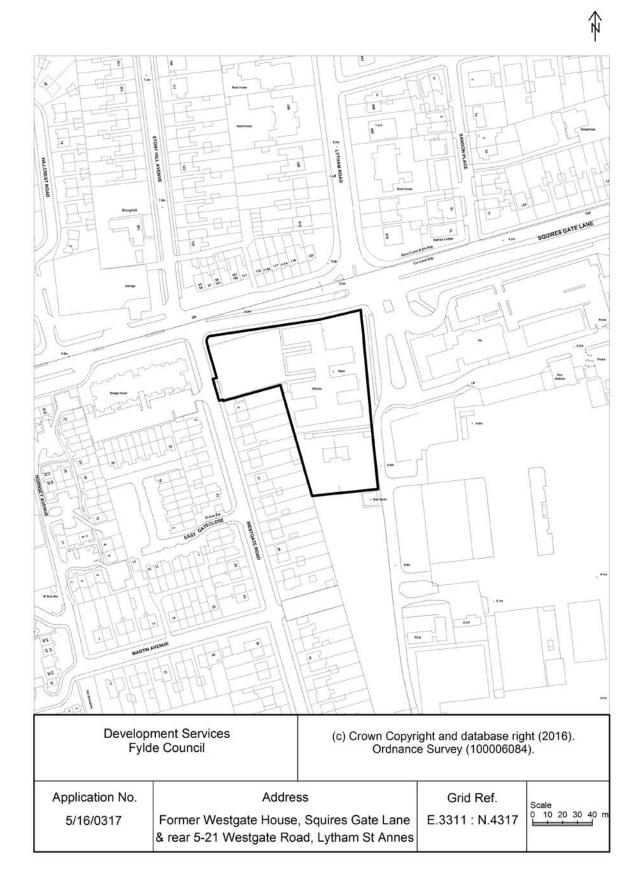
To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

15. 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.

In the interests of visual amenity.

- 16. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 3 May 2016, including the following plans:
 - Site Location Plan
 - Proposed Site Plan 8638-P01C
 - Proposed elevations 8638-P03
 - Proposed drainage strategy LV234-CIV-503 REV A
 - Car park lighting layout
 - Landscape details R/1815/1

Reason: For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.



Item	Number:	4
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Committee Date: 12 October 2016

Application Reference:	16/0446	Type of Application:	Householder Planning
			Application
Applicant:	Mrs Patel	Agent :	Compass Architectural +
			Consultants Ltd
Location:	HAWKSWOOD HOUSE	E (WAS MOSS SIDE FARM),	BRADSHAW LANE,
	GREENHALGH WITH T	HISTLETON, PRESTON, PR4	1 3HQ
Proposal:	PROPOSED FIRST FLOOR EXTENSION TO REAR, FORMATION OF BALCONIES TO		ATION OF BALCONIES TO
	FRONT, AND ERECTION	OF 2.5M HIGH WALL WITH 3I	M HIGH POSTS AND GATES
	TO ENTRANCE		
Parish:	SINGLETON AND	Area Team:	Area Team 2
	GREENHALGH		
Weeks on Hand:	14	Case Officer:	Ruth Thow
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/@53.8027363,-2.9044145,172m/data=!3m1!1e3?hl=en

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a detached house located in a rural area of the borough between Greenhough and Weeton. The application seeks permission for alterations and extensions to a dwelling in a countryside location. It is considered that the extension is small scale and together with the alterations to the front of the dwelling will not result in a detriment to the visual amenity or highway safety. As a consequence the proposal is recommended for approval by Members.

Reason for Reporting to Committee

This application is on the agenda as the Parish Council views are contrary to those of the officer and under the council's scheme of delegation such applications are to be determined by the Development Management Committee.

Site Description and Location

The application site is Hawkswood House (formerly Moss Side Farm), Bradshaw Lane, Greenhalgh. The property is a detached dwelling built in early 2000 as a replacement dwelling for the original farmhouse. The property sits within a large garden curtilage and permitted development rights for extensions and buildings within the curtilage were withdrawn at the time of the permission for the replacement dwelling. The site is well screened with mature planting and is designated as countryside on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for reforming the existing vehicular access, for a first floor rear

extension, and for alterations to the front elevation of the building to provide 'Juliet style' balconies.

The existing access consists of two recessed entrances both with solid timber gates, the left hand entrance providing access to the dwelling with the right hand side access to a 'storage shed' (approved under application no. 09/0177). This second, right hand side entrance does not have planning permission.

The proposal in this application is to replace the existing two access points to a single access that is set back by 6 metres from the highway with an overall width of 13 metres. Of this width the actual entrance would be provided with automatic entrance gates at 4 metres wide proposed in 'wrought iron' to an overall height of 2.2 metres with solid timber side panels at 2.2 metres for the remaining width.

The first floor rear extension in-fills part of the existing balcony area over the ground floor kitchen/utility areas and measures 2.5m in rear projection by 3.4 metres in width. It is designed with a dual pitched roof with eaves in line with the first floor of the existing dwelling and with a lower ridge height at 6.8 metres. The extension provides an enlarged first floor bedroom with access to the remainder the ground floor roof providing a small balcony area.

To the front of the property two existing first floor windows at either ends of the dwelling are to be replaced with double doors with Juliet balcony railings.

During the course of the application revisions to the entrance and front elevation have been sought, with the commentary below referring to those revisions.

Application No.	Development	Decision	Date
13/0465	ERECTION OF A DETACHED, SINGLE STOREY DOUBLE GARAGE - RETROSPECTIVE APPLICATION.	Granted	27/11/2013
10/0172	SINGLE STOREY REAR EXTENSION AND ORANGERIE TO SIDE ELEVATION (AMENDMENT TO APPLICATION 09/0668 CONSISTING OF REMOVAL OF FIRST FLOOR SUN ROOM).	Granted	21/05/2010
09/0668	EXTENSION TO PROVIDE GROUND FLOOR UTILITY ROOM WITH SUN ROOM AT FIRST FLOOR LEVEL ON REAR ELEVATION AND ORANGERIE TO SIDE ELEVATION.	Granted	30/11/2009
09/0244	EXTENSION TO PROVIDE GROUND FLOOR UTILITY AND FIRST FLOOR SUN ROOM TO REAR ELEVATION AND ORANGERIE TO SIDE ELEVATION.	Refused	19/06/2009
09/0177	CONSTRUCTION OF SINGLE STOREY STORAGE SHED	Granted	27/05/2009
06/1004	CHANGE OF CONDITION ON APPLICATION 00/0459	Refused	16/01/2007
06/0606	MODIFICATION OF CONDITION 5 ON 00/186. TO REMOVE CLASS VARIABLES E - H.	Withdrawn by Applicant	24/08/2006
03/0649 00/0459	OUTLINE APPLICATION FOR NEW DWELLING FULL APPLICATION FOR REPLACEMENT DWELLING (REVISING APPROVAL UNDER 00/186 AND INCORPORATING A DETACHED	Refused Granted	17/12/2003 09/08/2000

Relevant Planning History

	DOUBLE GARAGE		
00/0186	REPLACEMENT DWELLING	Granted	19/04/2000

Relevant Planning Appeals History

Application No.	Development	Decision	Date
06/1004	CHANGE OF CONDITION ON APPLICATION 00/0459	Allowed	05/02/2008

Parish/Town Council Observations

Greenhalgh with Thistleton Parish Council notified on 05 July 2016 and comment:

"The Parish Council considered the amended plans and OBJECTS to this application on the under-noted grounds:-

- 1. Proposed over-intensive development of this property on a site not in keeping with the rural area.
- 2. Consider the re-designed area of the entrance and gates are out of keeping with the rural aspect of this narrow winding lane.
- 3. Bradshaw Lane is narrow and there are two acute bends at this location. Any vehicle NOT gaining access through the remote controlled gate will necessarily have to back blindly into the lane with consequential hazards to road safety."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

"I refer to the above planning application and can confirm that there are no highway objections."

Neighbour Observations

Neighbours notified:	05 July 2016
Press Notice Date:	13 July 2016
Number of Responses:	None received

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL04	Replacement and extension of rural dwellings
HL05	House extensions

Fylde Local Plan to 2032

Policy GD1	: Settlement Boundaries
Policy GD2	Green Belt
Policy GD4	Development in the Countryside
Policy GD7	Achieving Good Design in Development
Policy H7	Replacements of, and Extensions to, Existing Homes in the Countryside

Other Relevant Guidance:

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

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for alterations and extensions to a dwelling in the countryside.

Principle

The application site is located in the Countryside area under Policy SP2 of the Fylde Borough Local Plan and GD4 of the Fylde Local Plan to 2023 where the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5 of the FBLP and GD7 of the FLP32, and to a further assessment of the overall scale of the extension to the property and how it impacts on the open character of the countryside and relates to the scale of surrounding properties as required by Policy HL4 of the FBLP and H7 of the FLP32.

Visual impact of development

Policy HL4 (and H7) refers to the proposed increase over the volume and scale of the original dwelling. As this property is a replacement for the original farmhouse on this site and has benefited from extensions following the re-build, the acceptable volume increases as suggested by Policy HL4 (and H7) have already been exceeded. However, the volume increase is not the only measure in assessing the proposal against HL4, and the impact of the extension and the resultant appearance of the dwelling in its locality should also be taken into account.

Whilst this application seeks permission for three elements the rear extension is the only aspect of the scheme which increases the size of the dwelling. The proposal would add 8.4 square metres to the overall scale of the dwelling, which is considered small scale in regards to the overall scale and volume of the dwelling. The design of the extension in-fills part of the existing balcony area with a roofline set down from the ridge of the existing dwelling. The extension is positioned on the rear of the dwelling and the extension does not propose a further encroachment into the countryside. This element does not cause any harmful impact to the character of the wider countryside and is acceptable in policy terms.

The alterations to the front of the dwelling include the provision of balconies and a newly configured access from the highway. Revisions to the scheme have been sought in regards to these two elements so that the arrangement of the balcony over the bay to the front elevation has been improved, and the height of the entrance wall has been reduced and the design of the gates to the front of the property improved.

Taking the above factors into account it is considered that the extension and alterations are appropriate in scale and design for the property and will not result in a dwelling which is over

dominant or out of character with other properties in the locality. Accordingly the proposal complies with the requirements of Policies HL4/H7, and Criterion 1 of Policy HL5/GD7.

Impact on neighbours

The property has neighbours to the east side, at Moss Side Barn, with open fields to the north, south and west.

The extension and alterations, given their location on the dwelling and the separation distances with the neighbouring property will not result in any loss of privacy or loss of light or otherwise be detrimental to the amenity of occupiers of Moss Side Barn.

Accordingly, the proposal is in compliance with Criterion 2 of Policy HL5/GD7.

Garden area

The property has a large rear garden and good sized front garden areas and the proposed works will not affect the availability of garden area.

Car parking and access

The Parish Council have objected to the revised scheme in respect of scale of the development, which is commented upon above, and the new access arrangements.

The existing arrangement has two accesses set further towards the highway than the existing proposal. The setback distance of the proposed access allows a vehicle to pull off the highway while the gates open and as such will assist in preventing the possibility of collision for vehicles travelling along Bradshaw Lane. It is therefore safer in this regard than the current situation.

The design of the wall, has been revised and the height reduced which as a consequence reduces the length of domestic boundary planting to be removed. This is an improvement that assists with the assimilation of the works into the rural area.

LCC Highway Engineers have commented on the scheme and have not raised an objection. Taking their comments into account the proposal improves the existing highway safety by the reduction in the number of entrances and increasing the setback distance of the new entrance. As such the design and style of the entrance and gates do not result in a detriment to highway safety and visual amenity.

Conclusions

It is considered that the proposed development is acceptable, given the location of the application property and the design and scale of the extensions and the location of neighbouring properties. The resultant dwelling will not appear over large for the reasons outlined above and will not result in a detriment to the visual amenity of the area, the amenity of neighbours, or highway safety considerations.

Accordingly, the proposal complies with the relevant policies of the existing and emerging Local Plans and so 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 consent relates to the following details:

Approved plans:

- Location Plan project no. LV/2016/12 drawing no. 01
- Proposed site plan project no. LV/2016/12 drawing no. PL03 REV. B
- Proposed elevation plan project no. LV/2016/12 drawing no. PL02 REV. B
- Proposed floor plan project no. LV/2016/12 drawing no. PL01 REV. A
- Proposed entrance feature plan project no. LV/2016/12 drawing no. PL04 REV. C

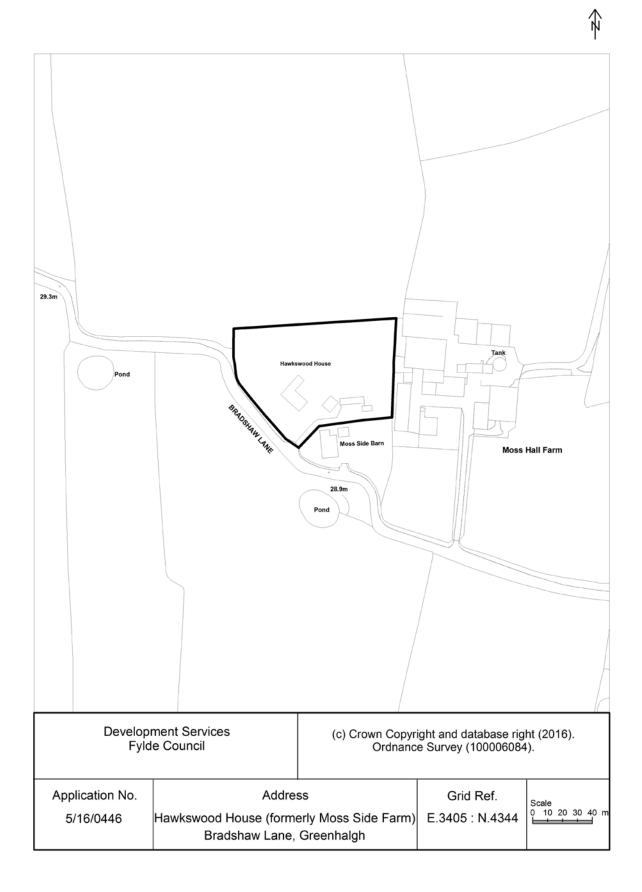
Supporting Reports:

• Design and Access Statement - not applicable

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

3. The materials of construction and/or finish in respect of the extension(s) hereby approved shall match those of the existing building entirely to the satisfaction of the Local Planning Authority.

To ensure visual harmony in respect of the overall development.



Item Number: 5

Committee Date: 12 October 2016

Application Reference:	16/0493	Type of Application:	Outline Planning
			Permission
Applicant:	Mr Holloway	Agent :	Fox Planning
			Consultancy
Location:	LAND ADJACENT KNOWS	SLEY FARM, THE GREEN, \	VEETON WITH PREESE
Proposal:	RE-SUBMISSION OF 15/084	4 - OUTLINE APPLICATION F	OR ERECTION OF ONE
	DWELLING (ACCESS, APPEA	RANCE, LAYOUT AND SCAL	E APPLIED FOR)
Parish:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	14	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Co	mmittee	

If viewing online this is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.8046405,-2.9346471,172m/data=!3m1!1e3?hl=en

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks outline permission for the erection of a dwelling on an area of land on Kirkham Road outside of the defined settlement of Weeton. The site has physical constraints in that it is an elevated and sloping site with a Tree Preservation Order on two groups of trees, one the east and to the western boundaries and a further protected tree to the front of the site. It is also sited alongside Knowsley Farm which is Grade II listed.

The application seeks consent for the erection of a single dwelling. It is the second such application before members having previously been on the agenda on 16 March 2016 where the application was refused.

Since that time the applicants have been working on amendments to overcome the council's concerns in regards to the scheme. The proposal on the agenda today is the subject of those revisions and whilst the application remains in outline form, matters of access, appearance, layout and scale have been included in the application for consideration.

It is considered that the revised proposal is now acceptable and has addressed previous concerns and so the application is considered to comply with Policies HL2, EP11, EP12 and EP18 of the Fylde Borough Local Plan, as altered (October 2005) and the aims and guidance of the National Planning Policy Framework (NPPF) and so is recommended for approval by Members.

Reason for Reporting to Committee

As a previous application was refused by Committee, and this application is recommended for approval and so contrary to that decision the Scheme of Delegation requires that this application is also determined by Committee.

Site Description and Location

The application site is described as 'Land adjacent Knowsley Farm, The Green, Weeton. It is an elevated irregular shaped parcel of greenfield land on Kirkham Road beyond the eastern edge of Weeton Village situated between Knowsley Farm to the west and the Telephone Exchange building to the east side. The red edge application site amounts to approximately 0.15 Ha in size with the larger blue edge also in the applicant's ownership containing TPO trees. Knowsley Farm itself is Grade II listed.

Works to provide to provide a vehicular access to the site including a hard surfaced drive, gate, level changes and the removal of a hedge and trees have recently been undertaken under planning permission associated with achieving an agricultural use on the site, although there is no evidence of any crops or grazing use at site visit.

The site is within a countryside designation as allocated on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application has been submitted as an outline application. The matters applied for are access, appearance, layout and scale with the detailed matters of landscaping to be applied for at Reserved Matters stage.

In this second application the additional matter of appearance has been included that was not considered in the original scheme.

Access is proposed as utilising the existing, recently provided access into the site which was approved under planning permission 13/0535 for agricultural use of the site.

The dwelling is proposed as a three bedroomed true bungalow of traditional style orientated with the gable end facing Kirkham Road. The dwelling is rectangular in footprint with a width of 13 metres and a depth of 10 metres, at the widest points, including the bay window and has an eaves height of 2.6 metres and ridge height of 5.8 metres.

The layout involves the siting of the dwelling-house sited in line with the adjacent dwelling at no. 1 Briarwood Close, set at an angle to the east of the boundary by approximately 2 metres and off set from the existing access by 6 metres and set back within the site by 25 metres. A turning area is proposed to the front of the dwelling with parking areas for two vehicles provided along the side elevation, that facing the highway.

The scale of the dwelling is shown as single storey in an area of excavated land to be set below natural ground level on this sloping site which rises from the highway to the top, south side of the plot an overall difference of 4.74 metres in height.

The red edge area would comprise the whole of the garden area which is to be planted with a new hedge to delineate the domestic garden area from with wider plot within the applicant's ownership and which contains TPO trees.

Relevant Planning History

Application No.	Development	Decision	Date
15/0844	OUTLINE APPLICATION FOR THE ERECTION OF A TWO STOREY DWELLING WITH ACCESS, LAYOUT AND SCALE APPLIED FOR (LANDSCAPING AND APPEARANCE RESERVED FOR FUTURE CONSIDERATION)		21/03/2016
13/0535	FORMATION OF REPLACEMENT AGRICULTURAL ACCESS ONTO KIRKHAM ROAD WITH ASSOCIATED SURFACING, LANDSCAPING & GROUND LEVEL WORKS (RESUBMISSION OF PLANNING APPLICATION 13/0053)	Granted	17/10/2013

Relevant Planning Appeals History

None

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 07 July 2016 and comment that *"The Parish Council has no objections to the scheme."*

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Trees)

"So long as the applicants are fully aware that root protection areas must be observed in full and we will not accept the re-grading of land inside RPAs then I suppose the principle of tree protection has been established and the hastily amended drawing is testament to the applicant's recognition of that. If PP were granted and then new submission for a larger dwelling or more than one dwelling arrived, I'd like the applicants to understand the council's position and that I will work to resist the long –term sustainability of these trees being compromised. From a tree protection point of view some form of development is definitely possible here; it will however have to be compatible with tree protection and take account of their future growth potential."

Lancashire County Council - Highway Authority

Whilst no comments have been received in regards to the resubmission application the following comments are those received in regards to application 15/0844:

"There are no highway objections to this outline application. The existing approval under application 13/0535 addresses the access arrangements and therefore should continue to be applied to this application in terms of highway access arrangements."

Greater Manchester Ecology Unit

The application is supported with an Ecological Appraisal which has been assessed by GMEU who advise the council on ecological matters along with the information submitted in support of the earlier application be a different ecological consultant.

GMEU raise no objection to the application with the main points of their comments being:

- Using Natural England's rapid risk assessment tool (December 2015) the location of the site and lack of connectivity with the closest pond means that offences under the Habitats Regulations (2010) are highly unlikely.
- There is potential for impact on trees in the submitted scheme due to the parking area being in close proximity to the Root Protection Zones of the trees in the north west corner of the site. This could raise ecological implications.
- As the bulk of the trees are outside the site there may be difficulties in securing the ecological enhancements described in the report within these areas.
- The landscaping of the site should secure the maintenance of the TPO trees, the removal of the invasive rhododendron, planting with locally native species of trees, shrubs and woodland ground flora.
- The ecological protection works identified in the Appraisal should be secured by condition
- The location of spoil and stored materials should be agreed by condition to ensure the location of spreading of 'cut' spoil will avoid any feature of wildlife value.

Neighbour Observations

Neighbours notified:	11 July 2016
Site Notice Date:	13 July 2016
Number of Responses	None received

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land

Fylde Local Plan to 2032: Policies GD1, GD4, GD7, H1,

Other Relevant Policy:	
NPPF:	
NPPG:	

National Planning Policy Framework National Planning Practice Guidance

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

This application is submitted in outline form and seeks permission for a detached single storey dwelling. Matters of access, layout, appearance and scale are applied for with landscaping a Reserved Matter. The application is the second application for a dwelling on this land, the previous proposal being refused by Members on 16 March 2016. No appeal was lodged against that decision, and since that time the applicants have looked to address the previous concerns which has resulted in the current proposal.

Policies

Policies SP2, HL2, EP11, EP12, EP18, EP19 and EP22 of the Fylde Borough Local Plan are relevant to the determination of this application together with the aims and guidance of the National Planning Policy Framework (NPPF).

Principle of Development

Planning legislation requires that planning applications are determined in line with the development plan unless there are material considerations that dictate otherwise. This has been reinforced by the National Planning Policy Framework (NPPF) which refers, at paragraph 14, to the need for applications that accord with the development plan to be approved without delay.

Under the Fylde Borough Local Plan, as altered (October 2005) the land proposed for development in this application is outside of the settlement boundary of Weeton and is allocated as Countryside under Policy SP2. This Policy restricts the majority of development to preserve its rural character, with the exceptions generally limited to agricultural or other such uses. New residential development is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this Policy objection. If there are not then a reason for refusal on the conflict with the Local Plan allocation would be appropriate.

The Need for Residential Development

The NPPF requires that local planning authorities provide for housing land equivalent to at least a 5 year supply of the council's housing target. Para 47 of the NPPF states that "*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements"*, and then refers to additional amounts being required where there has been consistent under-delivery.

The guidance in para 14 of NPPF is therefore relevant and if a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. It is therefore essential to establish if this scheme does delivers sustainable development and if there are any other relevant factors to outweigh the development.

Does the Proposal Deliver Sustainable Development?

The NPPF sets out three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

• an economic role – contributing to building a strong, responsive and competitive economy,

by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

With regard to applications for residential development of greenfield sites such as this the main issues to consider are the accessibility of the site, the scale of the development and its visual impact on the landscape setting it is within.

Accessibility of Site

Whilst this site is allocated as Countryside on the Fylde Borough Local Plan, it is adjacent to the edge of the settlement boundary to Weeton village. It is similar in its location to the land to the west of the village edge where 16 market dwelling-houses have recently been constructed and are now occupied. The village contains a primary school, church, community centre, public house, children's play area, and access to regular bus services. Therefore the village is considered to be reasonably accessible in terms of these basic level services.

Whilst the site is adjacent to the edge of this village it does not benefit from any pedestrian connection to them, and none is capable of construction due to the constraints of the highway boundary. This means that occupants of the dwelling will be required to walk in the highway for a distance of around 75m before reaching the footway at Briarwood Close. This is obviously not an ideal situation as this length of road is unlit, but given the scale of the development is only a single dwelling and the road is within the 30mph speed limit area it is not considered that this alone can justify a reason for refusal.

Scale of Dwelling and Impact on Landscape Character

Criterion 2 of Policy HL2 refers to the character of the development and requires that it is in keeping with the scale, space around buildings, materials and design in the locality. With the site being a greenfield one that is outside of the settlement it is important to establish whether the character and scale of the development proposed can be delivered without unduly compromising that rural character.

Concerns over the impact the dwelling would have in this location formed a reason for refusal on the earlier application, particularly given the uncertainty of the scale and design of the proposed dwelling and its central location within the site which would have been prominent on then elevated ground level and so urbanised the very rural approach to the village.

This revised scheme proposes a different position on the plot and details of the design of the dwelling have also been included in this application. Whilst the development will still involve the excavation, re-profiling and banking of the land around the dwelling to provide a new ground level the revised proposal indicates that the dwelling, in the new location this will have less of a visual impact as it is set in the corner of the site alongside the bungalow at Briarwood Close and away from

the Listed Building at Knowsley Farm. When viewed on approach to the village along Kirkham Road from the east side, the development would have less of a contrast between countryside and settlement appearing more as a natural extension to the Weeton settlement than the previously proposed location for the dwelling on the plot.

Whilst the development will have some visual impact overall this revised scheme will be less harmful, the impact of the revised proposal isn't of such a degree which warrants a refusal of the application.

Accordingly the proposal is considered to comply with the Policies HL2, EP11 and EP18 of the Fylde Borough Local Plan and the aims of the NPPF, subject to conditions in regards to the excavation and re-profiling of the land.

Amenity of Occupiers

One of the consequences of siting a dwelling in an excavated location is on the amenity of the occupiers.

The ground floor is entirely below ground level with windows to all elevations, the principle elevation facing east but the main living and dining areas facing south. The area around the bungalow is to be levelled so that the banking is below floor level. The re-orientation of the property and its internal layout provides the main windows looking east and south which provides an improved aspect for the occupiers and taken with the proposed excavation will not result in an undue detriment to the amenity of occupiers.

An area of domestic amenity area is indicated on the site plan which is outside of the area of protected trees. This area is to be provided with a hedge to delineate the domestic garden area and to provide a level of privacy for the occupiers. This was an omission from the earlier scheme. The use of a hedge in this location is critical as an urban feature such as a fence or wall would be unduly harmful to the rural setting and so any approval will require a condition to ensure that the boundary in this location is a hedge.

A condition to remove 'Permitted Development Rights' will form part of the recommendation on this application to ensure that the domestic use of part of the site will not result in a proliferation of outbuildings and domestic paraphernalia which could potentially be harmful in the landscape on such a prominent and elevated site.

Impact on Neighbour amenity

The sunken location of the dwelling and its position out of the village is such that it will not lead to any overlooking, massing or other such impacts on the existing neighbours. The revised position and confirmation of the scale of the dwelling is such that the proposed dwelling will run adjacent to the boundary with the bungalow at 1 Briarwood Close and will be of a similar scale. There is an existing hedge along this boundary which will provide screening from the development for the occupiers of no. 1 Briarwood and landscaping will be a condition of this recommendation to ensure that screening remains in place to prevent any loss of privacy for the occupiers if this neighbouring property.

Impact on Listed Building Setting

The site lies immediately adjacent to the curtilage to Knowlsey Farm which is Grade II listed. This

revised application has re-located the proposed dwelling so that is now lies alongside the boundary with the property at Briarwood Close and will no longer obstruct views of the listed building when approaching the village on Kirkham Road. As such the scheme is no longer considered to be detrimental to the setting of Knowsley Farm and a refusal on this basis is not justified.

Access Arrangements

Access is a matter applied for in the application and is proposed from the recently constructed access which was approved under application no. 13/0535. Permission was sought for this access on the basis that the existing access previously abutting the boundary with Knowsley Farm presented difficulties for manoeuvring agricultural vehicles in and out due to the steepness of the site and the angle of the entrance.

The new access is more centrally located and provides improved visibility splays in either direction, particularly as the previous hedge and some trees have been removed, although it remains close to a sharp bend to the east of the site on the approach to the village. Notwithstanding this, the views of the Highways Engineers are that the proposed use of this access for regular residential traffic rather than the occasional agricultural traffic will not result in a detriment to highway safety and so no reason for refusal on this basis is justified.

Impact on woodland

The site is elevated from road level and even with the level of retained tree cover that is now protected it provides a wooded and pleasant approach to the village. A tree preservation order was served last year in order to prevent any further removal of trees as they were considered to be of a quality and functionality which will continue to accrue public amenity value as they mature. These trees now remain in two groups on the eastern and western boundary and outside of the application red edge.

The views of the council's tree officer have been sought which are reported above and he has commented that "..... From a tree protection point of view some form of development is definitely possible here; it will however have to be compatible with tree protection and take account of their future growth potential."

The above comments will form the basis for a condition of the application and so the proposal is considered to be in accordance with Policy EP12 of the local plan.

Drainage Matters

The application site is within Flood Zone 1. The applicant's Design and Access statement refers to drainage and advises that the site would be served by mains water supply and a new sewage treatment plant and rainwater harvesting system would be provided. A condition requiring the site to be drained in accordance with sustainable drainage principles will be imposed with details of ground conditions to be investigated to ensure adequate drainage of the site.

<u>Ecology</u>

An Ecological Appraisal has been submitted with the application to assess the site for the suitability of protected species, with assessment and mitigation as follows:

• Amphibians - the survey concluded that there was no suitable breeding sites on or near the

development site. However, as a precautionary measure, in the unlikely event that any signs of any amphibian activity is subsequently found, all site works should cease and further ecological advice should be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented

- Badger Badger setts are known to occur within 2 km of the site. These setts will be undisturbed by work but in order to minimise impacts on badgers passing over the site several proposals are recommended.
- Bats There are six records of two species of bat within 2 km of the site however, the foraging habitat at the site is poor. The trees on the site were assessed as negligible risk for roosting bats. Overall the report concludes that there is more than sufficient scope for mitigation compensation at the site such that there would be no adverse impact on the favourable conservation status of bats affected by the proposal.
- Birds The habitat on site is not considered to be of anything more than local significance and precautionary mitigation would be appropriate in respect of construction activities.
- Brown hare no indication of brown hares was recorded on site. The risk to brown hares is considered to be very low. The points in respect of not working at night and leaving open trenches with means of escape for badgers are also applicable to this species.
- Invertebrates impacts on the species are considered to be negligible, post development domestic garden will create greater habitat in the area than already exists.
- Reptiles There is no requirement for specific mitigation for these species.

This report has been assessed by the council's ecological advisors who raise no objections and provide advise that can be incorporated into planning conditions to any approval. With that in mind it is officer opinion that there are no sustainable ecological objections to the development.

Agricultural land

The lawful use of the site remains available for agricultural use, which is classed as Grade 2 the '*Best and most versatile land*.' The applicant has previously been granted approval for a new access to the site on the basis that this was necessary to allow its effective use for agricultural purposes (application 13/0535 refers). The applicant now claims that the land is no longer suitable for agriculture use as a result of the woodland tree protection. Trees and woodlands can provide important shade and shelter for livestock and so this is not of any great weight to the argument that the site has no viable use other than a residential use.

Conclusions

This application is a revised scheme for a dwelling on this site which is submitted as an outline application with matters of access, appearance, layout and scale applied for. The site is an area of land on Kirkham Road, Weeton outside of the defined settlement area of the village. The site has physical constraints in that it is an elevated and sloping site with a Tree Preservation Order on two groups of trees, one the east and to the western boundaries and a further protected tree to the front of the site. It is also sited alongside Knowsley Farm which is Grade II listed.

The current application has been submitted with the additional matters applied for from those submitted with the previous application to provide the LPA with additional detail for consideration. As a result of the additional information and the revised siting of the dwelling, it is considered that the proposal can adequately mitigate for any potential harm in respect of the character and visual amenity of the countryside area and in addition will bring added benefits to housing supply. Accordingly the application is considered to comply with Policies HL2, EP11, EP12 and EP18 of the Fylde Borough Local Plan, as altered (October 2005) and the aims and guidance of the National

Planning Policy Framework (NPPF).

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. That an application for the approval of the reserved matter of 'Landscaping' shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than the expiration of two years from the final approval of this reserved matter.

In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. This consent relates to the following details:

Approved plans:

- Location Plan drawing no. KR1/1
- Proposed south elevation plan & section drawing no. 6.
- Proposed north elevation and section drawing no. 8
- Proposed floor plan drawing no. 2.
- Topographical survey drawing no. DP-WN-01A dated 8.8.2016
- Extension of section drawing no. 9

Supporting Reports:

- Design and Access Statement Fox Planning Consultancy 30th June 2016
- Envirotech ecological appraisal January 2016

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

3. The dwelling hereby approved shall not exceed a single storey in height as shown in the plans hereby approved and listed in condition 2 of this permission.

To ensure that the development hereby approved is of an appropriate scale for the surrounding area as required by NPPF and Policy HL2 of the Fylde Borough Local Plan.

4. That prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roof of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwelling and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

5. That prior to the commencement of any development details shall be submitted to and approved in writing by the Local Planning Authority of the proposed ground levels across the site, and the proposed Finished Floor Levels of the proposed dwelling. The development of the site shall be undertaken in accordance with these approved details unless any deviations are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction of the plot in question. To ensure the site is constructed with a satisfactory appearance in the Countryside as required by Policy HL2 of the Fylde Borough Local Plan.

6. Prior to the commencement of the development hereby approved, full details of the means of surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall not include any connections to the public foul sewer system and should it involve a Sustainable Urban Drainage System (SUDS) then details of the future management of the SUDS and a management company that will be established to oversee the maintenance of the drainage system shall form part of the submitted scheme. The approved works shall thereafter be implemented, fully commissioned and maintained on site during the development.

To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site.

7. Prior to the commencement of the development hereby approved, full details of the means of foul water drainage of the residential development area shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented during the development and shall include that the development is drained on a separate system with only foul drainage connected into the foul or combined sewer.

Reason: To ensure that appropriate measures are taken to provide suitable drainage from the site as required by Policy EP25 of the Fylde Borough Local Plan.

8. Prior to any development activity commencing, retained trees, either individually or, where appropriate, as groups, will be protected by erecting HERAS fencing at the Root Protection Areas (RPAs) identified in the arboricultural survey.

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

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

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

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

9. No mechanical excavation of land shall take place beneath the canopies of protected trees (as identified in Tree Preservation Order 2015 no. 23 Weeton) within/overhanging the site. All excavation for those parts of the development located beneath the canopies of the abovementioned trees shall be carried out by hand.

To ensure that appropriate mitigation measures are put in place to safeguard the health of protected trees within the site in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy EP12.

10. That any pruning, lopping, crown-raising or other works to any of the trees on the site which are the subject of a Tree Preservation Order shall only be undertaken in accordance with a written schedule of those works that has been first submitted to and approved in writing by the Local Planning Authority

To ensure the appropriate protection of the trees around the site and so safeguard the visual amenities of the neighbourhood in accordance with Policy SP2 and EP12 of the Fylde Borough Local Plan.

11. Prior to the commencement of development details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include confirmation that the boundaries indicated on the approved plans in condition 2 as hedges are provided as such. and not as any fence, wall, railing or other such urban style boundary treatment.

The duly approved boundary treatments shall be constructed in full accordance with the approved details before the dwelling hereby approved is first occupied, and shall be retained as such thereafter.

Reason: In the interests of visual amenity and countryside character in accordance with the requirements of the Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

12. No development shall take place until full details of any retaining structures to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include: (i) the length, height, siting and materials of any retaining structures; (ii) structural engineer's calculations; (iii) the amount of earth to be retained; (iv) the extent of excavation and infill required; (v) the proposed finish for the surface of the land behind the structure; (vi) the guaranteed minimum service life of the structure relative to the local exposure level; and (vii) a timetable for their construction. The retaining structures shall thereafter be constructed in accordance with the duly approved details and timetable.

In order to ensure that any retaining structures required due to topographical changes and/or groundworks on the site are constructed to an appropriate standard with respect to their structural and visual form and function in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

13. No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between 08:00 hours and 18:00 hours Monday-Friday and between 08:00 hours and 13:00 hours on Saturdays.

To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance at unsocial hours in accordance with the requirements of Fylde Borough Local Plan policy EP27 and the National Planning Policy Framework

- 14. No development shall take place until a Habitat and Landscape Management Plan (HLMP) for all landscaped areas of the site (excluding privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The HLMP shall include details of the following:
 - protection measures for all retained trees and hedgerows during the course of construction;
 - long term design objectives;
 - management responsibilities;

- maintenance schedules; and
- a timetable for implementation.

The HLMP shall thereafter be implemented in full accordance with the duly approved details and timetable contained therein.

In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of Fylde Borough Local Plan policies EP10, EP18 and EP19, and the National Planning Policy Framework

- 15. No development shall take place until a method statement for the removal/control of any invasive plant species in particular Rhododendron, (as defined within the Wildlife and Countryside Act 1981, as amended) which fall within the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
 - (i) measures to prevent the spread of invasive species during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended).
 - (ii) a timetable for implementation (including any phasing for removal/control on different parts of the site);

The development shall thereafter be carried out in accordance with the details, timetable and phasing contained within the duly approved method statement.

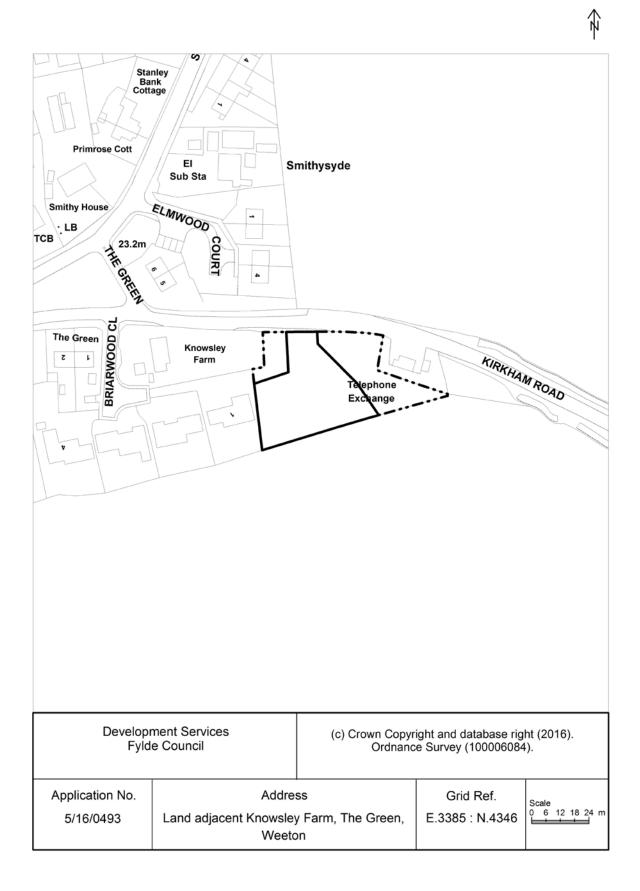
To ensure the satisfactory treatment and disposal of invasive plant species and site preparation works before any development commences on affected areas of the site in accordance with the requirements of the National Planning Policy Framework and the Wildlife & Countryside Act 1981 (as amended).

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

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

17. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E and Part 2 Class A 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 dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

In order to prevent overdevelopment of the site and to prevent further encroachment into the countryside in accordance with the requirements of Fylde Borough Local Plan policies SP2, EP12 and HL2 and the aims of the National Planning Policy Framework.



Item	Number: 6 Cor	nmittee Date: 12 Octobe	r 2016
Application Reference:	16/0494	Type of Application:	Full Planning Permission
Applicant:	Mr Keenan	Agent :	Bonixo Ltd
Location:	43 DERBE ROAD, LYTHA	M ST ANNES, FY8 1NJ	
Proposal:	ERECTION OF SINGLE STOP	REY BUILDING TO REAR TO F	PROVIDE HOLIDAY COTTAGE
Parish:	FAIRHAVEN	Area Team:	Area Team 2
Weeks on Hand:	12	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Co	ommittee	

If viewing online this is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.7444304,-3.023886,172m/data=!3m1!1e3?hl=en

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a two storey property in use as an accountants office located in the settlement area of St Annes. This application seeks permission for the development of a small holiday cottage to the rear. The site is located in a designated holiday area on the Fylde Borough Local Plan and is considered to complies with the relevant policies of the plan and the aims of the NPPF and so is recommended for approval by Members.

Reason for Reporting to Committee

This application is on the agenda at the request of the ward councillor (Councillor Little).

Site Description and Location

The application site is 43 Derbe Road, Lytham St. Annes. In particular the application relates to the rear of a two storey semi detached property in use as an accountants office.

The site is within the settlement of Lytham St. Annes and designated as Secondary Holiday area on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for the provision of a holiday cottage through the demolition of the existing out-building and its replacement with a flat roofed 'L' shaped building providing a sitting room, kitchen, bathroom and single bedroom.

The building will measure 9.2 metres on the boundary with the adjoining property at no. 45 Derbe Road projecting the width of the plot to the boundary with no. 41 Derbe Road at 8.2 metres, with an

overall height of 3 metres.

Relevant Planning History

Application No.	Development	Decision	Date
12/0158	CHANGE OF USE FROM DOCTORS SURGERY TO CHARTERED ACCOUNTS	Granted	18/05/2012
89/0752	CHANGE OF USE; DWELLING TO DOCTORS SURGERY & EXTENSION	Granted	15/11/1989

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 25 July 2016 and make no specific observations.

Statutory Consultees and Observations of Other Interested Parties

Tourism Officer

"I have no objection to this application. Good self-catering accommodation is always required."

Lancashire County Council - Highway Authority

"There are no highway objections to the above proposal."

Neighbour Observations

Neighbours notified: Site Notice Date: Number of Responses Summary of Comments	 25 July 2016 05 August 2016 3 letters received (iii) proposed cottage adjacent to our sleeping & living quarters causing us to be disturbed by close proximity (iv) claustrophobic won't manage noise levels at late hours limited car parking
	 will disturb guests in rear rooms of the hotel noise levels during construction enough holiday accommodation lighting a problem as so close loss of privacy

- too big takes up most of garden
- it's a residential area
- no private amenity space
- no off road parking

Relevant Planning Policy

Fylde Borough Local Plan: SP01 TREC02	Development within settlements Secondary Holiday Areas
Fylde Local Plan to 2032:	
NP1	Sustainable development
S1	Settlement hierarchy
EC6	Leisure, culture and tourism development
EC7	Tourism accommodation
Other Relevant Policy:	
NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
Site Constraints	

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for the provision of a single storey holiday cottage to the rear of commercial premises on Derbe Road, St. Annes located within an area allocated as Secondary Holiday area on the local plan.

Policies

The policies for consideration are Policies SP1 and TREC2 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of the National Planning Policy Framework (NPPF) with the above policies of the emerging local plan to 2032 adding limited weight.

Policy SP1 seeks to direct development to settlement areas in the borough.

Policy TREC2 refers to the development of new hotels, guest houses, holiday flats.

Principle

The principle of the provision of new holiday accommodation within the allocated secondary holiday area is acceptable and being within one of the main settlements the scheme is also supported by the NPPF as being sustainable development.

Visual amenity

The holiday cottage is proposed in place of an existing single storey pitched roof outbuilding located on the boundary with the adjoining property and to the rear of the application property, which is in

commercial use as an accountant's office.

The offices are two storey with an existing single storey rear extension. Given these elements in the foreground, and the scale and design of the proposed holiday cottage, the development proposed in this application will have little, if any, impact on the visual amenity of the area and is appropriate in scale for its location and the plot size taking into account the scale of development at the neighbouring Cumbria Hotel.

Impact on neighbours

The proposal has resulted in some objection from neighbours. In particular from the owners of the adjacent Cumbria Hotel who occupy a building at the rear of the hotel as their living quarters. Their concerns relate to noise, proximity of the development, car parking and intended use of the development.

In regards to the issue of noise the building will have to meet current building regulations in respect of its construction and will be required to have the necessary insulation which will prevent transference of noise into the adjacent property. Any external noise is likely to be limited due to scale of the cottage and the numbers of people it can accommodate and it would be unreasonable to refuse the application for this reason.

The cottage abuts the boundary with the adjoining property at no. 45 Derbe Road. The design of the cottage includes a flat roof and so is below the remains of the outbuilding on the shared boundary with these properties. As a result of the location of the cottage and its scale there would be no loss of amenity for the occupiers of no. 45 by way of loss of light or privacy.

Having regard to matters of privacy and light in respect of the occupiers of the outbuilding at no. 41 (The Cumbria Hotel) the proposed cottage has windows facing the boundary with no. 41 however, there is a high wall with fencing along the boundary which will screen any views from the windows towards this property. To the rear of the cottage, on the boundary with no.s 54 and 56 Lightburne Avenue are garages and outbuilding, no windows are proposed in the rear of the holiday cottage. As a consequence of the design of the cottage, its location and the development on neighbouring boundaries the proposal will not result in any loss of light or privacy.

Access & parking

Access will be pedestrian access only as there is no off road parking provision for either the commercial business operated from the premises nor any proposed for the holiday cottage. However, the site is located within St. Annes and so is a sustainable location with some on street parking which is unrestricted and there are good links to alternative transport. In addition LCC Highway Engineers have been consulted and have not raised any objection to the scheme.

Other issues

Neighbours have also commented on the lack of need for more holiday accommodation. Need is not required to be demonstrated as set out in the requirements of Policy TREC2 as the site is an allocated holiday area and the development proposed is holiday accommodation.

Councillors have commented on the scale of the development and lack of outside space. In regards to scale, the cottage will occupy a large proportion of the remaining space to the rear of the offices however, this is consistent with the amount of development at the adjacent Cumbria and Astra

hotels. Amenity space is not necessary as the use of the cottage is for holiday purposes it is not proposed as a persons sole place of residence. A condition to this effect will form part of the recommendation.

Conclusions

The application proposes the re-development of the rear of a commercial property to replace an existing outbuilding with a small holiday cottage. The site is located in a designated holiday area on the Fylde Borough Local Plan and complies with the relevant policies of the plan and the aims of the NPPF in that it represent sustainable development within the settlement.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

Approved plans:

- Location Plan -
- Proposed floor Plans Anthony Keenan
- Proposed elevations Anthony Keenan

Supporting Reports:

• Design and Access Statement - n/a

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

3. That prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roofs of the approved holiday cottage shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the cottage and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development in accordance with Policy TREC2 of the Fylde Borough Local Plan

4. That the cottage hereby approved shall be occupied for holiday purposes only and not as a persons permanent, sole or main place of residence.

The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy HL2 of the Fylde Borough Local Plan.



item number. /	Item	Number:	7
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Committee Date: 12 October 2016

Application Reference:	16/0568	Type of Application:	Outline Planning
			Permission
Applicant:	Mr Thompson	Agent :	Graham Anthony
			Associates
Location:	CORNAH ROW FARM	, FLEETWOOD OLD ROAD,	GREENHALGH WITH
	THISTLETON, PRESTO	N, PR4 3HE	
Proposal:	OUTLINE APPLICATIO	N FOR RESIDENTIAL DEVEL	OPMENT OF UP TO 19
	DWELLINGS (INCLUD	ING 6 AFFORDABLE) FOLLC	WING DEMOLITION OF
	EXISTING FARM BUIL	DINGS WITH ACCESS APPLI	ED FOR AND ALL OTHER
	MATTERS RESERVED	(REVISED RESUBMISSION (OF APPLICATION 15/0829)
Parish:	Greenhalgh with	Area Team:	Area Team 1
	Thistleton		
Weeks on Hand:	10	Case Officer:	Rob Clewes
Reason for Delay:	Need to report at Cor	nmittee	

If viewing online this is a Google Maps link to the general site location: <u>https://www.google.co.uk/maps/@53.8088959,-2.8891926,559m/data=!3m1!1e3?hl=e</u> n

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application site is a farm that lies immediately to the north of the M55 junction heading towards Greenhalgh, with the site excluding the farm house, but including the other farmstead buildings and an area of land around them that is defined by Fleetwood Road and Fleetwood Old Road. The site lies in the countryside as defined by Policy SP2 of the Fylde Borough Local Plan.

The application seeks outline planning permission for the erection of up to 19 dwellings with access applied for and other matters reserved. It follows an application that was for 23 dwellings on a larger site and was refused under delegated powers last year.

The proposed development would occupy a remote, rural location which lies a significant distance away from the closest recognised settlement in the FBLP. Resultantly, the site would be isolated and inaccessible in relation to local shops, employment and other community services, and future occupiers would be heavily reliant on journeys by private car. This reliance on car-borne journeys would be exacerbated by the limited frequency of public transport services to the site and the lack of facilities which are accessible on foot. Accordingly, the development would result in the provision of isolated homes in the countryside in an unsustainable location.

The revised scheme, proposing a reduced number of dwellings and an indicative landscaping scheme seeks to address the previous concerns over the impact to the existing open greenspace. This proposed development, whilst not resulting in the same substantial encroachment into the open countryside as previously proposed in application 15/0829, would still diminish the site's contribution to visual amenity in the surrounding landscape.

This impact would be exacerbated through the loss of several roadside trees on Fleetwood Old Road which are protected by TPO. The proposed development would occupy a triangular parcel of land to the north of an existing hamlet comprising six dwellings. Accordingly, the development would result in an increase to the size of the hamlet in the order of 317% and would introduce an overly intensive development of a suburban scale and size which would spoil the tranquil, rural character and setting of the site and would be unsympathetic to the scale and pattern of development in the locality.

The proposed development is required to make contributions towards the delivery of affordable housing on the site and a financial contribution off-site towards the provision of new Primary and Secondary education places. The applicant has failed to put any mechanism in place (e.g. a planning obligation) to secure these contributions.

The Council is presently unable to demonstrate a 5 year supply of housing land. Accordingly, FBLP policy SP2 is out-of-date and paragraph 49 of the NPPF is engaged. Nevertheless, the benefits which would arise as part of the development with respect to boosting the Borough's supply of housing land would be significantly and demonstrably outweighed by the harm the development would cause by virtue of its unsustainable location and the harm it would cause to the character and appearance of the area in visual and landscape terms. Additional harm arises in this case as the applicant has failed to put a suitable mechanism in place to secure contributions towards affordable housing and education required to mitigate its impact. Whilst issues relating to highways, ecology, noise, contamination, flooding and drainage can be adequately dealt with through planning condition, this does not overcome the other harm which has been identified. Accordingly, the proposal does not constitute sustainable development and is in conflict with the requirements of the FBLP, the FLP to 2032 and the NPPF.

Reason for Reporting to Committee

N/A

Site Description and Location

The application relates to a broadly triangular parcel of land located to the north side of Cornah Row Farm, Greenhalgh. The site covers an area of approximately 1.36 hectares and falls within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map. The site is located to the northern end of a larger (*circa* 2.1 hectare) parcel of land running between the A585 (Fleetwood Road) and Fleetwood Old Road. A large roundabout which forms junction 3 of the M55 motorway is located approximately 50m to the south of the site. The whole of the site is covered by an area Tree Preservation Order (TPO) – TPO no. 29, made 2015.

The southern boundary of the site follows a staggered profile extending to the rear of the farmhouse and another dwelling attached to the south side (Chapel House). The southern portion of the site is occupied by a group of agricultural barns and other outbuildings of varying size and construction organised around a farmyard comprising a concrete surface. The most substantial buildings include three brick-built barns to the southwest corner flanking Fleetwood Old Road, with a gated opening between two of the barns proving access off Fleetwood Old Road. The northern section of the site is characterised by open grassland marked by perimeter hedgerows which narrows towards Fleetwood Old Road's junction with the A585. The site is set at a lower level to the A585 with a steep, wooded embankment providing an intervening strip of land along the site's eastern boundary. An underpass runs in an easterly direction under the A585 and provides access to agricultural land on the east side of the A585.

Fleetwood Old Road forms a cul-de-sac branching off the A585. Waiting restrictions are in place on both sides of the road for much of its length (though these markings are fragmented), particularly around its junction with the A585 and along its western flank to the southern end where the road terminates at a turning head. Aside from Cornah Row Farm, Fleetwood Old Road serves as an access to five other dwellings – three to the east side (Chapel House; The Old Chapel; and Melrose) and two (Fir Cottage and Pine Cottage) to the west. These buildings form a small hamlet adjacent to the roundabout junction surrounded by open farmland to three sides. The closest settlement (as defined in FBLP policy SP1) is Kirkham and Wesham, located approximately 2km to the south.

Details of Proposal

The application is a resubmission of previously refused application ref: 15/0829, which was an outline application for the development of 23 residential units. This revised application seeks outline permission for a residential development of up to 19 dwellings 6 of which would be affordable housing. The application also includes the demolition of all existing buildings within the site, the provision of an area of public open space to the northern end of the land and various off-site highway works. The only matter applied for as part of the application is access, with matters of layout, scale, external appearance and landscaping are reserved for later consideration.

The scheme proposes a new access off Fleetwood Old Road in approximately the same position as the existing gated opening into the farmyard to the southwest corner of the site. The access would provide a priority (give way) junction with Fleetwood Old Road to merge with a 5.5m wide estate road flanked by 2m wide footways. Visibility splays of 2.4m x 40m would be achieved in both directions at the junction.

In addition to the works proposed at the junction of the site access with Fleetwood Old Road, the following off-site highway improvements are also proposed:

- The widening of the footway along the eastern flank of Fleetwood Old Road to 2m where it shares a boundary with the site.
- The widening of the junction of Fleetwood Old Road with the A585 and provision of a new footway around the southern edge of the junction.
- The provision of a dedicated right hand turn lane and ghost island approach into Fleetwood Old Road from the A585 along with associated ground markings.
- The provision of a new pedestrian refuge to form a crossing over the A585 to the southern end of the right hand turn lane comprising a central island with dropped kerbs and tactile paving.
- Visibility splays of 9m x 160m to be achieved at the junction of Fleetwood Old Road with the A585.

An illustrative masterplan has been submitted as part of the scheme. This shows a development of predominantly detached houses, with two rows of terraced dwellings to provide a total of six affordable homes. Two cul-de-sacs are shown to branch in northerly and southerly directions off the estate road to terminate in parking courtyards. A triangular area of open space measuring approximately 1,400 square metres is shown to the northern tip of the site. A pedestrian route between Fleetwood Old Road and the A585 is indicated to run in an east-west direction across this open space.

Relevant Planning History

Application No.	Development	Decision	Date
TPO/15/0029	Town and Country Planning Act 1990. The Fylde Borough Council Tree Preservation Order 2015 No. 29 - Cornah Row Farm, Fleetwood Old Road, Greenhalgh. Order confirmed:	Advice Issued	27/11/2015
15/0829	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 23 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) INCLUDING DEMOLITION OF EXISTING FARM BUILDINGS AND OFF SITE HIGHWAY WORKS	Refused	23/02/2016
10/0540	CERTIFICATE OF LAWFULNESS FOR EXISTING USE FOR CAR BOOT SALES AND CAR PARKING AREA FOR EACH SUNDAY AND BANK HOLIDAY MONDAYS FROM MID APRIL TO MID OCTOBER	Refuse Certificate	22/11/2010
02/0265	ADVERTISEMENT CONSENT TO DISPLAY NON-ILLUMINATED DIRECTIONAL SIGN - RETROSPECTIVE	Refused	22/07/2002
00/0788	REMOVAL OF CONDITION 1 ON APPLICATION 98/677 TO USE BUILDING AS JOINERY WORK SHOP ON A PERMANENT BASIS	Granted	03/01/2001
98/0677	CHANGE OF USE FROM CATTLE HOUSING TO JOINERY WORKSHOP	Granted	02/12/1998
95/0598	OUTLINE APPLICATION FOR MOTORWAY SERVICES AREA AND MEANS OF ACCESS	Refused	04/12/1996

Relevant Planning Appeals History

Whilst there have been no appeals on the application site, it is considered that a recent appeal at Catterall Hall Farm (reference APP/M2325/A/14/2227114) against the Council's refusal of an outline planning application for a development of three dwellings (application reference 14/0343) is relevant to this application. Catterall Hall Farm lies further along Fleetwood Road, approximately 970m to the north of the application site.

Parish/Town Council Observations

Greenhalgh with Thistleton Parish Council notified on 03 August 2016 and object to the application on the following grounds:

- This is not a 'brownfield' site as it is in fact, part of a small farm (not a smallholding as described). It has been truncated by the re-aligned A585 for more than 40 years, but is linked to the larger land holding by means of a tunnel though which stock and vehicles can pass. For most of this time it has operated as a viable farm unit with some diversification such as Car Boot Sales in more recent years.
- The land is properly designated as Countryside and is thus afforded some protection from development under the NPPF, the saved Local Plan and the emerging new Local Plan.
- Although the developer argues that without a 5 year supply, this land could be assigned for housing, the site is not sustainable, and thus does not meet NPPF criteria.
- This site is not a part of Wesham (argued as a location for growth); it is Greenhalgh. The adjoining Medlar area of Wesham has never been considered an area with development

potential. The proposed site lies on the north side of the M55 which forms a natural, psychological and most certainly, a physical barrier between this part of Greenhalgh and Wesham. It is too far from the range of local services at Wesham and requires the crossing of the A585 (50mph) twice and both an outward and inward leg of the M55 Junction 3, dual-carriage access roads with 70mph speed limits. The footway to Wesham is narrow and the road carries 20,000 movements a day- 15% of which are HGVs. The site can only be realistically accessed by car. The shop facilities at the garage to the north are limited and again dangerous to reach on foot. Access to primary schools in Wesham or Kirkham could not be made by unaccompanied children and even with adults, would be regarded as extremely dangerous.

- Neither the current saved Local Plan nor the emerging Local Plan allow for any development within the Parish of Greenhalgh. Thus the proposal is in conflict with the Settlement Policy.
- The highway access to Fleetwood Old road from the A585 is dangerous as it is located after a bend on a 50mph section at the end of the dual carriageway.
- Whilst any proposal to provide affordable dwellings in the rural areas seems attractive, this location is not sustainable to any non-car users.
- The site has no mains drainage, no gas and limited broadband availability.
- If this site is judged to meet the sustainable standard required under planning policy, there must be dozens of other similar (redundant) farmsteads across rural Fylde that could be developed in a similar manner, with major consequences to the quality of the Countryside.
- The Parish Council accepts that the existing policy allowing the redevelopment of substantial redundant farm buildings could allow a modest development at this location, but the scale of the proposals goes well beyond this policy parameter. Is a reduction of 4 dwellings a reasonable number from the original application 15/0829 of proposed 23 dwellings?

Statutory Consultees and Observations of Other Interested Parties

Strategic Housing

• There will be a requirement for 30% affordable housing contribution on this site which equates to 6 units. The site is in a fairly remote location with limited access to local facilities and amenities. Housing would be willing to consider off site contributions for the affordable units, but at a level that reflects the market value of the properties within the area.

Planning Policy Team

- The proposed development site is located in the Countryside Area as defined by policy SP2 of the adopted Local Plan. SP2 operates so as to resist development proposals in this area, except where it falls within one of five identified categories. The proposed development does not represent one of these exceptions and so is contrary to SP2.
- The council's published Five Year Housing Supply Statement shows that the borough has a 4.8 year supply of deliverable housing land at 31 March 2016. This calculation is based upon the annual housing requirement figure of 370 dwellings per year, taking account of a 20% buffer and the housing shortfall since the start of the emerging Local Plan period in 2011.
- The proposed site lies distant from established settlements with services, and would result in housing development in an unsustainable location that would fail to enhance or maintain the vitality of rural communities. It is considered that the site would therefore not be sustainable development as defined in the NPPF.
- The Fylde Local Plan Publication Version was published for pre-submission consultation on 11 August 2016. The Publication Version was approved for use for development management purposes at the Council's Development Management

Committee meeting of 15th June 2016. The Publication Version is the Fylde Local Plan as the Council wishes to adopt it, and is the version as it will be submitted for examination. Therefore, it carries significant weight. The site lies within the defined countryside area shown on the Policies Map and referred to in Policy GD4. This policy restricts development to five categories, into none of which does the proposed development fall. Policy S1 restricts development within the rural areas to the Tier 1 Larger Rural Settlements and the Tier 2 Smaller Rural Settlements, except where development involves a like-for-like redevelopment of an existing property, the appropriate re-use of an existing building or minor infill development. The proposed development therefore contravenes the policies of the emerging plan.

• The proposal is contrary to policy SP2 of the adopted Fylde Local Plan. The site is remote from any recognised settlement and is not in a sustainable location. The emerging Local Plan is a material consideration, and the development would be in contravention of its policies GD4 and S1.

LCC Contributions

- Primary School places: Seek a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places totalling £53,898.12.
- Secondary School places: Seek a contribution from the developer in respect of the full pupil yield of this development, i.e. 2 places totalling £40,607.18.

United Utilities - Water

• No objection to the proposed development subject to conditions.

Electricity North West

- The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.
- There are Electricity North West high and low voltage cables in the road adjacent to the development. The plans include building driveways and access roads above these. Safe digging practices must always be followed when working in proximity of underground cables. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of ENW requirements for access to inspect, maintain, adjust, repair, or alter any distribution equipment.

Regeneration Team (Landscape and Urban Design)

• None received.

Regeneration Team (Trees)

- The submission as indicated involves the loss of four large landscape trees. I TPO'd these poplars in 2015 to prevent felling, on the basis that in their current context, they provide "the right trees in the right place" ie they have wide visual amenity in a rural landscape where their spatially-demanding character can be accommodated
- I note an intention to plant some oaks in mitigation. I welcome this because they could ultimately make a great contribution here, but in truth the lead-in time until they achieved the height of the poplars and were therefore as outwardly visible is long. The hedge too will be lost and replaced only in part.
- Reservations about the amenity of dwellings sited in the shadow of the highway buffer planting remain. Houses and gardens here will received little sun from the east and this might bring pressure to bear on them. This area is like a young linear woodland, links to other areas of highways –owned woodland, and is valuable. The trees haven't stopped growing and their shading potential isn't yet realised.

Lancashire CC Flood Risk Management Team

• No Objection to the development proposal subject to conditions.

Environmental Protection (Pollution)

No objections in principle. It is recommended that the following conditions are attached to any permission granted:

- Construction times should be limited to 08.00 18.00 Monday Friday; 08.00-13.00 Saturday and no activity on site on Sundays or Bank Holidays.
- Demolition or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Lancashire County Council - Highway Authority

• Awaiting comments.

Highways England

• Recommend that conditions should be attached to any planning permission that may be granted.

Neighbour Observations

Naighbourg potified.	02 August 2016
Neighbours notified:	03 August 2016
Site Notice Date:	01 September 2016
Press Notice Date:	18 August 2016
Number of Responses	1
Summary of Comments	1 objection
	The points raised in the letter are summarised as follows:
	• Parking on Fleetwood Old Road is already an issue throughout the week.
	 There will be a negative impact to highway safety with an
	increase in vehicular movements and road network is already
	busy. The proposed highway works will not be sufficient to mitigate this.
	 Damage to neighbouring properties and to the road will occur

- Damage to neighbouring properties and to the road will occur during construction.
- Negative impact on wildlife. Bats are in the existing buildings proposed to be demolished.

Relevant Planning Policy

Fylde Borough Local Plan:	
SP01	Development within settlements
SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
TR01	Improving pedestrian facilities
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land

EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV4	Provision of New Open Space
INF2	Developer Contributions
S1	Proposed Settlement Hierarchy

Other Relevant Policy:

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

Site Constraints

Within countryside area Tree Preservation Order

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended), but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Comment and Analysis

Policy Background

The site falls within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map. FBLP Policy SP2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard. FBLP policy SP2 indicates that the only circumstance where housing would be permissible within the Countryside Area will be in the case of rural exception sites for affordable housing in accordance with the provisions of policy HL3. However, this approach to resist private market housing in the countryside area cannot be considered to be up-to-date (and, accordingly, sustainable) for the purposes of the NPPF where a Local Planning Authority is unable to demonstrate a 5 year supply of housing.

The council's published Five Year Housing Supply Statement shows that the borough has a 4.8 year supply of deliverable housing land at 31 March 2016. This calculation is based upon the annual housing requirement figure of 370 dwellings per year, taking account of a 20% buffer and the

housing shortfall since the start of the emerging Local Plan period in 2011. Therefore, the absence of a 5 year supply places policy SP2 (and, allied to this, the approach in policy HL3) in conflict with the NPPF. As policy SP2 is out-of-date, the presumption in favour of sustainable development outlined at paragraph 14 of the NPPF means that, unless material considerations indicate otherwise, planning permission should be granted.

The Parish Council have made reference to Fylde Borough's Emerging Local Plan to 2032 (FLP). However, this plan whilst shortly due for its independent examination is yet to be formally adopted. In accordance with paragraph 216 of the NPPF, whilst the FLP is a material consideration, given its current status it cannot carry significant weight in the decision making process and, accordingly, the policies of the adopted FBLP should prevail, except where these are in conflict with the NPPF. It is considered that the Inspector's decision in respect of a recent appeal at Catterall Hall Farm (which lies approximately 1km to the north of the site further along Fleetwood Road) is also relevant in this case as the application site shares a number of common characteristics with that appeal proposal, having particular regard to the sustainability of its location, access to services and the impact of development on the character and appearance of the local area.

In this context, it is considered that the main issues in the application are as follows:

- Whether the location of the development is sustainable and how the proposal sits with regard to planning policies that promote sustainable development.
- The effect of the development on the character and appearance of the area, having particular regard to impacts on visual amenity in the surrounding landscape and the scale of development.
- *10.* Whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, having particular regard to the delivery of housing in the absence of a five year supply.

Sustainability of location:

The site lies within the area of Greenhalgh, and is not in an area that is identified as a settlement in either FBLP policy SP1 or policy S1 of the FLP. This is due principally to its isolated rural location and a resultant lack of shops, schools, employment sources, other community facilities and poor access to public transport. In addition, it is not adjacent to any settlement with the closest settlement to the site (as defined in FBLP policy SP1) is Kirkham and Wesham, located approximately 2km to the south.

The nearest commercial premises are on the site of a petrol filling station located further along Fleetwood Road approximately 750m to the north. Aside from the petrol filling station, other premises on that site include a retail shop and separate coffee and sandwich outlets. Whilst these facilities would be within an acceptable walking distance of the site, their retail offer is sufficient only to meet the casual, day-to-day needs of future occupiers and they cannot be relied upon to meet the need which would arise from a development of up to 19 dwellings.

The applicant has made reference to an approved mixed use development on the edge of Wesham (known locally as 'Mill Farm') and, specifically, to a 1,500 square metre retail foodstore which was permitted on this site pursuant to planning permission 13/0655. The applicant contends that this food store is approximately 715m from the site and, accordingly, is readily accessible from the site. However, contrary to the suggestions of the applicant, the retail foodstore would require a journey in the order of *circa* 1.75km in order to be accessed on foot which would also require future occupiers to cross the roundabout junction of the M55 to the south of the site and two crossings of the A585. On foot (and running from north to south) this journey would require pedestrians to:

- Cross a 50 mph stretch of the A585 immediately adjacent to the site as there is no footway along its western flank;
- Cross two dual-carriageway slip roads at the roundabout junction of the M55 and A585 without any crossing aids (e.g. signals or refuges); and
- Negotiate narrow footways flanking the A585, including one further crossing point onto its western flank before reaching the foodstore at Mill Farm.

Therefore at 1.75km the foodstore at Mill Farm could not reasonably be considered to serve future occupiers of the development, unless travelling to the site by car.

The development proposes the widening and realignment of an existing footway along the eastern flank of Fleetwood Old Road to merge with the footway on the A585. The indicative masterplan also shows the provision of a direct pedestrian route between Fleetwood Old Road and Fleetwood Road running across an area of open space to the northern end of the site. Notwithstanding the difficulties which would arise in providing this footpath due to the difference in levels between the site and Fleetwood Road and the fact that this would need to cross the embankment which flanks the A585, the provision of such a footpath would result in a marginal, and insignificant reduction in walking distance which does not alter the fundamental issues arising from the site's unsustainable location.

The closest school (St Joseph's Catholic Primary School) is located on the edge of Wesham approximately 2.1km from the site and has the same access issues for pedestrians as the Mill Farm development. Similarly, there are limited employment opportunities available in the locality outside the settlement of Kirkham and Wesham. Whilst there are bus stops within comfortable walking distance of the site on the northbound and southbound stretches of the A585, the only bus which serves the route is the no. 76 which operates a limited service passing the site at hourly intervals. The low frequency of this service means that it could not reasonably be considered as a viable, regular alternative means of transport to the site. The site's lack of accessibility by public transport would mean that future occupiers will be reliant on car-borne journeys for access to services outside the site.

As a summary, the site occupies a remote, rural location within the Countryside Area which lies outside of, and a substantial distance (over 2km) from, the closest recognised settlement (Kirkham and Wesham) as defined in Fylde Borough Local Plan policy SP1. Owing to the site's isolated location and the lack of accessibility to shops, schools, employment and other community facilities nearby, future occupiers of the development would be heavily reliant on journeys by private car in order to access the majority of services. This reliance on car-borne journeys would be exacerbated by the limited frequency of public transport services to the site and the scarcity of facilities accessible on foot (due to both walking distances and the undesirable nature of pedestrian routes to such facilities). The proposed development is not in a sustainable location and the adverse impacts which would arise from it would significantly and demonstrably outweigh any benefits the scheme would deliver with respect to its contribution to the Borough's housing land supply. Accordingly, taking the above into account the proposal is not sustainable development and is contrary to the requirements of Fylde Borough Local Plan policy HL2 and paragraphs 17, 34, 38 and 55 of the National Planning Policy Framework.

This conclusion is supported by the Inspector's decision in dismissing an appeal for a proposed residential development on a nearby site at Catterall Hall Farm, paragraphs 9, 10 and 11 of which state as follows:

- "The nearest recognised settlements of Elswick, Weeton, Singleton and Wesham and the services and facilities available within them would be some distance from the site. Some day-to-day needs of future occupiers could be met at the petrol filling station, retail shop and the coffee and sandwich outlets to the southeast of the site. These facilities would be within reasonable walking distance albeit future occupiers would need to crossover the busy A585."
- "Similarly, the nearest stopping places for buses along the A585 would be within reach from the site for those on foot and using a bicycle. According to the Council, hourly bus services are available from these stops to Preston, Kirkham, St Annes, Great Eccleston and Blackpool. In my opinion, this level of service is relatively low frequency and I doubt that future occupiers would regularly walk or cycle to these bus stops and use the services especially in inclement weather or after dark even along footways with street lighting."
- "Taken together, it is my judgement that most trips to larger shops, schools, places of employment, health, recreation, leisure and other services from the new dwelling(s) would be heavily reliant on the private car. As such, I consider that the proposal conflicts with LP Policy HL2 insofar as it requires housing development to be in a sustainable location. It is also at odds with a core principle of the Framework for planning to manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Therefore, I conclude on the first main issue that the proposed development sits uncomfortably with planning policies that promote sustainable development."

Impact on character and appearance:

The site lies to the northern end of an existing undefined hamlet located within the Countryside Area as defined on the Fylde Borough Local Plan proposals Map.

The southern end of the site includes agricultural buildings and associated hard standing which cover approximately half the site area. The northern end of the land parcel comprises open grassland bounded by trees and hedgerows to its perimeter, with scattered groups of trees branching into the central areas of the site. These specimens are protected by an area TPO. The open character of the northern parcel affords clear views across the site towards open farmland to the northwest and northeast. The elevated aspect of Fleetwood Road in relation to the site means that views in a north-westerly direction across the site are particularly expansive when travelling northbound along the A585. Similarly, the open areas to the northern end of the site provide a green buffer which affords visual relief from the built environment when travelling southbound along the A585 towards the roundabout junction. Accordingly, the open areas of the site make a substantial contribution to rural character and its countryside setting.

The definition of "previously developed land" in Annex 2 of the NPPF excludes "land that is or has been occupied by agricultural or forestry buildings". Accordingly, despite the presence of farm buildings and hard standing to its southern end, none of the site comprises previously developed land for the purposes of the definition in the NPPF.

Notwithstanding that the layout of the development is not applied for here, the illustrative masterplan shows that it could be possible to position 12 of the 19 dwellings that are proposed within the areas of the site currently occupied by farm buildings (plots 1-3 and 8-16). The remaining 7 dwellings (plots 4-7 and 17-19) fall outside the existing built up areas of the site. In addition, the submitted tree survey identifies the removal of six trees along the frontage of Fleetwood Old Road, four of which are noted as retention category 'B' specimens and all of which are protected by TPO.

The previously proposed development (ref: 15/0829) proposed a significant encroachment into the area of open greenspace to the northern end of the site which would have had a harmful urbanising effect due to a loss of openness, erosion of rural character and a diminution in the site's contribution to visual amenity in the surrounding landscape. This revised scheme, with a reduced number of dwellings, has to a degree reduced this impact and the indicative proposed landscaping will provided additional screening at the north of the site. In support of this application a Visual Impact Assessment has been submitted which assesses several viewpoints from outside the application site and concludes that the proposed landscaping would offer sufficient mitigation. Although these factors do mitigate the impact of the development somewhat they do not overcome the loss of openness and erosion of rural character which would arise by introducing dwellings into an area which presently still retains a general feel of openness. Therefore, this impact cannot be adequately mitigated through the introduction of landscaping and the reduction of the number of proposed dwellings by 4 units. Moreover, the loss of several roadside trees along Fleetwood Old Road which form prominent landscape features and are protected by Tree Preservation Order would diminish the sylvan quality of the site which forms part of its rural, countryside character.

Therefore, it is concluded that the adverse impacts which would arise as a result of the development would significantly and demonstrably outweigh any benefits the scheme would deliver with respect to its contribution to the Borough's housing land supply. Accordingly, the proposal is not sustainable development and is contrary to the requirements of Fylde Borough Local Plan policies SP2, EP11, EP12 and HL2, and the National Planning Policy Framework.

This conclusion is supported by the Inspector's decision in dismissing an appeal for a proposed residential development on a nearby site at Catterall Hall Farm, paragraphs 13, 14, 15 and 17 of which state as follows:

- "The proposal would introduce a new built form onto undeveloped land between existing buildings on each side along Fleetwood Road. Although physically contained by existing development on two sides, the site forms part of a sizeable gap between buildings and it contributes to the relatively spacious feel and the semi-rural character of the local area. Existing trees, the frontage hedgerow and other vegetation on the site also visually soften the appearance of nearby buildings. For these reasons, I consider that the site adds to the character and appearance of the local area."
- "The proposal would extend the generally modest depth of ribbon development further along the highway within the countryside. In my opinion, any residential development would be likely to reach across a significant proportion of the site. Taken together with the access, parking areas and potential of associated domestic paraphernalia, the new development would have a significant visual presence, even accounting for the partial screening provided by vegetation to be retained and the planting of a new hedgerow to replace its existing counterpart along the highway frontage. As such, the appeal scheme would unduly erode the sense of openness and have a suburbanising effect on the semi-rural character of the site and surrounding area, to its detriment."
- "The appearance, scale, layout and landscaping of the proposal could, to some extent, mitigate the visual impact of the development. These are matters reserved for subsequent approval. However, the new dwelling(s) would occupy land that is free from built development and the presence of the development would likely to be conspicuous in the local street scene. To my mind, the appeal scheme would appear as a significant incursion of built development that would noticeably change and detract from the semi-rural character of the area notwithstanding detailed design considerations."
- "Therefore, I conclude on the second main issue that the proposed development would seriously harm the character and appearance of the local area. Accordingly, it conflicts with

LP Policy HL2, which states that housing development should be in keeping with the character of the locality."

Scale of development:

The application site falls to the northern end of an existing hamlet comprising a total of six dwellings separated from neighbouring development by the M55 motorway to the south and surrounded by wide expanses of open farmland to the east, north and west. Other development along the A585 (Fleetwood Road) is arranged in small, roadside pockets of a similar size which form a fragmented ribbon of development flanking this rural thoroughfare.

The proposed residential development of up to 19 dwellings would result in an expansion to the existing hamlet in the order of 317% and would introduce an overly intensive development of a suburban scale and size which would spoil the tranquil, rural character and setting of the site and would be unsympathetic to the scale and pattern of development in the locality. Therefore, the adverse impacts which would arise as a result of the development would significantly and demonstrably outweigh any benefits the scheme would deliver with respect to its contribution to the Borough's housing land supply. Accordingly, the proposal is not sustainable development and is contrary to the requirements of Fylde Borough Local Plan policies SP2, EP11 and HL2, and the National Planning Policy Framework.

Developer contributions:

Policy H4 of the Emerging Local Plan requires that affordable housing is delivered in respect of all schemes of more than 10 homes. In addition, FBLP policy TREC17 requires new residential developments to make satisfactory provision for recreational open space and policy CF2 secures contributions from development where there may be shortfalls in education provision.

These issues are now explored in more detail below.

Open space:

FBLP policy TREC 17 states that, within new housing developments, the provision of amenity open space (including facilities for children's play where appropriate).

The policy clarifies that, where the above standards would require the provision of open space of less than 0.2 ha (2000 square metres) or where, for other reasons, it is agreed between the developer and the council that the open space would be better provided off site, payment of a commuted sum will be sought to help provide additional or improved open space or other recreational facilities nearby where the benefits would serve the occupiers of the new development.

As the application is in outline, bedroom numbers are unknown at this stage. It is, however, apparent from the indicative masterplan that the developer intends to deliver open space on the site through the provision of a parcel to the northern end of the site. Therefore, the illustrative layout demonstrates that public open space is capable of being delivered on site in accordance with the requirements of FBLP policy TREC17 with this being a matter that could be secured through a planning condition along with its maintenance.

Affordable housing:

The third bullet point to paragraph 50 of the NPPF indicates that, in order to widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

• Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Policy H4 of the FLP requires all market housing schemes of more than 10 dwellings to provide 30% affordable housing on site. Therefore, the proposed development for up to 19 dwellings would generate a requirement for up to 6 properties on the site to be offered as affordable homes.

The indicative masterplan suggests that up to 6 of the proposed dwellings would be offered as affordable homes, however the developer has failed to submit any planning obligation in order to secure this provision. As a suitable mechanism has not been secured to make provision for affordable housing, the proposed development is in conflict with the requirements of policy H4 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Education:

Policy CF2 of the FBLP states that the Council will negotiate agreements with developers, through planning obligation, to ensure the provision of additional primary and secondary school places which will be needed as a result of new housing development in the Borough.

LCC have identified that there is a shortfall of primary and secondary education provision in the area to meet the needs of children that are expected to be yielded from a development in this location. They also refer to seven primary schools located within 2 miles of the development site and one secondary school within 3 miles. Based upon the 2014 pupil census and resulting projections, LCC estimate that the development will generate a pupil yield of 4 primary school places and 2 secondary school places. As the application is outline (and, accordingly, bedroom numbers are unknown at this stage), this is based on an indicative bedroom mix put forward by the applicant.

If applying the pupil yield assumed by LCC against current charges, the development would be required to make a financial contribution towards the delivery of new 4 primary school places totalling £53,898.12 and £40,607.18 towards 2 new secondary school places. This financial contribution would need to be secured though a planning obligation. The developer has failed to submit any such planning obligation and, in the absence of a suitable mechanism to make adequate provision for new school places, is in conflict with the requirements of FBLP policy CF2 and the NPPF.

Other Matters:

Highways:

Access into the site is proposed from Fleetwood Old Road – a lightly trafficked cul-de-sac which merges with the A585 at a junction further to the north of the site. A number of off-site highway improvements to both Fleetwood Old Road and the A585 are proposed as part of the scheme. LCC have not made comment on this application but did not raise any objections to the earlier

application on the basis of its impact on the highway of Fleetwood Old Road. A new footway would be provided along the eastern flank of this road where it shares a boundary with the site and the LHA are satisfied that appropriate visibility can be achieved at the junction of the site access with Fleetwood Old Road. Conditions are recommended in order to secure the works to the footway, the provision of adequate visibility splays and wheel washing facilities for construction vehicles.

Highways England have highlighted a number of issues with respect to the access strategy and highway improvements proposed at the junction of Fleetwood Old Road onto the A585. Highways England concluded that "[they] cannot agree to the proposed junction improvement scheme. The applicant has not demonstrated an adequate level of risk assessment in relation to the proposed outline design layout to substantiate why this provides a safe option for both motorised and non-motorised users". In spite of this, the formal consultation response from Highways England recommends that planning permission can be granted subject to conditions, one of which requires the submission of an alternative scheme for off-site highway improvements to address the concerns raised by Highways England and requires any such scheme to be subject to a Non Motorised User and Stage 1 Road Safety Audit. However, the response identifies that "whilst an acceptable solution may be feasible in engineering terms, such a solution could well be beyond the resources of what could be delivered in relation to what is a relatively small development". It is also noted that the submitted access strategy which is before the Council does not reflect the requirements for off-site improvements to the A585 suggested by Highways England and, accordingly, any planning condition would require some fundamental revisions to the scope of works currently proposed – mostly notably with respect to the location of the northbound and southbound bus stops adjacent to the junction.

Highways England have indicated that the access strategy at the junction of Fleetwood Old Road and the A585 as currently proposed has the potential to cause detriment to highway safety and consider that amendments to the current highway improvement scheme on the A585 are required in order to make this safe. Nevertheless, Highways England have not objected to the application on these grounds and, instead, consider that the necessary revisions to the access strategy could be secured by condition. Some of the revisions requested by Highways England are straightforward engineering solutions which are capable of being addressed at detailed design stage and it would be appropriate to impose a planning condition to cover these elements.

The issues relating to the relocation of bus stops (or, alternatively, the creation of laybys in their present locations) would require more fundamental changes to the access strategy and, as identified by Highways England, the cost implications of these works have the potential to compromise the viability of the scheme. With respect to this point, it is noted that buses passing the site do so only at hourly intervals and, accordingly, any conflicts between vehicles exiting the junction and stationary buses waiting at the stops adjacent to (northbound) and opposite (southbound) the junction would occur with very limited frequency. Whilst it is correct for the applicant to investigate the potential for relocating the existing bus stops (this representing the optimum access scenario) and to undertake the appropriate motorised and non-motorised road safety audits in order to demonstrate that the access onto the A585 can operate safely, given the very limited frequency of buses waiting at these stops, it is not considered that the similarly limited conflicts which could arise between vehicle traffic from the development and buses stopping on the A585 would, in itself, result in a severe impact on highway safety which would warrant refusal of the application. Appropriate planning conditions could be imposed requiring the applicant to submit an alternative scheme for off-site highway improvements on the A585 and to undertake the necessary road safety audits in order to demonstrate that a safe means of access can be achieved. Accordingly, the proposal is not considered to be in conflict with the requirements of FBLP policy HL2 or paragraph 32 of the NPPF.

Agricultural Land:

The site is designated as grade 3 agricultural land on the Agricultural Land Classification Map. This designation does not distinguish between the subcategories of grade 3a and 3b and, accordingly, it is unknown whether the site is the best and most versatile agricultural land for the purposes of FBLP policy EP22 and paragraph 112 of the NPPF. Nevertheless, given that approximately half the site is covered in buildings/hard standing and that its small size and shape prevent any viable agricultural use, it is not considered that any significant loss of agricultural land would arise in this case which could be considered to weigh against the development.

Noise:

The site is located in close proximity to the M55 motorway and the busy thoroughfare of the A585 (Fleetwood Road). The applicant has submitted an acoustic assessment which concludes that noise from passing road traffic can be adequately attenuated through the implementation of the following mitigation measures:

- Fitting standard double glazed window units with trickle ventilators to achieve a minimum attenuation of 7dB(A) to the habitable room windows of dwellings facing the M55 and A585.
- A 2m close-boarded fence is erected along the boundary with the A585 covering the plots to the north of the site.

Whilst details of layout and landscaping (which includes boundary treatments) are matters reserved for later consideration, it is apparent that satisfactory measures can be put in place to ensure that future occupiers would not suffer unacceptable noise and disturbance as a result of surrounding uses in accordance with the requirements of FBLP policies HL2 and EP27. These measures could be secured through planning condition.

Ecology:

An ecology assessment has been submitted in support of the application. This includes a bat survey which identifies that one of the buildings on the site (a red brick barn with a concrete tiled roof) was found to contain a number of bats.

In circumstances where development has the potential to harm a European Protected Species identified in the Habitats Directive (92/43/EEC), the Local Planning Authority has a duty to consider the likelihood of a licence being granted for the carrying out of those operations in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 ('the Regulations'). This assessment is made through the application of three derogation tests as set out in 53(2)(e) and 53(9) of the Regulations. The Local Planning Authority should only grant permission where it is satisfied that the development is capable of meeting the following tests:

- That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- That there is "no satisfactory alternative";
- That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

GMEU were consulted on the previous application (ref: 15/0829) who commented on the survey techniques and mitigation measures outlined in the ecology report. GMEU concluded that, aside from the building containing the bat roosts and the native species hedgerows and woodland to the

perimeter of the site, the remainder of the land has limited ecological value. The development would, however, result in the loss of a maternity roost in one of the buildings to be demolished as part of the scheme. Therefore, a licence would be required from Natural England before any development could take place and the requirements of the three derogation tests must be satisfied before any planning permission could be granted. The implications of the three derogation tests are considered in turn below in order to demonstrate that ecological matters have been properly considered as part of the application, and that refusal of the application is not considered to be warranted on these grounds.

(i) That the development is in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment:

The development is not in the interest of public health and safety. However, the delivery of housing in the borough is in the public interest in social and economic terms with respect to ensuring the implementation of the Council's Local Plan and its commitment to delivering an adequate supply of deliverable and developable housing sites, particularly in the absence of a five year supply. Therefore, the first test is satisfied.

(ii) That there is no satisfactory alternative:

The proposed development relies on the demolition of the building within which a roost has been identified. As the only alternative would be to 'do nothing', there is no satisfactory alternative and the second test is satisfied.

(iii) That the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

GMEU have provided specialist ecology support with respect to this test. A mitigation strategy is outlined in Appendix 1 of the ecology report. This includes a method statement to support an application for a European Protected Species Licence. It is considered that appropriate measures can be put in place through the imposition of planning conditions to ensure that the development would not affect the favourable conservation status of specially protected species. Accordingly, there is no conflict with the requirements of FBLP policy EP19 or the NPPF in this regard, and satisfactory evidence has been provided to demonstrate that the three derogation tests in the Conservation of Habitats and Species Regulations 2010 are satisfied.

Flooding and drainage:

The site falls entirely within flood zone 1 as defined on the Environment Agency's Flood Map. However, as it is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application. The FRA considers the site's risk of flooding from eight separate sources and concludes that the risk from all sources is low. The FRA is also accompanied by an indicative drainage strategy which states that:

- Surface water from the development will be held in an attenuation tank beneath the open space to the northern end of the site and will discharge via a new outfall into Medlar Brook which runs to the east of the site. Attenuation tank will be appropriately sized to deal with the 1 in 30 year and 1 in 100 year storm events, plus a 30% allowance for climate change.
- Foul water will discharge to a sewage treatment plant located beneath the open space to the northern end of the site and the effluent discharged to Medlar Brook via the new surface water

outfall. The treatment plant is able to cater for a daily flow of 30,000 litres (sufficient to serve 30 properties) and will be offered for adoption to United Utilities.

The LLFA, Highways England and United Utilities have been consulted on the application. The LLFA and Highways England consider that permission could be granted subject to conditions for the detailed design and future maintenance of the drainage system.

The development is of a type which is permissible in flood zone 1 in accordance with the vulnerability classifications set out in the NPPG and the indicative surface and foul water drainage strategy has demonstrated that adequate measures can be put in place to ensure that the development is not itself at an unacceptable risk of flooding, nor would it increase flood risk elsewhere. Accordingly, the proposal is not in conflict with the requirements of FBLP policies EP25 and EP30, or the National Planning Policy Framework.

Damage to neighbouring property

An issue raised from the representation received was the potential for damage to neighbouring properties during construction. Whilst this is a legitimate concern it is nevertheless not a material planning consideration and is a private matter between the relevant parties should such an issue arise. It therefore forms no part of this assessment.

Conclusions

The application site is a farm that lies immediately to the north of the M55 junction heading towards Greenhalgh, with the site excluding the farm house, but including the other farmstead buildings and an area of land around them that is defined by Fleetwood Road and Fleetwood Old Road. The site lies in the countryside as defined by Policy SP2 of the Fylde Borough Local Plan.

The application seeks outline planning permission for the erection of up to 19 dwellings with access applied for and other matters reserved. It follows an application that was for 23 dwellings on a larger site and was refused under delegated powers last year.

The proposed development would occupy a remote, rural location which lies a significant distance away from the closest recognised settlement in the FBLP. Resultantly, the site would be isolated and inaccessible in relation to local shops, employment and other community services, and future occupiers would be heavily reliant on journeys by private car. This reliance on car-borne journeys would be exacerbated by the limited frequency of public transport services to the site and the lack of facilities which are accessible on foot. Accordingly, the development would result in the provision of isolated homes in the countryside in an unsustainable location.

The revised scheme, proposing a reduced number of dwellings and an indicative landscaping scheme seeks to address the previous concerns over the impact to the existing open greenspace. This proposed development, whilst not resulting in the same substantial encroachment into the open countryside as previously proposed in application 15/0829, would still diminish the site's contribution to visual amenity in the surrounding landscape. This impact would be exacerbated through the loss of several roadside trees on Fleetwood Old Road which are protected by TPO. The proposed development would occupy a triangular parcel of land to the north of an existing hamlet comprising six dwellings. Accordingly, the development would result in an increase to the size of the hamlet in the order of 317% and would introduce an overly intensive development of a suburban scale and size which would spoil the tranquil, rural character and setting of the site and would be unsympathetic to the scale and pattern of development in the locality.

The proposed development is required to make contributions towards the delivery of affordable housing on the site and a financial contribution off-site towards the provision of new Primary and Secondary education places. The applicant has failed to put any mechanism in place (e.g. a planning obligation) to secure these contributions.

The Council is presently unable to demonstrate a 5 year supply of housing land. Accordingly, FBLP policy SP2 is out-of-date and paragraph 49 of the NPPF is engaged. Nevertheless, the benefits which would arise as part of the development with respect to boosting the Borough's supply of housing land would be significantly and demonstrably outweighed by the harm the development would cause by virtue of its unsustainable location and the harm it would cause to the character and appearance of the area in visual and landscape terms. Additional harm arises in this case as the applicant has failed to put a suitable mechanism in place to secure contributions towards affordable housing and education required to mitigate its impact. Whilst issues relating to highways, ecology, noise, contamination, flooding and drainage can be adequately dealt with through planning condition, this does not overcome the other harm which has been identified. Accordingly, the proposal does not constitute sustainable development and is in conflict with the requirements of the FBLP, the FLP to 2032 and the NPPF.

Recommendation

That Planning Permission be REFUSED for the following reasons:

- 1. The site occupies a remote, rural location within the Countryside Area which lies outside of, and a substantial distance (over 2km) from, the closest recognised settlement as defined in Fylde Borough Local Plan policy SP1 (Kirkham and Wesham). The proposed development would occupy an isolated location which lacks accessibility to shops, schools, employment and other community facilities nearby. Therefore, future occupiers of the development would be heavily reliant on journeys by private car in order to access the majority of services. This reliance on car-borne journeys would be exacerbated by the limited frequency of public transport services to the site and the scarcity of facilities accessible on foot (due to both walking distances and the undesirable nature of pedestrian routes to the closest available facilities). The proposed development is not in a location which is accessible to a range of services by sustainable means and the adverse impacts which would arise from it would significantly and demonstrably outweigh any benefits the scheme would deliver with respect to its contribution to the Borough's housing land supply. Accordingly, the proposal is not sustainable development and is contrary to the requirements of Fylde Borough Local Plan policy HL2, and the aims of Policy GD1 of the Fylde Local Plan to 2032 (Publication Version) which promotes settlement locations for new developments, and the National Planning Policy Framework.
- 2. The site occupies a roadside location within the open countryside which is prominently in view from vantage points along the A585 (Fleetwood Road), particularly as this highway is elevated in relation to the site. The northern parcel of the site comprises a triangular area of open green space bounded by trees and hedgerows to its perimeter and provides an attractive green buffer adjacent to the junction of Fleetwood Old Road and the A585. Accordingly, this land parcel makes a substantial contribution to the site's rural character and its countryside setting, with its open aspect also providing expansive views towards open farmland beyond. The development would have a harmful urbanising effect due to a loss of openness, erosion of rural character and a diminution of the site's contribution to visual amenity in the surrounding landscape. This impact cannot be adequately mitigated through the introduction of landscaping and would be exacerbated through the loss of several roadside trees along Fleetwood Old Road which form prominent landscape features and are protected by Tree Preservation Order. Therefore, the adverse impacts which would arise as a result of the development would significantly and demonstrably outweigh any benefits the scheme would deliver with respect to its contribution to

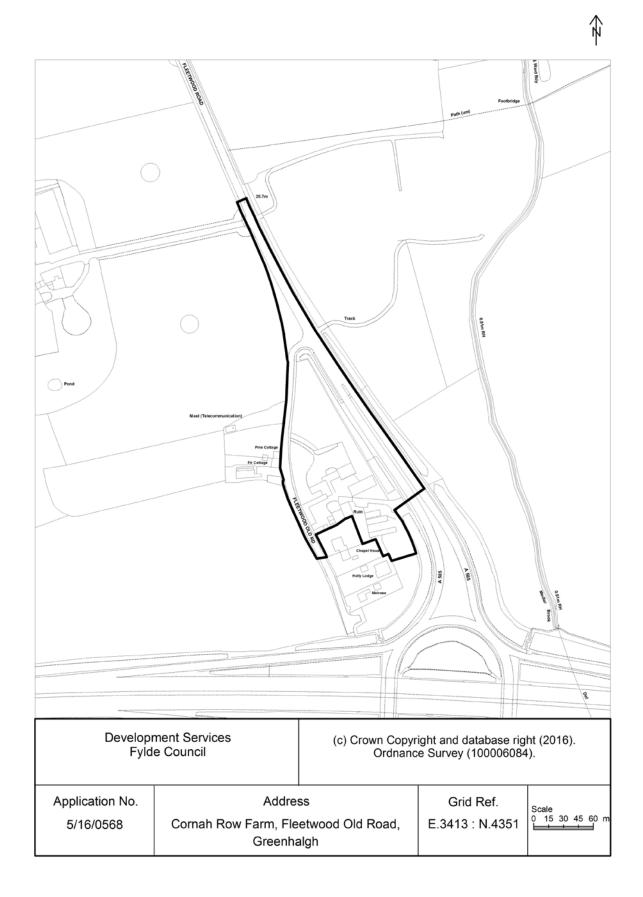
the Borough's housing land supply. Accordingly, the proposal is not sustainable development and is contrary to the requirements of Policies SP2, EP11, EP12 and HL2 of the Fylde Borough Local Plan, criteria a, c, g, h and j of Policy GD7 of the Fylde Local Plan to 2032 (Publication Version), and the National Planning Policy Framework.

- 3. The site lies to the north of an existing hamlet comprising a group of six dwellings falling within the Countryside Area as defined on the Fylde Borough Local Plan Proposals Map. This hamlet is separated from neighbouring development by the M55 motorway to the south and is surrounded by wide expanses of open farmland to the east, north and west. Other development along the A585 (Fleetwood Road) is arranged in small, roadside pockets of a similar size which form a fragmented ribbon of development flanking this rural thoroughfare. The proposed residential development of up to 19 dwellings would result in an expansion to the existing hamlet in the order of 317% and would introduce an overly intensive development of a suburban scale and size which would spoil the tranquil, rural character and setting of the site and would be unsympathetic to the scale and pattern of development in the locality. Therefore, the adverse impacts which would arise as a result of the development would significantly and demonstrably outweigh any benefits the scheme would deliver with respect to its contribution to the Borough's housing land supply. Accordingly, the proposal is not sustainable development and is contrary to the requirements of Policies SP2, EP11 and HL2 Fylde Borough Local Plan, criteria a, c, g, h and j of Policy GD7 of the Fylde Local Plan to 2032 (Publication Version), and the National Planning Policy Framework.
- 4. The proposed development is required to make contributions towards the delivery of affordable housing on the site and a financial contribution off-site towards the provision of new Primary and Secondary education places. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Policy CF2 of the Fylde Borough Local Plan, Policy H4 of the Fylde Local Plan to 2032, the Community Infrastructure Levy Regulations 2010 (as amended), and the National Planning Policy Framework.

Informative notes

- 1. For the avoidance of doubt, this decision considered to the following plans/reports:
 - Location Plan Graham Anthony Associates Drawing GA2027-LP-01
 - Topographical Plan Graham Anthony Associates Drawing GA2027-TP-01
 - Proposed Site Plan Graham Anthony Associates Drawing GA2027-PSP-01-D
 - Accessibility Plan Graham Anthony Associates Drawing GA2027-AP-01
 - Tree Survey and Arboricultural Impact Assessment Richard Eaves RE4043 Issue 3 June 2016
 - Tree Protection Plan Richard Eaves Drawing 4043-02 Rev B
 - Tree Constraints Plan Richard Eaves Drawing 4043-01
 - Visual Impact Assessment Richard Eaves RE4043 Issue 2 June 2016
 - Landscape Master plan Richard Eaves Drawing 4043-03 Rev A
 - Supporting Planning Design and Access Statement by Graham Anthony Associates ref GA2027-Re-Sub
 - Phase One Contaminated Land Desk Study Report Martin Environmental Solutions October 2015
 - Transport Statement SCP Doc Ref: SE/15837/TS/5 November 2015
 - Flood Risk Assessment and Drainage Strategy CTC Infrastructure
 - Ecological Appraisal Envirotech reference 2925 version 2
 - Acoustic Assessment Martin Environmental Solutions October 2015
- 2. Where appropriate the council will seek to engage with applicants to resolve concerns over development proposals either before the application is submitted as promoted by para 188 of

NPPF, or during the consideration of the application as promoted by para 187 of the NPPF. However, in some circumstances it will not be possible to resolve these concerns and so a refusal of the application is necessary due to the environmental / social / economic harm that will be caused by the development as identified in the reasons for refusal. In these circumstances an application is refused to enable the overall speed and quality of the council's decisions to be maintained.



Item Number: 8

Committee Date: 12 October 2016

Application Reference:	16/0570	Type of Application:	Full Planning Permission
Applicant:	Mr Patterson	Agent :	Gary Hoerty Associates
Location:	WITH PREESE	VESTFIELD COTTAGE, MY	,
Proposal:	BALE STORAGE	STORAGE BUILDING WITH	
Parish:		Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Ruth Thow
Reason for Delay:	Need to report at Comm	ittee	

If viewing online this is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.8015659,-2.9455229,343m/data=!3m1!1e3?hl=en

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is currently a greenfield area of land located adjacent to Mythop Road between Weeton and Staining at the point where that road rises over the railway line. It forms part of a larger field that is in agricultural use and allocated as Countryside in the Fylde Borough Local Plan. Planning permission was sought and granted by Members under application no. 16/0233 for a building on the site to be used as a sheep dairy associated with a recently established agricultural enterprise.

This application is for further development of the site for a building to store machinery, equipment, bales, sheep feed and other associated equipment ancillary to the operation of the sheep dairy business and farming of the surrounding land.

The proposed building is for an agricultural use, in a countryside location and as such is acceptable in principle subject to the building being appropriately designed and located.

Application 16/0233 was submitted with a landscaping scheme to soften the impact of that development in the rural landscape. The proposed siting of this building is such that it would be partially screened from the highway by the building approved under 16/0233, the landscaping scheme agreed for that building, and in part by the embankment of the railway line. As such it is considered to be appropriately located, and is of a design consistent with an agricultural use.

In the absence of any other material considerations contrary to the development the proposal is recommended for approval.

Reason for Reporting to Committee

This application is on the agenda as the Parish Council views are contrary to those of the officer and under the council's scheme of delegation such applications are to be determined by the Development Management Committee.

Site Description and Location

The application site is land of Mythop Road, Weeton. In particular the application refers to a parcel of land of 0.33 Ha located to the south east of 'Westfield Cottage' and parallel to the railway line. The site is open agricultural land on a sloping site with land levels lower than the adjacent railway line and Mythop Road.

The site is allocated as countryside in the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for the erection of an agricultural building for use as a storage building for feed and equipment in association with the recently approved building for a new sheep dairy business. The proposed building measures 30.48 metres in length by 18.28 metres in width, designed with a pitched roof with an eaves height of 6.09 metres and an overall ridge height 8.5 metres.

The building is to be constructed with concrete panels and 'Yorkshire' boarding to the elevations on the south, east and west sides and is open fronted to the north elevation with 10 no. GRP translucent sky lights.

The building sits on a concrete apron 9.14 metres deep surrounding the building, set to the rear of the building approved under 16/0233 by 18.28 metres.

Relevant Planning History

Application No.	Development	Decision	Date
16/0603	CONSULTATION ON COUNTY MATTER APPLICATION LCC/2016/0060 - CONSTRUCTION OF EARTH BUNDED LAGOON TO STORE DIGESTATE FROM ANAEROBIC DIGESTER PLANT AT STANLEY VILLA FARM	Raise No Objection	26/08/2016
16/0539	APPLICATION FOR PRIOR NOTIFICATION FOR AGRICULTURAL BUILDING FOR BALE STORAGE	Withdrawn by Applicant	01/08/2016
16/0233	ERECTION OF AGRICULTURAL BUILDING FOR SHEEP DAIRY	Granted	29/06/2016
15/0790	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING WITH ASSOCIATED HARDSTANDING AREA AND ACCESS TRACK	Withdrawn by Applicant	19/02/2016
15/0715	CONSULTATION ON COUNTY MATTER APPLICATION LCC/2015/0100 - CONSTRUCTION OF EARTH BUNDED LAGOON TO STORE DIGESTATE FROM ANAEROBIC DIGESTER PLANT	Raise Objections	04/02/2016
15/0598	CONSTRUCTION OF EARTH BUNDED LAGOON TO STORE DIGESTATE FROM ANAEROBIC DIGESTER PLANT AT STANLEY VILLA FARM	Withdrawn by Applicant	23/09/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 03 August 2016 and comment:

"Parish Council recommends refusal for the following reasons:-

Access is sited between a blind bend and hump-back bridge on an already hazardous corner. With on-coming traffic travelling at a much greater speed the Parish Council consider this extremely dangerous and unsuitable.

Why is planning permission not being sought at the originating site of Stanley Villa, Back Lane, Weeton?"

Statutory Consultees and Observations of Other Interested Parties

National Air Traffic Services

No safeguarding objections to the proposal.

Lancashire County Council - Highway Authority

No highway objections.

Network Rail

They have reviewed the application and note that it is within 10m of the operational railway boundary. They do not raise objection to the application, but highlight the following safety and operational issues:

- A BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail to agree how they are to ensure that the development is undertaken without compromising railway safety.
- The developer is to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway.
- The developer/applicant must ensure that their proposal, both during construction, after completion of works on site and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway / Network Rail land and infrastructure.
- Scaffolding associated with construction must not impact on the railway
- Network Rail will need to review all excavation and earthworks within 10m of the railway boundary to determine if the works might impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway.

These matters can be addressed by conditions and notes to any planning permission.

Lancashire Archaeological Advisory Service.

"We have noted the above planning application on the weekly lists and looked at its details on your website. The application site lies immediately to the east of the supposed line of a Roman road, known as the 'Danes's Pad', running from Kirkham to the Skippool area and in an area where a number of finds of prehistoric tools have been recovered in the 19th and 20th centuries.

We cannot find any trace of any comments having been made on the other planning applications on this site noted in the supporting statement, particularly 16/0233, which was permitted earlier this year. As such we feel that it would be inappropriate for us to ask for archaeological work as part of this application. We would, however wish to place a 'marker' at this point so that both yourselves and the applicants are aware of the archaeological interest in the area and that should any further applications be submitted that we would be likely to recommend that a scheme of archaeological work be undertaken."

Neighbour Observations

Neighbours notified:	03 August 2016
Site Notice Date:	12 August 2016
Number of Responses	None received

Relevant Planning Policy

Fylde	Borough	Local	Plan:
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SP02	Development in countryside areas
EP11	Building design & landscape character

Fylde Local Plan to 2032:

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

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

The application

This application seeks permission to erect a new agricultural building for the purposes of storage of equipment and feed in association with a new agricultural use of the site, recently approved, for a sheep dairy for the milking of the sheep.

Policies

As the application proposes development in the countryside Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) are relevant together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) being a material consideration.

The need and principle of development

Policy SP2 is relevant to this application given its countryside location. This is a generally restrictive policy that looks to preserve the rural nature of the borough. One of the exceptions to this restriction is development that is justified on agricultural need, providing that it is associated with the continuation of an existing operation and does not harm the character of the surrounding countryside.

The NPPF at Chapter 3 requires that planning policies should support economic growth in rural areas and to promote the development and diversification of agriculture and other land based rural businesses.

The application land is owned by Mr Colin Bradley in association with Stanley Villa Farm. The applicant, who works for the owner, has been granted a 5 year farm business tenancy on the land upon which he is in the process of establishing a sheep dairy enterprise on the site and purchased 190 sheep in August 2015. These sheep have all now lambed and are being milked at a farm in Cockerham, Lancaster. Once the building approved under application 16/0233 has been built the sheep will be moved to the application site.

The applicant has been offered a milk contract for the amount of sheep he currently owns and if his flock is increased, which is the intention, the current buyer of the milk is interested in taking the extra milk.

The additional building will allow the applicant space to store straw for bedding for the sheep, feed stock of pellets, and an area for silage storage to the east side of the proposed building.

Whilst the building is required for a new enterprise, the business has been well researched, with appropriate contracts in place. Taking this into account, it is considered that the building is essentially required to provide the necessary facilities to allow the enterprise to function well.

In view of the above it is considered that the proposal is justified in principle and complies with the requirements of Policy SP2 of the local plan in regard to need.

Impact on visual amenity

The proposed building is slightly higher than the previously approved building however, it is proposed to be sited behind this building and parallel to the railway embankment and so will be partially screened by these elements, and with the proposed landscaping will integrate into its surroundings.

The design of the building is typical of many others in the borough with concrete side panels and 'Yorkshire boarding' under grey fibre cement roof panels and has been designed for its intended purpose.

The Parish Council have queried why the building is sited here and not at Stanley Villa where the owners main operations are based. As previously reported the applicant has a lease on the land to operate a new enterprise not connected to the potato business and other operations undertaken at Stanley Villa hence the need for a new site. As permission has been granted for the sheep dairy building here it is logical that this storage building is sited alongside the dairy.

The proposal is considered acceptable with regards to visual amenity and will not result in any undue detriment to the character of the countryside.

Impact on neighbours

This application follows an earlier application for an agricultural building on this field. The current proposal locates the agricultural building approximately 160 metres from the boundary with the neighbours at 'Westfield'. Due to the distance of the building to the neighbours, it is considered that the proposed building will not result in a detrimental impact for the occupiers of this dwelling in regards to loss of light or privacy.

As a result it is considered that the development is acceptable with regard to nearby neighbours.

Access and highway issues

It is intended that access to the new building will be via the existing access from the highway to the field and will be hard surfaced.

Concerns over road safety have been raised by Weeton Parish Council. However, as with the previously application LCC Highway Engineers have been consulted in regards to the proposal and have not objected the development on highway safety grounds. The site has a long-established access point on the outside of the road bend that offers suitable visibility and complies with Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005) in this respect.

Other matters

The plans submitted with the application also indicate a slurry lagoon this is currently an application being considered by Lancashire County Council. The local planning authority has been consulted on this and an earlier application. Initially objections were raised in regards to the proposal on the basis of the impact of the development on the amenity of neighbours and its impact on the visual amenity. However, the revised scheme has re-located the lagoon to its position as shown on the plans submitted with this application and the LPA have not objected.

Conclusions

Taking the above matters into account it is considered that the proposed development supports the rural economy and will have no impact for neighbours and limited impact on the visual amenity and character of the area, particularly given the previous approval for a building on this site.

The proposal is therefore considered to comply with the requirements of Policies SP2, and EP11 of the Fylde Borough Local Plan, as altered (October 2005), in respect of the agricultural need for the development and is supported by the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development it is supported and recommended

for approval subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

Approved plans:

- Location Plan drawing no. Bra/635/2138/02
- Proposed floor and elevation plans drawing no. Bra/635/2138/01

Supporting Reports:

• Planning and design and access statement - Gary Hoerty Associates August 2016

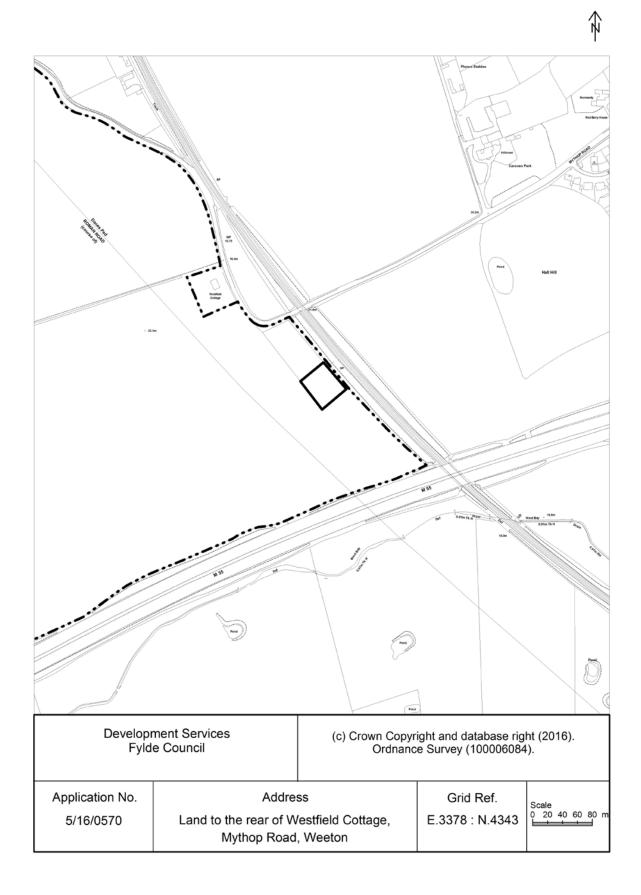
Reason: For the avoidance of doubt and as agreed with the applicant / agent.

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.

In the interests of visual amenity.

4. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in tarmacadam, concrete, block paviours, or other approved materials.

To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.



Item Number: 9

Committee Date: 12 October 2016

Application Reference:	16/0604	Type of Application:	Full Planning Permission
Applicant:	Woodys Group	Agent :	Eastham Design Associates Ltd
Location:	STILE FIELD FARMSTO	RE, KIRKHAM ROAD, NORT	TH OF BYPASS,
	FRECKLETON, PRESTO	N, PR4 1HY	
Proposal:	ERECTION OF EXTERNAL	RACKING FOR THE STORAGE	AND DISPLAY OF BUILDING
	MATERIALS AND ASSOCI	ATED PRODUCTS	
Parish:	FRECKLETON EAST	Area Team:	Area Team 1
Weeks on Hand:	9	Case Officer:	Andrew Stell
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/@53.7704744,-2.8754492,343m/data=!3m1!1e3?hl=en

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is Woodys Warehouse which is an established building product and agricultural suppliers located on Kirkham Road between Kirkham and Freckleton. The site and surrounding area are located in the green belt which is designed to restrict development of the area to prevent these two settlements from merging.

The application is partly retrospective and relates to the erection of two sets of racking to the frontage of the site that are intended to be used for the storage and display of products on pallets. The racking has been erected, but this proposal is that the existing racking be reduced in height and length and that the rear elevation be clad in Yorkshire boarding to reduce its visual impact.

Government guidance and local plan policies on development within green belts is aimed at restricting development that could harm the open character of these areas. However para 89 of the NPPF does allow for limited infilling of brownfield sites where the impact of the development is such that it does not harm the openness of the green belt.

The racking is relatively large and exposed at the front of the site, but is clearly within a previously developed part of the site, and with the modifications proposed in this application it is considered that it would not be unduly harmful to the openness of the green belt or the visual amenity of the area. The proposal will also help support the business operations at the site and the contribution they make to the local rural economy though the supply of products to a range of agricultural and other local enterprises.

There are no other matters raised by the development that would prevent its approval and so as it is in accordance with NPPF guidance in para 89 it is recommended for approval subject to conditions to ensure the proposed modifications are undertaken and to appropriately control its use.

Reason for Reporting to Committee

The officer recommendation for approval is in conflict with the views of the Parish Council and so the Scheme of Delegation requires that the application is determined at Committee.

Site Description and Location

The application site is an existing well-established builders merchants located in the green belt between Freckleton and Kirkham and accessed off Kirkham Road which connects those two settlements.

The site contains two detached buildings located to the rear of the site with one used as the small goods retail area and counter/office and the other for the storage of larger goods. There is a yard area to the front that is used for a mixture of parking and the display/storage of goods and has recently seen the erection of the racking that is the subject of this application.

The surrounding land uses are mixed with agricultural fields to the east, grazing lands associated with Kirkham Prison to the north and residential properties to the western side and across Kirkham Rd to the south. There are other residential properties in the wider area including across the field to the eastern side.

Details of Proposal

The applicant erected two sets of racking to the site frontage in March 2016 under the belief that these would not require planning permission. That is not the case and this application seeks retrospective planning permission for the racking albeit in a modified form to that which currently exists on site.

The revised racking would retain two rows. One runs alongside the access route and has a length of 22m x 1m wide x 3.5m high. The racking supports shelves internally which allow for the stacking of pallets of bricks, compost, agricultural equipment, etc. with a height to accommodate 3 pallets. The proposal is that the rear elevation of this (facing the access track and approaches to the site from the east) would be clad in timber boarding with a natural grey finish and blue corner pieces to reflect a more typical rural building in appearance. The other row is located more centrally on the frontage and is double sided with a length of 28.4m, width of 2m and height of 4m so is capable of storing 4 pallets in height.

The application is supported with a planning statement that refers to the planning history of the site, its brownfield nature, and the benefits that it brings to the Woodys Warehouse operation, and the benefits that that business contributes to the local economy. Reference is made to para 89 of the NPPF with the statement arguing that the modifications to the racking will provide an improved visual appearance, and so be consistent with planning policy.

Relevant Planning History

Application No.	Development	Decision	Date
09/0195	CHANGE OF USE FROM AGRICULTURAL LAND	Granted	10/06/2009
09/0191	TO RETAIL FORECOURT (USE CLASS A1) PROPOSED VEHICLE HARD STANDING AND	Granted	10/06/2009

TURNING AREA.		
PROPOSED VEHICULAR ACCESS TO SMALL	Granted	20/02/2008
HOLDING		
CERTIFICATE OF LAWFULNESS FOR RETAIL AND	Granted	02/10/2007
WHOLESALE OF AGRICULTURAL SUPPLIES,		
BUILDING MATERIALS AND PRODUCTS, A1 AND		
B8 USE		
	TURNING AREA. PROPOSED VEHICULAR ACCESS TO SMALL HOLDING CERTIFICATE OF LAWFULNESS FOR RETAIL AND WHOLESALE OF AGRICULTURAL SUPPLIES, BUILDING MATERIALS AND PRODUCTS, A1 AND B8 USE	PROPOSED VEHICULAR ACCESS TO SMALL Granted HOLDING CERTIFICATE OF LAWFULNESS FOR RETAIL AND Granted WHOLESALE OF AGRICULTURAL SUPPLIES, BUILDING MATERIALS AND PRODUCTS, A1 AND

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

Freckleton Parish Council notified on 11 August 2016 and comment:

"The Parish Council objects to this application for the following reasons:-

- 1. The new external Racking structure, for the storage and display of building materials, is too high and contravenes the conditions set out in Planning application 09/0195. In addition it has a visual impact on the residential properties that overlook the site.
- 2. The proposed Yorkshire boarding would be more detrimental visually and would be a further invitation to promote advertising resulting in a very large billboard and more of an eyesore.
- 3. This type of structure is in-appropriate for general area around the site, which is recognised as being a green belt area.
- 4. The Parish Council would like to point out that the width of the road, at the entrance to this site, is too narrow to cope with the significant increase in the number of large articulated Lorries making deliveries, because of the increase in the different types of stock being stored at the site. When entering and leaving this site the Lorries have to mount the narrow kerb and this is a danger to children whilst walking to school and for mother with toddlers when passing with a pushchair or pram. In addition, these vehicles have caused damage to residents' fence and gate posts on the opposite side of the road. There is a designated industrial park, with vacant units less than half a mile away with better vehicular access.
- 5. The Parish Council supports the concerns raised by National Grid."

Statutory Consultees and Observations of Other Interested Parties

BAe Systems

Raise no objections to the proposal.

Ministry of Defence - Safeguarding

Raise no safeguarding objections to the proposal.

National Grid

They highlight the presence of apparatus in the vicinity and provide plans to indicate its location. This is an 'intermediate pressure pipeline' that has a building proximity distance of 3m. They then highlight the legislation relating to ensuring that works in the vicinity of such installations are undertaken with appropriate levels of safety.

Neighbour Observations

Neighbours notified: 11 August 2016 Site Notice Date: 15 August 2016 Number of Responses 5 **Summary of Comments** All comments received raise objection to the development, with the grounds of objection summarised as follows: The industrial appearance of the site is inappropriate in a rural area such as this The industrial appearance of the racking is harmful to the outlook of a number of neighbouring properties that face it. Photos are provided of the existing racking to indicate this. The stacking of equipment over 2m in height is in conflict with the regulations and permissions in place in this area The use of boarding to the rear elevation will be used to attach advertisements and so compound the eyesore There is an industrial estate nearby and it would be preferable • for the business to relocate to that suitable area rather than develop further here The racking will be used to store goods which will be accessed by fork lift truck which could cause a distraction to drivers, impact on highway safety, and cause noise concerns to neighbours. • Highlight that the site is green belt irrespective of whether it is brownfield as claimed by the application. Claims made in the supporting information are disputed The proposed alterations to the existing racking will not address the scale and visual impact concerns. The removal of hedging around the site some years ago made the site much more prominent and this is compounded by this proposal. Highlight the National Grid objection That the structures are built and so the submission of this application is too late and makes a mockery of the process and requesting resident views. Request that the application is determined consistently with applications for residential development on a nearby site which have been consistently refused. **Relevant Planning Policy** Fylde Borough Local Plan: SP03 Development in green belt EMP3 Business & industrial uses outside defined area EP11 Building design & landscape character

Fylde Local Plan to 2032:

EC2	Employment Opportunities
GD2	Green Belt

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) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Policy Background

The site is within the Green Belt as designated by Policy SP3 of the Fylde Borough Local Plan (as amended) 2005. This is the development plan in place across the borough, with Policy SP3 consistent with current guidance in para 89 of the NPPF regarding the development that is acceptable in green belt areas. Policy SP3 explains that most development is inappropriate so that the open character of green belt areas are preserved, with only limited exceptions to this allowed.

Policy EMP3 supports industrial development outside of rural areas subject to criteria including the access being appropriate, that there is no impact on neighbouring residential amenity, and that the scale is appropriate to the character and setting of the area.

Policy EP11 is relevant and requires that all new development in rural areas is of a high standard of design with the scale, features and building materials used in that development being reflective of the local vernacular

The Fylde Local Plan to 2032 will replace the Fylde Borough Local Plan as the development plan for the borough in due course. This Plan is therefore a material consideration of growing weight in the consideration of applications. It retains the green belt allocation of the site with Policy GD2 of that Plan guiding development in green belt areas and requiring that it complies with current national guidance for green belts.

Planning History of Site

The site has historically traded as a farm supply outlet. This was formalised following the submission of an application for a Lawful development Certificate in 2007 which provided sufficient evidence to demonstrate that this use had continued for the 10 years preceding that application. Accordingly the Certificate was granted and confirms that the use of the site for the 'wholesale and retail supply of agricultural supplies, building materials and products' is lawful. The site has continued to operate under that lawful use since that time as 'Woodys Warehouse'.

The only more recent application dates from 2009 when planning permission was granted to allow an extension of the extent of the front yard area by the incorporation of a strip measuring 8m in width to the western side of the original area was approved. That permission included conditions to limit the use of the area to form an extension to the storage, to limit the height of storage to 2.1m, and to maintain a hedge to the frontage to screen the site. This is referred to in resident and the Parish Council comments as though it imposes a height restriction over the whole site: it does not as it only applies to part of the site frontage and the racking is outside of that area.

Need for Planning Permission

The racking is of a scale that requires it to be attached to the ground through a series of bolts that connect it to a level concrete plinth that has been formed to support it. This ensures that it is a 'building' and so is development that requires planning permission. If it were to be free standing and supported simply by its own weight on the original ground level that would not be the case, and it is understood that this detail led to the applicant erecting the racking in the mistaken belief that planning permission would not be required.

Protection of Green Belt

The site is in the green belt and so it is necessary to examine the development against green belt planning policies in the current and emerging Local Plans. In both cases these reflect national guidance which explains (at para 79 of the NPPF) that the "fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Para 80 then explains that the five purposes of the green belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The assessment of applications in green belt areas is provided by para 89 which explains that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. A series of exceptions to this are then provided with the only one that could apply here being *"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."*

If this development is not considered to meet that exception then it is contrary to the NPPF guidance and local plan policies, unless it is accepted that there are other material considerations that outweigh the harm that is caused by inappropriate development in the green belt.

Visual Impact of Development

The site is readily visible from Kirkham Road, particularly when approaching from the east (i.e. from Kirkham) where the open field alongside the site allows clear views to be obtained over the roadside hedge. Prior to the erection of the racking the site had a relatively minor visual impact with the single storey office/retail building being the most visible element and set well back in the site, with the larger open fronted store set to the rear of that against a tree backdrop ensuring that had a limited visual impact.

The racking that has been erected on site changes that with the introduction of industrial style racking to a prominent location on the site frontage with its height, length and galvanised construction exacerbating the prominence in its rural setting. As it currently exists on site this visual impact is unduly harmful to the character of the area and the green belt.

The applicant has sought to reduce that impact through the reduction in the length of the racking by 6m from the site frontage, the reduction of the height by 600mm, and by the fitting of Yorkshire boarding style cladding to the rear elevation. These measures will reduce the scale of the racking that is viewed in this aspect, and will give it an appearance that is more in keeping with the surrounding rural area.

The structures are also visible from other aspects: there are glimpsed views when travelling on Kirkham Road from the west (i.e. from Freckleton) as it becomes visible beyond the adjacent dwelling and the trees in its garden, and there are views from the neighbouring dwellings around the site.

With regard to the first of these the views are relatively fleeting due to the position of the racking on the site and the screening provided by the dwelling at Freckleton Cottage and trees, and as a consequence it is considered that this impact is at an acceptable level.

A number of the surrounding neighbours have written to oppose the development on the basis of its appearance from their dwellings. This is effectively an argument based on the change to their view which is not in itself a planning consideration as it is of 'private' not 'public' interest. The racking is well separated from these properties and so will not cause any massing, over bearing or other such impacts.

The racking does have a visual impact, but with the alterations proposed it is considered that this visual impact will be reduced to an acceptable level. Policy EMP3 allows for employment development outside of defined areas and so applies here. This is supportive of such proposals providing thy do not impact on neighbour amenity and is acceptable in its design and scale. This scheme is considered to comply with those requirements. Policy EP11 goes further and requires that building materials reflect the local vernacular style, and with the proposed use of cladding to the visible elevation this will be satisfied.

Economic Benefits

The racking is to serve the existing and well-established Woodys Warehouse business. In their supporting statement the applicant refers to the costs that the business has incurred in the erection of the racking, the costs involved in its alteration and the economic benefits that its retention will bring to themselves and the local economy which they support through the supply of the products.

The NPPF refers to the need for the planning system to support the rural economy at para 28 where it encourages *"support [for] the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings"* The modifications proposed in this application as described earlier will ensure that the structure has an acceptable design, and it will clearly support the continued development of the Woodys Warehouse operation and so the elements of the local farming, building and other economic sectors that utilise its services.

The economic benefits of the increased scale and quality of display space at the site as is involved in this application is therefore a factor in favour of the development.

Overall Planning Balance

There is a fine balance to be struck with this application, with the visual impact of the structure and its impact on the open character of the green belt to be measured against the efforts proposed to mitigate that harm through reduction and alterations to the building, and the claimed economic

benefits of the scheme.

With regards to the green belt impacts it is necessary to examine if the proposal involves inappropriate development as defied in para 89, and if so whether it is harmful to the openness of the greenbelt, and then whether there are any 'very special circumstances' to outweigh that openness harm. In this case the site is clearly brownfield by virtue of the well-established commercial use undertaken, which includes the part of the site where the racking stands. It is also the case that the impact on the openness of the green belt is limited as the revised racking would be set against the backdrop of other development on the site from all aspects where it can be readily seen, with the consequence being that its impact on the openness of the green belt will not be materially greater than the position prior to its erection. As such it is considered that the proposal will comply with the final bullet point of para 89 and so is not inappropriate development in a green belt area.

Accordingly it is officer opinion that the proposal is acceptable subject to conditions that will require that the alteration works are undertaken promptly, that the use is limited to the display of goods for sale at this site only and only then within the structure rather than on its roof, and that the use remains associated with the existing business so that it continues to contribute positively to the local economy.

Access and Parking

The site has a single vehicle access point to Kirkham Road which is used by delivery, staff and customer vehicles. The racking is located alongside this access point but does not affect its location. Furthermore the racking is positioned so that a 5m wide driveway is retained which is adequate to allow two way movements of vehicles. As such the racking has no impact on the operation of the access to the site. Residents and the Parish Council argue that the racking will lead to larger HGVs visiting the site and causing safety and congestion issues on Kirkham Road. However, the size of vehicles serving the site could change irrespective of the erection of the racking and this cannot be a reason to refuse this application.

As it is located on the front forecourt area to the site there is a possibility that the racking could impact on the internal parking and circulation space. However, it is positioned on areas of this yard that have historically been used for product display and so there is effectively no change in the parking and turning arrangements, with these all satisfied elsewhere within the site.

Fork lift trucks will be used to load and unload products from the racking, but these will operate in the areas around the racks without any realistically likely conflict with the general operational areas of the site, with the safe working of these vehicles a matter that is covered by other legislation.

Other Matters

The Parish Council refer to supporting the objections of National Grid. In fact, National Grid have not raised any objection to the application although they have highlighted the presence of a pipeline in the vicinity of the site. The plan they supply indicates that this is located within the footway on Kirkham Road and the racking is located well in excess of the 3m building proximity distance specified. As such there is no issue with the proximity of the racking to this pipeline.

Residents have referred to the loss of property value as a consequence of the development. This is not a material planning consideration that can be given any weight in the determination of the application.

Reference has been made for the potential for the racking to be used for the display of advertising

banners. Such features would require separate consent under the advertisement regulations and so any proposals to display banners in this location would be examined through that process, although concerns over the impact of such features on the amenity of the area have been raised with the applicant.

Conclusions

The application site is Woodys Warehouse which is an established building product and agricultural suppliers located on Kirkham Road between Kirkham and Freckleton. The site and surrounding area are located in the green belt which is designed to restrict development of the area to prevent these two settlements from merging.

The application is partly retrospective and relates to the erection of two sets of racking to the frontage of the site that are intended to be used for the storage and display of products on pallets. The racking has been erected, but this proposal is that the existing racking be reduced in height and length and that the rear elevation be clad in Yorkshire boarding to reduce its visual impact.

Government guidance and local plan policies on development within green belts is aimed at restricting development that could harm the open character of these areas. However para 89 of the NPPF does allow for limited infilling of brownfield sites where the impact of the development is such that it does not harm the openness of the green belt.

The racking is relatively large and exposed at the front of the site, but is clearly within a previously developed part of the site, and with the modifications proposed in this application it is considered that it would not be unduly harmful to the openness of the green belt or the visual amenity of the area. The proposal will also help support the business operations at the site and the contribution they make to the local rural economy though the supply of products to a range of agricultural and other local enterprises.

There are no other matters raised by the development that would prevent its approval and so as it is in accordance with NPPF guidance in para 89 it is recommended for approval subject to conditions to ensure the proposed modifications are undertaken and to appropriately control its use.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This consent relates to the following details:

Approved plans:

- Location Plan Land Registry plan title LAN64611
- Site Plan and Elevations Eastham Design Associates drawing 1185-16-01 Rev D

Supporting Reports:

Planning Statement

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

2. That within 3 months of the date of this permission the racking on site shall be modified to relate to the details indicated on the plan approved under condition 1 of this permission. The racking

shall thereafter be retained at this scale, design, appearance and location on the site.

Reason: To ensure that the racking has an appropriate scale and appearance to reflect the rural character of the area and to avoid impacts on the openness of the green belt as required by Policy SP3 and Policy EP11 of the Fylde Borough Local Plan.

3. That no products shall be stored on the racking at a height that exceeds 3.4m on the eastern racking and 4m on the western racking (ie on the roof level).

Reason: To ensure that when operational the racking has an appropriate scale and appearance to reflect the rural character of the area and to avoid impacts on the openness of the green belt as required by Policy SP3 and Policy EP11 of the Fylde Borough Local Plan.

4. That the racking hereby approved shall only be used for the storage, display and sale of goods associated with the Woodys Warehouse business (or its successors) as undertaken at the application site.

Reason: To ensure that the racking is used for purposes that relate to the existing use of the site in accordance with the proper planning of the area.

24 23 Det 37 THEMEDE 49 46 42 87 24 El Sub Sta ETL Stile Field Pond AM ROAD Frechleton Michelle Longacre Ashdene Southlands Red Gables Malaga Maxome Development Services Fylde Council (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). Application No. Address Grid Ref. Scale 0 6 12 18 24 m E.3425 : N.4308 5/16/0604 Stile Field Farmstore, Kirkham Road, North of Bypass, Freckleton

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Item Number: 10 Committee Date: 12 October 2016

Application Reference:	16/0651	Type of Application:	Full Planning Permission
Applicant:	Mr Creasey	Agent :	
Location:	LOWTHER PAVILION, LO ANNES, FY8 5QQ	WTHER GARDENS SITE, W	/EST BEACH, LYTHAM ST
Proposal:		BOOT SALE ON THE CAR PA G THE SUMMER MONTHS (I	
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	5	Case Officer:	Rob Clewes
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/@53.7353452,-2.9725901,344m/data=!3m1!1e3?hl=en

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The proposal is for the use of the Lowther Pavilion and Gardens car park for car boot sales once a month between the months of May and October. The proposal will result in the entire use of the car park. Although it is considered that there are no detrimental highway safety issues it is considered that by reason of the loss of the car park there will be greater pressure on visitor to park on the surrounding residential streets leading to a conflict with residents leading to a greater sense and appearance of congestion in the area affecting the amenity of the adjacent properties.

In addition the loss of the car park would affect the usability of the Pavilion and Gardens and therefore have a detrimental impact in terms of sustainable tourism. It is considered that the operation of a car boot sale would not contribute towards the sustainable use of the overall site and would harm its character as a leisure destination.

Finally the Gardens are within the Lytham Conservation Area and so are a designated heritage asset, and are considered to be a non-designated heritage asset. The use of the car park for car boot sales would harm the character and appearance of the Gardens by changing the general nature of the site from one of leisure to one of trade and business which is considered to be incompatible with the site and its intended use.

The proposal is therefore considered contrary to Policy EP3 of the Fylde Borough Local Plan and Policies GD7, EC6 and ENV5 of the Fylde Borough Local Plan to 2032.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee due the Council's interest in the application site and for the wider public interest.

Site Description and Location

The application site is the Lowther Pavilion and Gardens car park which is accessed off West Beach and located in the settlement of Lytham. The car park serves the site and and forms part of the Lowther Pavilion and Gardens. The overall site consists of the car park, Pavilion and the Gardens as well as associated bowling greens, play area and tennis courts. The Pavilion and Gardens are used as public amenity space that is open all year round to visitors.

To the south of the site is Lytham Green and to the north on the other side of Church Road is Lytham Cricket Club. To the west is Woodville Terrace and the east is Lowther Terrace, both of which are residential roads with dwellings that face onto the Gardens.

Details of Proposal

The proposal is for the use of the entire car park for one day a month during the months of May to October. No physical works are proposed to the site as a result of this.

Relevant Planning History

Application No.	Development	Decision	Date
16/0333	INSTALLATION OF NEW BARREL ROOF OVER EXISTING ROOF STRUCTURE WITH ASSOCIATED WORKS INCLUDING RENDERING, REMOVAL AND REPAIR OF CUPOLAS, AND RELOCATION OF FIRE DOOR	Granted	05/07/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority Raise no objections on highway safety grounds

Neighbour Observations

Neighbours notified:	07 September 2016
Site Notice Date:	15 September 2016
Press Notice Date:	15 September 2016
Number of Responses	12 responses received
Summary of Comments	All the comments received raise objection to the proposal with the

reasons summarised as:

- Loss of amenity to local residents
- Impact on Highway safety
- Loss of parking facilities
- Adjacent roads already congested
- Impact on existing businesses within the Town
- Site inappropriate for a car boot sale
- Will encourage people to park on The Green
- Impact on the character of Lowther Gardens
- Car Boots are normally held in fields

Relevant Planning Policy

Fylde Borough Local Plan: SP01 EP03	Development within settlements Development within conservation areas			
Fylde Local Plan to 2032:				
GD1	Settlement Boundaries			
GD7	Achieving Good Design in Development			
EC6	Leisure, Culture and Tourism Development			
T5	Parking Standards			
Other Relevant Policy:				
NPPF:	National Planning Policy Framework			
NPPG:	National Planning Practice Guidance			

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

This application seeks to use the existing Lowther Pavilion car park for a monthly car boot sale each month between the months of May and October. The car park forms part of the overall Lowther Gardens site which is one of the primary publicly open amenity spaces in Lytham. Due to its location and popularity the Lowther Gardens and Pavilion is a site which attracts a high number of visitors during the Spring, Summer and Autumn months with these being both local to the area and holiday and day visitors. It is one of the main tourist features in the borough and lies within a wider area that is pivotal to the borough's tourism economy. The loss of the entire car park, which serves both the pavilion and the gardens would result in visitors seeking parking spaces out of the site and on the adjacent roads.

Whilst Lancashire County Council raised no objection on highway safety matters the parking that will occur as a consequence of the car boots will inevitably be displaced onto surrounding streets given that eh car park itself will not be available, and this use will also prevent the car park being used for

its usual general parking function to serve the wider area. This displaced parking will cause amenity issues.

As identified above the loss of the car park for the proposed use, albeit one day per month, would result in a greater number of visitors requiring to parking on the adjacent streets which are predominantly residential. This will lead to an increase in conflict between existing residents and visitors to the site. This conflict would lead to a greater sense and appearance of congestion in the area affecting the amenity of the adjacent neighbouring residential properties and streets. Whilst the site and surrounding area is classed as within the settlement boundary of Lytham it is outside the Town Centre where there is limited off street parking. As the existing roads are used for parking by residents further pressures to parking availability will detrimentally impact on their amenity further.

This amenity issue is considered to be of such significance that it justifies a reason for refusal of the application. The policy basis for this is Policy GD7 of the Fylde Local Plan to 2032 which relates to general design matters criteria b referring to development not adversely affecting neighbouring amenity. In this case the loss of the parking area for general use and the overspill that will inevitably occur to neighbouring streets is an issue that will be harmful to a degree that conflict with that Policy requirement.

Policy EC6 of the Fylde Local Plan to 2032 seeks to promote the principles of sustainable tourism by realising the potential of the Borough's heritage assets of which the Lowther Pavilion and Gardens are identified as such. The use of the car park for car boots sales would not complement the existing site in terms of its use as an area for public enjoyment and leisure rather than as an outdoor market. The site was established as an area for the enjoyment and leisure and the loss of the car park thereby restricts visitors to the site and does not contribute to sustainable tourism. It is considered that the operation of a car boot sale would not contribute towards the sustainable use of the overall site and would harm its character as an area for enjoyment and leisure. In addition the Lowther Gardens are within the Lytham Conservation Area, a designated heritage asset, and the Gardens are considered to be a non-designated heritage asset. The use of the car park for car boot sales would harm the character and appearance of the Gardens by changing the general nature of the site from one of leisure to one of trade and business which is considered to be incompatible with the site and its intended use.

Representations received from neighbours make reference to the impact to trade within the Town and the potential for people to park on The Green. Retail competition is not a material planning consideration and the holding of a car boot outside the town centre once a month is not considered to require any form of sequential test in retail planning terms.

With regard to people parking on The Green, parking restrictions are in place prohibiting unauthorised parking. Should unauthorised parking occur this is subject to usual parking regulations and so would be dealt with by the parking enforcement team.

Conclusions

The proposal is for the use of the Lowther Pavilion and Gardens car park for car boot sales once a month between the months of May and October. The proposal will result in the entire use of the car park. Although it is considered that there are no detrimental highway safety issues it is considered that by reason of the loss of the car park there will be greater pressure on visitor to park on the surrounding residential streets leading to a conflict with residents leading to a greater sense and appearance of congestion in the area affecting the amenity of the adjacent properties.

In addition the loss of the car park would affect the usability of the Pavilion and Gardens and therefore have a detrimental impact in terms of sustainable tourism. It is considered that the operation of a car boot sale would not contribute towards the the sustainable use of the overall site and would harm its character as a leisure destination.

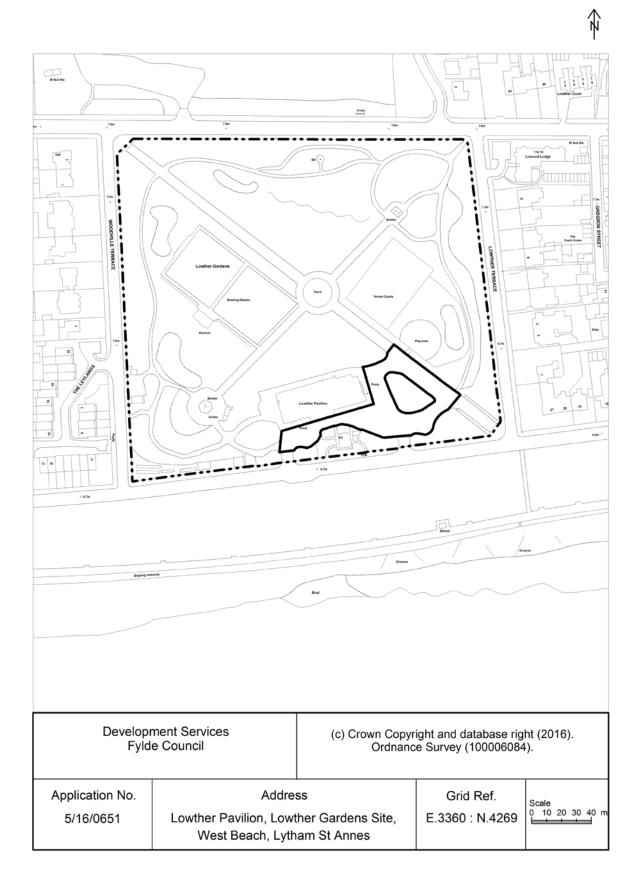
Finally the Gardens are within the Lytham Conservation Area and so are a designated heritage asset, and are considered to be a non-designated heritage asset. The use of the car park for car boot sales would harm the character and appearance of the Gardens by changing the general nature of the site from one of leisure to one of trade and business which is considered to be incompatible with the site and its intended use.

The proposal is therefore considered contrary to Policy EP3 of the Fylde Borough Local Plan and Policies GD7, EC6 and ENV5 of the Fylde Borough Local Plan to 2032.

Recommendation

That Planning Permission be REFUSED for the following reasons:

- 1. The proposed use of the entire car park area associated with the Lowther Pavilion and Gardens, will require visitors to the proposed car boot hosted on the car park, and visitors to the pavilion, gardens and other local attractions parking on the adjacent residential streets. Given the limited availability of on-street parking and its existing use by the occupiers of the residential properties on those streets there will be a conflict with residents parking needs. This will lead to a greater sense and appearance of congestion in the area which will adversely affect the amenity of the adjacent properties contrary to Policy GD7 of the Fylde Borough Local Plan to 2032.
- 2. Lowther Pavilion and Gardens is with the Lytham Conservation Area and is considered to be a non-designated heritage asset. The proposed use of the whole car park area for car boots is considered to be harmful to the character and appearance of the Gardens by changing the general nature of the site from one of leisure to one of trade and business. This is incompatible with the site and its intended use and so contrary to Policy EP3 of the Fylde Borough Local Plan and Policies EC6 and ENV5 of the Fylde Borough Local Plan to 2032.



DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	12 OCTOBER 2016	5
ST.ANNE'S ON THE SEA NEIGHBOURHOOD DEVELOPMENT PLAN –			
EXAMINER'S REPO	ORT AND PROGRESSION TO	REFERENDUM	

PUBLIC ITEM

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

SUMMARY

Following the Independent Examination of the St. Anne's on the Sea Neighbourhood Development Plan (the Plan), including a Public Hearing held on the 7 June 2016, the Independent Examiner, Mr John Slater BA (Hons), DMS, MRTPI, has now issued his examination report. The Examiners report concludes that subject to recommended modifications, the Plan meets with the "Basic Conditions" set out in legislation and should proceed to a Neighbourhood Planning Referendum.

Following on from the receipt of the Examiner's Report, the Local Planning Authority must consider each recommendation and decide what action to take in response to each recommendation. If satisfied that, subject to the modifications made, the draft Neighbourhood Plan meets the legal requirements and Basic Conditions, a Referendum must be held on 'making' the Plan by the Local Authority. Following a successful Independent examination and public Referendum, the St. Anne's on the Sea Neighbourhood Development Plan will form part of the statutory Development Plan, alongside the current saved Local Plan policies.

RECOMMENDATIONS

- 1. That a Habitat Regualtions Assessment of the St Annes on the Sea Neighbourhood Development Plan as modified by by the Examiner is completed and that, subject to the completion of the Habitat Regualtions Assessment and the making of any amendments to the plan to ensure it is compatible with EU obligations:
 - a. the Development Management Committee accept the Independent Examiners modifications, as set out in Appendix 1 and Appendix 2 of this report, and
 - b. Development Management Committee recommend to Full Council to agree to approve the attached Draft Decision Statement (Appendix 3), and proceed the St. Annes on the Sea Neighbourhood Development Plan to Referendum.

SUMMARY OF PREVIOUS DECISIONS

Development Management Committee – 29 July 2015 – Consultation on pre-submission draft June 2015

Development Management Committee agreed to submit comments as part of the formal consultation response to the Town Council as part of the Regulation 14 consultation process.

Development Management Committee 19 December 2012 – Delegated Powers for Neighbourhood

Area Applications

Development Management Committee resolved the following powers to be delegated to the Director of Strategic Development:

Power to designate an area as a Neighbourhood Area under section 61G(1) of the Town and Country Planning Act 1990 where the relevant body that has applied for the designation is a parish council, the designation is in accordance with that application and the area to be designated consists of the whole of the area of that Council.

CORPORATE PRIORITIESSpending your money in the most efficient way to achieve excellent services
(Value for Money) $\sqrt{}$ Delivering the services that customers expect of an excellent council (Clean and Green) $\sqrt{}$ Working with all partners (Vibrant Economy) $\sqrt{}$ To make sure Fylde continues to be one of the most desirable places to live
(A Great Place to Live) $\sqrt{}$ Promoting Fylde as a great destination to visit
(A Great Place to Visit) $\sqrt{}$

REPORT

INTRODUCTION

 Under the Town and Country Planning Act 1990 (as amended), Fylde Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under Neighbourhood Planning.

BACKGROUND

- 2. On the 12 July 2013, St. Annes Town Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 (the Regulations), their Parish boundary be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan be prepared.
- 3. Fylde Borough Council confirmed that for the purposes of section 5 (1) of the Regulations the Town Council is the "relevant body" for their area and in accordance with section 6 of the Regulations, Fylde Borough Council placed on their website this application, including a parish boundary map, details of where representations could be sent, and by what date, for a six week period from 25 April 2013 to 06 June 2013. The application was also advertised in the local newspaper and also on the Town Council's website. The Neighbourhood Area application was then approved on the 12 July 2013.
- 4. Following on from this approval, a Steering Group comprising of volunteers and advised by planning consultants, were appointed and led by St. Anne's Town Council in preparing a Neighbourhood Development Plan.
- 5. The Town Council submitted their Submission version plan to Fylde Borough Council under Regulation 16 for a six week consultation period. During this process, an Independent Examiner, Mr John Slater BS (Hons), DMS, MRTPI was formally appointed by Fylde Borough Council (in consultation with St. Anne's Town Council) on 24 March 2016. During his initial stages of the examination, the Examiner took the uncommon decision to examine the Plan at a Public Hearing

in order to hear oral evidence on matters he wished to explore further and to give all parties a fair chance to put a case forward.

- 6. Following on from the Public Hearing, which took place on the 7 June 2016, the Examiner subsequently submitted his final report (Appendix 1) on the 10 August 2016 and concluded that subject to the suggested modifications the Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting with the Basic Conditions, and should proceed to Referendum.
- 7. Schedule 4B s.12 to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires a local planning authority to consider each of the recommendations made in the examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a Referendum must be held on the making of the Plan by the local planning authority. If the local planning authority is not satisfied that the Plan meets the Basic Conditions and legal requirements then it must refuse the proposal. A Referendum must take place and a majority of residents who turn out to vote, must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.
- 8. The Basic Conditions are as follows:
 - Having regard to national policies and advice contained in the guidance issued by the Secretary of State is it appropriate to make the Plan?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - Does the making of the Plan breach or is otherwise incompatible with EU obligations or Human Rights legislation?
 - Will the making of the Plan have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

DECISION

- 9. The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action it will take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a Neighbourhood Development Plan, this is outlined in both Appendix 2 and Appendix 3 of this report.
- 10. The majority of the recommened modifications are in line with the Publication Version of the emerging Fylde Local Plan to 2032, Publication Version, with just one modification which differs. The Examiner has recommended that the settlement boundary be amended to incorporate land identified as Countryside outside of the Green Belt, to the west of Heyhouses Lane St Annes. The Examiner considers that the inclusion of this land would offer St. Annes town the flexibility to be able to meet its housing needs over the next 15 years. The land in question is also a designated Biological Heritage Site (see Appendix 4 for the proposed amended settlement boundary and Appendix 5 for the relevant part of the Policies Map of the Fylde local Plan to 2032 Publication Version). It should be noted that the Inspector for the emerging Local Plan could also decide to amend the Policies Map in accordance with the St. Annes on the Sea Neighbourhood Development Plan as it will form part of the Development Plan for the borough.
- 11. Following the submission of the Examiners report, Fylde Borough Council carried out further consultation with the three statutory consultees, the Environment Agency, Historic England and Natural England in order to help it formulate a screening opinion on the modified Plan. Both the

Environment Agency and Historic England raised no objections or had any concerns regarding the new modified Plan.

- 12. Natural England, however, have raised concern regarding the proposed amendment to the settlement boundary as it is known that this land is utilised by pink footed geese related to the Ribble and Alt Estuaries Special Protection Area (SPA). They have recommended that the importance of the land proposed to be incorporated within the settlement boundary needs to be assessed through an update of the Habitat Regulations Assessment that has been carried out in regard to the submission version of the plan. This update would need to examine data to determine the importance of the land and, if the land supports significant numbers of SPA/Ramsar birds, the local planning authority would need to determine whether this is possible to resolve and ultimately whether the land can be developed.
- 13. In his report, the Examiner considers that this assessment could be carried out prior to the determination of any future planning application. However, prior to proceeding to referendum, the local planning authority must be satisfied that the plan itself meets the basic conditions tests set out in the Regulations. Until the potential implications of including this additional land within the settlement boundary are known, it would not be possible to confirm whether or not there would be any adverse impact on the SPA and so proceeding to referendum without this information could place the plan at risk of a potential legal challenge.
- 14. It is, therefore, recommended that prior to the plan being considered by Full Council, further information in regard to the importance of the land proposed to be included within the extended settlement boundary for SPA/Ramsar birds be sought to inform the final Habitat Regulations Assessment. Subject to the outcome of this assessment, the plan, together with any amendments that may be necessary to allow the plan to meet the basic conditions would be considered by Full Council.

	IMPLICATIONS
Finance	The Council received a grant of £5,000 for the designation of the St. Anne's on the Sea Neighbourhood Area. A second grant of £5,000 was received when the local planning authority publicised the Neighbourhood Development Plan prior to Examination. A final grant of £20,000 will be applied for in the next quarter, following the successful completion of the Neighbourhood Development Plan Examination. It should be noted that pre-examination and examination stages have incurred costs that may be funded from the neighbourhood planning grants but in all probability will not cover the full cost. There is a potential for legal challenges which would incur additional costs. Neighbourhood planning is currently included in the Council's approved revenue budget, however this may not cover the full cost of this and other emerging neighbourhood plans. As is usually the case additional costs will be met from existing approved budgets. However should this not be possible a subsequent funded budget increase to the Council's current approved budget may be necessary.
Legal	The Local Planning Authority is required to accord with the Regulations at relevant stages of the process. There will be a

	potential need for a legal officer input at relevant stages, which will have time resource issues. There is a potential for judicial review if the Council do not agree with all the modifications suggested by the Examiner.		
Community Safety	None arising directly from the report.		
Human Rights and Equalities	None arising directly from the report.		
Sustainability and Environmental Impact	The Neighbourhood Development Plan should promote the principles of sustainable development. The submitted Neighbourhood Development Plan is also supported by a Sustainability Report.		
Health & Safety and Risk Management	There is a possible risk that the level of request to undertake Neighbourhood Planning and the level of input required will exceed the capacity of the Council to provide support and have a detrimental impact on progressing the Local Plan.		

LEAD AUTHOR	TEL	DATE	DOC ID
Sara Jones	01253 658420	28/09/2016	

	LIST OF E	BACKGROUND PAPERS
Name of document	Date	Where available for inspection
Independent Examiners Final Report	August 2016	http://www.fylde.gov.uk/council/planning-policylocal- plan-/neighbourhood-planning/st-annes-sea-town- council-neighbourhood-plan/
Statement of Consultation (July 2016)	July 2016	http://www.fylde.gov.uk/council/planning-policylocal- plan-/neighbourhood-planning/st-annes-sea-town- council-neighbourhood-plan/
Amended Submitted Plan – Suggested Changes version	July 2016	http://www.fylde.gov.uk/council/planning-policylocal- plan-/neighbourhood-planning/st-annes-sea-town- council-neighbourhood-plan/
Amended Blackpool Airport Boundary (following Public Hearing)	July 2016	http://www.fylde.gov.uk/council/planning-policylocal- plan-/neighbourhood-planning/st-annes-sea-town- council-neighbourhood-plan/
Amended Schedule of Local Green Spaces (following Public Hearing)	July 2016	http://www.fylde.gov.uk/council/planning-policylocal- plan-/neighbourhood-planning/st-annes-sea-town- council-neighbourhood-plan/

Attached documents

- 1. Appendix 1: Examiners Report
- 2. Appendix 2: Schedule of Changes
- 3. Appendix 3: Draft Decision Statement
- 4. Appendix 4: Proposed Amended Settlement Boundary
- 5. Appendix 5: Section of Policies Map for the Fylde Local Plan to 2032 Publication Version in relation to the Proposed Amended Settlement Boundary

St Anne's on the Sea Neighbourhood Development Plan

Submission Version

A Report to the Fylde Council on the Examination of the St Anne's on the Sea Neighbourhood Development Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning

johnslaterplanning@gmail.com

10th August 2016

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Introduction

Neighbourhood planning is a process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan and will work alongside the now somewhat out of date, but still adopted Fylde Borough Local Plan- As Altered- October 2005. In time that will hopefully be replaced by the Fylde Local Plan to 2032. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by St Anne's Town Council. A Steering Group was appointed to undertake the plan preparation made up of volunteers advised by planning consultants. St Anne's Town Council is a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the St Anne's on the Sea Neighbourhood Development Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum then the Plan will be "made" by Fylde Borough Council, which is the Local Planning Authority.

The Examiner's Role

I was formally appointed by the Fylde Council in March 2016, with the agreement of St Anne's Town Council, to conduct this examination. My role is known as Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service, which is administered by the Royal Institute of Chartered Surveyors (RICS).

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 38 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of

the Royal Town Planning Institute. I am independent of both Fylde Borough Council and St Anne's Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum, if modified.
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the St Anne's Neighbourhood Development Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as "excluded development" and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, does relate to the development and use of land covering the area designated by Fylde Borough Council for the St Anne's Neighbourhood Development Plan on 12th July 2013.

I can also confirm that it does specify the period over which the plan has effect namely the period from 2016 and 2031.

I can confirm that the plan does not cover any "excluded development".

There are no other neighbourhood plans covering the area covered by the Plan designation.

St Anne's on the Sea Town Council as a parish council is a qualifying body under the terms of the legislation.

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I carried out an unaccompanied visit to the plan area during the initial stages of the examination to familiarise myself with all the sites, the town and the coastline. However, following my visit and having read closely the documentation, I had a number of questions that I felt I had to explore with the principal parties. I set these out in a note, that was circulated to the Town Council and the Planning Authority. It was also sent to a number of representors, and included a list of the questions I wished to explore at a public hearing. This was followed up by a note I produced, setting out how I wished the hearing to be conducted. Both notes are available on the respective council websites.

The Hearing took place at the Blue Room at The Palace in St Anne's on 7th June 2016 and I am very grateful for the way everyone contributed to the discussions, in such a constructive and positive manner. A note of the day's proceeding has been prepared and this is also available on the Council's website.

During the course of the discussions, the Town Council offered to make a number of changes to the policies within the Plan to reflect matters that had emerged during the discussions. I explained, at the time, that my examination would have to be on the basis of the Submission Version of the plan, but that I would be prepared to consider the changes as Suggested Amendments to the Plan that the Town Council would ask me to consider making, when making my recommendations. I did say that I would be prepared to give the Town Council a window of opportunity to reflect on the day's deliberations and to prepare a revised submission, but that other parties would also have to have an opportunity to comment on the revisions. I received a copy of the Suggested Changes Version on the plan on 20th July 2016 along with a number of consultee responses.

In this report I will refer to the Submission Version of the Plan and also to the Suggested Changes Version.

The Consultation Process

The Town Council applied for neighbourhood plan status on 11 April 2013 and Fylde Council undertook consultation on that request for designation for a 6-week period, which ended on 6 June 2013. That designation was approved by Fylde Council on 12 July 2013.

Prior to the launch of the neighbourhood plan exercise, the Town Council held a number of key stakeholder meetings, with Fylde Council, Blackpool Council, Blackpool International Airport and St Anne's Civic Trust.

The first public consultation exercise took place between 14 April and 28 May 2014, launching the plan, raising public awareness and seeking views on initial draft aims for the plan. As well as establishing a website, generating press articles, holding events, including exhibitions and themed group meetings, along with a secondary school photo competition to try to engage young people. The main output from this phase of consultation was the results from the questionnaire, which have generated 307 responses. This led to the emergence of a number of initial findings–

- There is a need for more young people facilities
- No demand for additional housing
- Make use of existing vacant buildings
- Any new housing should be affordable for young people
- Protect green spaces
- Sustainable design and energy efficiency

As well as the questionnaire, the Town Council held six walk in events between 25th April and 24th May 2014 which included consideration of site specific issues. In addition, theme groups were set up looking at housing, environment, transport movement, economy, community and health and design and heritage. Eight formal written representations were received at that stage. In the report, the Town Council expressed disappointment with the level of engagement.

The second stage consultation took place a year later between 15th June and the 31st of July 2015. This was the Regulation 14 Pre Submission Version of the plan. This was publicised on the Town Council website and newsletter which was delivered to 12,000 properties as well as flyers and questionnaires being distributed at various events.

This generated 21 written responses which were considered by the council. There was 2 workshop sessions held between Fylde Council planners and the Town Council. A further questionnaire was distributed looking at key issues. Over 250 responses were received. The responses to the Pre Submission Consultation led to a number of changes to the policies, which are fully set out in Appendix 9 of the Report on Consultation.

It is clear that the Town Council undertook wide consultation on the emerging plan, which has shaped the policies and the issues. I recognise that it must have been difficult to differentiate in the public's mind, the work being carried out on the neighbourhood plan, at the same time as the Borough Council was preparing and consulting on its own local plan. However, I am satisfied that the public and stakeholders have been able to contribute to and shape the policies in the neighbourhood plan.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation on the Submitted Plan, which had been sent to the Fylde Council on 25th January 2016. This period of consultation is known as the Regulation 16 consultation and ran between 11TH February and the 14th March 2016. This consultation was organised by Fylde Council prior to it being passed to me for its examination.

In total 35 responses were received from 28 individuals or organisations (statutory and non-statutory). I will refer to the results of the Regulation 16 consultation where relevant in the specific sections dealing with the Proposed Policies. I can confirm that I have read all the representations and have had full regard to the views when conducting this examination. I can confirm that one representation was received on 18th May 2016 after the Regulation 16 consultation was closed. This was made on behalf of the Joint Administrators of Greenhurst Investments Ltd, who own land at Queensway, which had been shown as part of Blackpool Airport's landholdings. I believe there was no detriment caused by allowing that representation to be considered and indeed their consultant was invited to participate at the public hearing.

The Basic Conditions Test

The neighbourhood planning examination process is different to a Local Plan examination, in that the test is not one of "soundness". The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The 5 questions which constitute the basic conditions test seek to establish: -

- Having regard to the national policies and advice contained in the guidance issued by the Secretary of State is it appropriate to make the Plan?
- Will the making of the plan contribute to the achievement of sustainable development?
- Will the making of the plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Does the making of the plan breach or is otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects.

Compliance with the Development Plan

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Fylde Borough Local Plan as Altered, adopted on 10th October 2005. The Borough Council is currently working on a new local plan as the previous plan is out of date. It predated the NPPF. That plan has recently reached its Publication Version which is currently out to public consultation which will be submitted for public examination early next year. This plan, whilst being the latest expression of council policy and is based on the most up to date information, is still likely to be challenged at Inquiry, not least on the matter of housing numbers (both on account of them being too high and too low). At present it is not part of the development plan and can only be accorded limited weight as an emerging plan, but the Neighbourhood Plan has been prepared in parallel with that plan and has had regard to the emerging

policies. This Neighbourhood Plan could well be made before the new Local Plan is adopted.

Compliance with European and Human Rights Legislation

The Town Council submitted a screening request as to whether a full Sustainability Appraisal would be required under the EC Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). The initial screening and consultation with the 3 statutory bodies took place in August / September 2014. There was some uncertainty as to whether the plan at that stage would be allocating sites as this was covered by plan options at that stage. The responses were considered and following further discussions the Town Council decided that the plan would be proceeding on the basis that the scenario, which was described in the Issues and Options paper, as "NDP – Lite" rather than a full comprehensive neighbourhood plan. I have to say that I still do not understand the difference. After a further rounds of discussions between Natural England, the Borough Council and the Town Council, the Local Planning Authority was able to conclude that in May 2015 that a full SEA was not required.

In addition, the draft plan has been screened under the Habitat Regulations following a request made on 27th May 2015 and it was confirmed in December 2015 that a full Habitat Regulation Assessment was not required. This view was agreed with by Natural England

There are no human rights issues that arise from the plan and I can confirm that in my opinion there are no conflict with European legislation.

The Neighbourhood Plan: An Overview

A fundamental aspiration of the government policy, as set out in the NPPF, is that the planning system should deliver a significant boost to the supply of housing. The question central to this examination has been, whether the plan will deliver the objectively assessed needs for market and affordable housing. However, that requirement needs not necessarily to be based on the neighbourhood plan area, but rather should be met across the housing market area. During my examination no party was able to advise me what the specific housing requirements was, for St Annes, for the period up to 2031. Fylde Council, in its emerging local plan, is seeking to deliver housing requirement for the whole district, rather than setting individual requirements based upon the housing needs for specific settlements within that district. I can understand that approach, although it may have been helpful had the Town Council to conduct its own housing needs assessment to fully understand its requirements when one of its key issues was "meeting housing need, including specialist needs" especially as it sought to restrict the supply of land for housing via various policies.

However, I can see no justification for the statement in the plan "there are sufficient existing small to medium-sized sites within the settlement boundary that can accommodate new housing and meet the reasonable housing requirements of the town". There seemed a reluctance to accept further housing, based upon the notion that it would put a strain on existing community infrastructure. Equally I am not convinced that the "outward growth and large-scale development will affect the town is contained seaside town" or that "St Anne's has reached its sustainable spatial limit". I was not conscious on the occasions when travelling around St Anne's that it's obvious quality as a lovely seaside resort, was in any way prejudiced by the number of new residential developments that were taking place or are planned, around the periphery of the town. Reading the Submission Version of the plan I got the sense that the approach was generally to be as resistant as possible to new housing.

At the present time, Fylde Council cannot demonstrate that it has a five-year supply sites and this is a major planning issue facing the district. I am sure that the historic undersupply of housing has been an underlying reason why so much new residential development has been allowed on appeal in the town.

My initial conclusion was that the original remit of the neighbourhood plan was essentially to limit the spatial growth of the town, as an objective in its own right, rather than determine how much land was going to be needed by the Town, to meet its housing requirements. In short the overall approach has been to restrict the amount of land for housing rather than an approach based on identifying what the town's future needs are to be over the next decade.

That issue has influenced my thinking, both in terms of the questions I raised initially and also the topics which I later asked at the hearing. I fully recognise the importance of providing the spatial buffer, to prevent Blackpool from converging with St Anne's but that is role ably performed by the Green Belt. Its permanence is one of its underlying features. In making my recommendations on what the revised settlement boundary should be, I recognise that this recommendation will disappoint the Town Council. However, I do not consider it tenable to restrict the supply of housing land, when there is an underlying need to boost housing supply.

I am aware there will be issues regarding the individual sites affected, in terms of access and ecological considerations and their integration with the Queensway development but these do not affect my conclusions as to whether the sites should fall inside or outside the settlement boundary, particularly if valued green space is to be retained within the urban area, a policy which has undeniable public support. The planned expansion of the town at its periphery is the only sustainable long term solution. I have to say that without the flexibility of adjusting the settlement boundary, I would not have concluded that the neighbourhood plan would be delivering sustainable development and as such it would have failed the basic conditions test.

Beyond that matter I have to say that I am delighted with the way the Town Council responded to the matters discussed at the public hearing. I do believe that the proposed changes will markedly improve the final version of the plan. I will certainly be recommending making many of the changes the Town Council have suggested. As Examiner I have concentrated upon the wording of the policies which will be used for the determination of planning applications. Some of the changes that I have recommended will require amendments to the supporting text and I will leave that to the qualifying body and the planning department to prepare the necessary text which goes beyond my role as independent examiner.

I must also commend the Town Council on the revision and clarity of its thinking in promoting the concept of St Anne's on the Sea as "a Garden Town by the Sea". This is exactly the type of overarching vision to shape development within the town which neighbourhood planning should be promoting. It is a practical approach and hopefully the excellent companion documents will be adopted by Fylde Council as Supplementary Planning Documents in due course.

One of the legislative requirements that I must consider as part of my examination is whether the policies in the plan relate to the development and use of land. There are a number of instances where proposals in the plan cover matters that more properly fall within the remit of the highway authority rather than the planning authority, such as improvements to bus services and alterations to the roads and pavements. It is entirely proper that the neighbourhood plan makes reference to these matters but they should not form p[art of the document that constitutes the development plan. Government advice is that they can be in a companion document or clearly indicated as not part of the neighbourhood plan.

My final general comments relate to the way the plan seeks planning obligations and Community Infrastructure Levy payments. There are a large number of policies which call for payments under planning obligations or payments towards specific items under the community infrastructure levy system. Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that any contribution must be necessary to make the development of acceptable in planning terms, be directly related to the development and be fairly and reasonably related to the development. Furthermore, pooled obligations are limited to 5 contributions per project. Equally the issue of whether CIL is collected, is not derived from a specific neighbourhood or local plan policy but it is a requirement for payment in consequence of a Council adopting its CIL Charging Scheme. Similarly, the allocation of CIL receipts is a budgetary decision of the spending authority whether it be the Town Council or the Borough Council. It is not a policy for the use and development of land. My usual practice throughout this report will be to recommend the deletion of those elements of the neighbourhood plan policy and rather rely upon the overarching neighbourhood plan policy, DEL1.

The Neighbourhood Plan Policies

Policy GP1: Settlement Boundary

The plan proposes the same settlement boundary as established by the 2003 Local Plan. This was produced at a time when there was a moratorium on new housing development in the borough. Most of the land outside the settlement boundary is Green Belt, which plays a strategic role in maintaining the gap between Blackpool and St Anne's, apart from being small section to the east of Wildings Lane. NPPF advice is that it is only the local plan that can change green belt boundaries. Therefore, the only areas which lie outside the settlement boundaries and the Green Belt, are the site of the former Valentines Kennels, Lytham Moss and the paddocks to the south, which is used for the keeping horses, as well as the land on the west side of Wildings Lane, which appear to now form part of the curtilage of the adjoining residential property. As objections have been submitted to the inclusion of some of the sites, it is appropriate from me to consider whether I should recommend changes to the settlement boundary.

The primary change, from the 2003 Local Plan settlement boundary that the Town Council is proposing, is the inclusion of land at Queensway, the Kensington development, which has been granted outline planning permission.

In terms of the former Valentine Kennels site, I note that planning consent was refused for residential development, earlier this year, but not on the grounds that this site lies outside of the settlement boundary. It is to be surrounded on three sides by the new housing development. The main reason for the Development Management Committee's refusal, [which was contrary to the planning officer's recommendation] was to the principle of access to the site being from Wilding Lane, rather than being fully integrated into the adjoining residential development. Bearing in mind the need to maximise the supply of housing land and the fact that a certain amount of the site

is previously developed land, they will be a presumption in favour of the residential development in any event. Therefore, it seems this site which, falling outside the Green Belt, could usefully be included within the settlement boundary. I do note the designation of the Kennels site as local green space and I will address that issue at the appropriate juncture. I also note that its designation as a Biological Heritage site was on the basis of there being a breeding colony of tree sparrows but the nesting box scheme no longer has been maintained and their population has accordingly declined. These are matters that need to be fully assessed at development management stage.

I understand that there is a planning application on the land to the south which is used for grazing horses. However, that land will be surrounded on three sides by housing and so its incorporation within the settlement would constitutes a logical rounding off.

The final boundary issue which I have to address relates to land at Lytham Moss. Again I heard at the hearing that this land is being promoted for residential development on behalf of the landowner. In terms of the coherence of the settlement boundary, the arguments are just as compelling, as the previously referred to ie that it is the Green Belt boundary that should be the limit of the urban area. It could be argued that the logical urban edge will be the North House Lane to the east and the Green Belt to the north. However equally I am aware that there are ecological issues affecting Lytham Moss, as the land is used for grazing of overwintering birds, in this case the pink footed goose. It is identified as a Biological Heritage Site as well as being part of a wider network of linked sites of ecological importance. That, in itself, is not a reason to exclude it from changes to the settlement boundary and the consideration of any proposal would be required to have regard to the ecological impact on the site and protected species, at any application stage.

In my consideration I am also conscious that at the present time Fylde Council as local planning authority cannot identify a five-year housing supply. I heard evidence at the hearing, that the latest position was that there was a 4.8 year housing supply base-dated to 31st March 2016. Therefore, in accordance with paragraph 49 of the NPPF, policies which affect the supply of housing land, which would include the designation of land as countryside outside the Green Belt, will not be considered up-to-date, even upon the point of the making of the plan. I also have had regard to the role of the green belt is to prevent the unrestricted sprawl of large built-up areas and to prevent neighbouring towns on merging into one another.

Therefore, the incorporation the land identified as Countryside outside the Green Belt, into the settlement boundary would offer the town the flexibility to be able to meet its housing needs over the next 15 years, which are unlikely to diminish, but within the defensible line of the town's Green Belt. That would also be in line with the approach advocated in paragraph 52 of the NPPF. This does not mean the presumption in favour of residential development would by necessity override any ethological designation but that will have to be a matter that will be dealt with at the planning application stage.

Therefore, my conclusion is that the settlement boundary should be amended, by the removal of the designation of land as "open countryside outside Green Belt" on the Proposals Map. The settlement boundary should therefore follow the boundary of the Green Belt.

Recommendation

That the land shown as Open Countryside outside the Green Belt be deleted and the land included within the Settlement Boundary on the Proposals Map.

Policy GP 2: Demonstrating viability

This is a useful policy which sets clear criteria for the consideration of planning applications involving the loss of valued facilities. It offers a clear hierarchical approach. My only concern is that market lead housing schemes in retail areas is considered as a last resort. Government policy, as set out in paragraph 23 of the NPPF, recognises that residential development has a role in town centres, alongside retail, leisure, commercial, office, tourism, cultural and community uses. Furthermore, it also recognises that "residential development can play an important role in ensuring the vitality of centres"

I therefore do not consider that discounting residential to the use of last resort is necessarily in line with Secretary of State advice, particularly as there our limited opportunities for new residential development within the borough. This gain affects my consideration of the basic conditions.

This concern can be addressed by the deletion of the paragraph after subsection c). It also requires the deletion of the final sentence in the justification.

Recommendations

Replace the Submission version of the Policy with that shown in Suggested Changes

Remove the paragraph after subsection c) which states" where the existing use is no longer considered viable" down to "town, district or local centres" and remove the last paragraph of the Justification.

Policy EN 1: Protection of sites of biological and geological conservation importance

The original Submission version of the policy offered the same level of protection to locally designated sites as internationally recognised sites. This ran contrary to the hierarchical approach which is promoted in the NPPF, a point made by Natural England

The Suggested Changes to the policy had generated a further objection from one of the parties who appeared at the hearing. They argued that the proposed revisions are in fact to backwards step when compared with the original wording.

They suggested that the original version would be capable of revision to accommodate their aspirations. However, I consider the revised policies to be more comprehensive approach and contains the important criterion that the level of protection offered by the policy is in proportion to the status of their designation. This is the approach promoted by the Secretary of State in the NPPF. I will, in my recommendations, include some elements of the revised wording suggested by the objector, which I believe improves the clarity and understanding of the policy.

Recommendations

Replace the Submission version with the Suggested Changes Version of the policy except for the penultimate paragraph which should read:

"The level of protection and mitigation should be proportionate to the status of the habitat or species and should give appropriate weight to their importance, individually and as part of the contribution they make to the wider ecological network"

Retitle policy as per Suggested Changes

Policy EN2: Protection of open spaces, local green space(LGS), outdoor recreational facilities and green infrastructure

The title of this policy has been rationalised as has the wording which has been completely revised. I consider that the policy now is a more coherent approach to Green Infrastructure which is not just a policy to protect open space from development but a mechanism to deliver improvements to the overall network of open-space, which is one of the clear ambitions that the neighbourhood plan is looking to achieve. This will be achieved by adopting the approaches as emboldened in the policy namely, "Protecting, Improving, Connecting, and Creating" open-space.

The only area of concern is the requirement for open space to be provided in advance of relevant development being occupied. Whilst this may be laudable ambition, it is not necessarily practical proposition where development is taking place on a phased basis. As written it will require all the open space on a development to be provided before the first unit is occupied. Often, it takes number of years for landscaped areas and open space/ play areas to become established and passed over for public usage.

The designation of land as local green space has been one of the more controversial aspects of the neighbourhood plan. A good deal of discussion took place on this issue at the hearing. Objections were made by Fylde Council as planning authority and as landowner for the inclusion of a number of the sites. The Town Council has sought to fully justify the inclusion of the open-space in the document entitled "Proposed Local Green Space Designation– Supporting Information." It is clear that the protection of green spaces has been a fundamental aspect of the plan which has a good degree of public support. Furthermore, I got the sense from the debate at the hearing that there was a degree of distrust shown by some members of the Town Council about the Borough Council's motives, stemming in part from a previous controversy about the development in the past of land at Ashton Gardens over a decade ago.

Since the public hearing, the Town Council has revised its list of 33 local green spaces down to 26 sites by the removal of the Marton Fold playing fields, Spring Gardens, St Anne's parish churchyard, the inland dunes fronting Clifton Hospital, the green space at Inner Promenade, the, the geological site along Heyhouse Lane and the informal green space at Highbury Road East.

18 of the originally designated areas are owned and maintained by Fylde Borough Council and would be protected to large extent by the initial part of this policy. Therefore, in practice the issue is likely to be one of academic importance, although the Council is concerned that the policy "could prevent opportunities for appropriate development at the sites or enabling development to provide necessary enhancement of the facility itself or nearby facilities". I am very conscious that paragraph 77 of the NPPF states that "local green space designation is not appropriate for most green spaces or open space". I have therefore looked very closely at how the Town Council has justified the site's inclusion against the criteria set out in the NPPF. Had there not been a justification offered for each of the sites then I would have been minded not to agree to the designations but I believe the supporting information, except for the following site, does allow me to conclude that the designations do meet the basic conditions. I also believe that the policy would not prevent the Borough Council from carrying out improvements to these facilities under the national guidelines, set out in the NPPF.

The one area that has been particularly difficult to justify has been the designation of the former Valentine Kennel site as local green space. It does appear that designation is part of a strategy to seek to prevent development of this parcel of land. I do not consider that this area, which is in private ownership and with no legitimate public access, meets the criteria of being demonstrably special to the local community or holds a particular local significance. It is essentially a brownfield site that will be surrounded by residential development in the coming years. The trees have been determined not to be worthy of protected status, by the non-confirmation of a TPO. Furthermore, its ecologically importance did not to justify being a reason for refusal to residential development in recent planning application based on the sparrows no longer occupying the site in meaningful numbers. I will be recommending that this site be removed from the list set out in Appendix 1 of local green space.

Recommendations

Replace the Submission Version of the policy and the supporting text with that shown in the Suggested Changes version.

Remove Site 31 – Valentine Kennels from Appendix 1 and the Proposals Map and renumber accordingly.

Retitle policy as per Suggested Changes

Policy EN3: Provision of open space in residential development

This policy in the submitted version of the plan was prepared before the publication of the Borough Councils Open Space Study. The policy required on site open space to be provided on all residential sites of 10 or more houses, irrespective of the type of housing being provided.

Following the publication of the latest version of the local plan and the open space study, the Town Council is now suggesting that the policy be deleted

Recommendation

In line with the Town Council's Suggested Changes the Submission Version of the Policy EN3 be deleted.

Policy EN4: Starr Hills Reserve

I can fully understand the objectives of this policy. The requirement to contribute towards the improvement and development of the facility would have to be the subject to the proposed development meeting the 3 requirements set out in Regulation 122 of the Community Infrastructure Levy Regulations.

I consider that it is highly unlikely that any development will be only acceptable if it made a contribution to this facility and in any event there would be a limit of five pooled contributions under the terms of the CIL regulations. It would be a better solution for any funding to be delivered, from a range of development across the borough. Once Fylde Council introduces its CIL charging scheme, contributions can be collected, which would be capable of contributing to the funding of this facility. However, as previously mentioned, the allocation of CIL money is a budgetary decision, to be made by the Borough Council, dependent on the sums received and the priorities which it determines. The neighbourhood plan cannot require CIL money to be allocated towards any particular project, although if the plan passes referendum and is subsequently "made", it is could be a question for the Town Council to decide how to allocate some of the 25% CIL receipt to this or any other similar project.

I therefore recommended deletion of the second paragraph of the policy and rely on Policy DEL1.

Recommendations

The second paragraph should be deleted and renumber Policy EN3

Policy EN5: Urban tree supply

This policy generally meets basic conditions. My initial concern related to the inclusion of street trees in the wording of policy, as generally the planting of trees in the urban area is not ordinarily a matter for planning control. However, as there will be some new residential development taking place, where new roads will be provided and need to be landscaped, I concur that the policy does have a value and that no alterations are necessary apart from the renumbering of the policy.

Policy EN6: Community tree planting

Again this is a laudable aspirational policy, which will help deliver the vision of the

Plan of the town being a "Garden town by the Sea". In line with my previous I recommend that the deletion of the second paragraph.

Recommendation

The second paragraph should be deleted.

Policy needs to be renumbered EN5

Policy CH1: Community infrastructure

The original Submission Version of the plan referred to the preparation of a St Anne's Local Infrastructure Plan. At the hearing it was confirmed that the LPA would not be preparing a separate infrastructure plan for the town. Its infrastructure will be included within the Fylde Infrastructure Delivery Plan.

It required any major planning application to be accompanied by a Community Infrastructure Statement for non-allocated sites or if its infrastructure requirements are not included in the Infrastructure Delivery Plan. At the hearing, a discussion took place on whether a development plan policy could require the submission of a particular supporting document, which would have to be prepared with the Town Council. It then required developer contributions and required infrastructure implications to be integrated with development phasing.

The Suggested Changes version of the plan now refers to major applications being accompanied by infrastructure information. The text still refers to applicants needing to submit this information" if the development's essential community infrastructure requirements are not included in the up-to-date Fylde Infrastructure Delivery Plan". One of the purposes of neighbourhood plan policy, as stated by the Planning Practise Guidance is that policy should provide clarity and certainty to decision-makers and by implications to applicants. I am not sure whether an applicant would necessarily know whether their development would necessitate additional community infrastructure, let alone, whether the infrastructure was already included in the Infrastructure Delivery Plan. Furthermore, inclusion of infrastructure in the Plan, would not necessarily be guaranteed funding.

Until such time as the CIL is introduced, any contribution must be justified on the grounds that it meets the three test set out in the Community Infrastructure Levy Regulations, as referred to in the earlier section. Similarly, when CIL is introduced any such infrastructure is capable of being funded by CIL rather than being required by virtue of this policy. The payment of CIL money is not the subject to development plan policy, it is a separate requirement which is not discretionary and is, effectively

a tax that can be used to fund community infrastructure associated with all development taking place within the borough.

National policy is that neighbourhood plan policies must be supported by evidence and I have not seen any compelling evidence of inadequate infrastructure relating to schools, healthcare facilities, community hubs nor telecommunication or broadband infrastructure to justify having this specific policy for all residential development. If there was a case for this infrastructure, beyond relying on anecdotal evidence, I would expect to see representations from organisations such as the Local Commissioning Groups regarding NHS facilities. Similarly, I have seen no evidence or representations about the inadequacy of the broadband infrastructure within the town. The matter can, if required, be covered by Policy DEL1.

Recommendation

That the policy be deleted.

Policy CH2: Community facilities

The submission version of the plan refers to the identification of community facilities as Assets of Community Value. However, this is not a policy for the use and development of land. That paragraph has been removed in the Suggested Changes Version of the plan.

Recommendation

Replace the Submission Version of the policy and the supporting text with that shown in the Suggested Changes version.

Policy CH3: Encouraging an active and healthy lifestyle

The original policy set out in the submission version of the plan promoted a footpath and cycle network for the town. That proposal is now incorporated in policy EN2. In the Suggested Changes it proposes the deletion of the policy.

Recommendation

In line with the Town Council's Suggested Changes, the Submission Version of the Policy CH3 be deleted.

Policy DH1: Creating a distinctive St Anne's

The wording of the policy has not changed between the Submission Version and the Suggested Changes version of the plan. Paragraph 183 of the NPPF states: "Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need"

I find the aspirations set out in the Plan to deliver the vision of St Anne's as a "Garden Town by the Sea" to be the most powerful element of this plan. The plan has, alongside its companion documents, established a clear aspiration of how new development can reflect the quality and style of new development the town aspires to. The policy provides the mechanism to require applicants to show how their proposals will contribute to the delivery of this vision. This it is an important policy which meets basic conditions and no changes are required.

Policy DH2: Corridors and gateways

Again these policy is unchanged between the two versions of the plan. I find the policy to be a positive mechanism to drive the improvement of the physical appearance of these important routes. The only issue relates to the funding of the policy. It refers to the use of CIL but as previously stated the use of CIL money is a budgetary rather than a land-use policy decision. I do think that it is appropriate that any development within the corridors should contribute to the aspirations for the environmental enhancement of the area where the development is taking place, either through pooled contributions or through the carrying out of direct landscaping schemes, that are shaped by the guidance. The local planning authority will, at the appropriate time, be determining whether it wishes to include the St Anne's Corridor and Gateway Strategy and the Blackpool Airport Corridor Improvement Area within its Regulation 123 List, in order to be able to collect funding and development across all the borough to be used on this project. That is not a matter that the neighbourhood plan can determine.

Recommendation

Delete the last sentence of the Suggested Changes version of the policy.

Policy SS1: Blackpool airport

The only variation between the Submission Version of the plan and the Suggested Changes version is the requirement the master plan for the Blackpool Airport Corridor Enterprise Zone to be consulted upon with the town council rather than requiring the town council's agreement. That was the subject of discussion at the hearing. I appreciate that other parties will also be consulted so that can be covered by the insertion of "including" between "consultation" and "with"

The policy has been the subject of a number of representations. One objection was to the inclusion of land at Queensway, which have been shown as part of Blackpool Airport. The Town Council confirmed that the land in question does not form part of the airport's landholdings and that the boundary had been incorrectly drawn. On the

Suggested Changes version of the plan this cartographical error has been corrected on the revised Plan 2.

Objections have also been made on behalf of Blackpool Airport. Firstly, they believe the use of the term "open land" is an ambiguous description. Their suggested amendment would allow airport related development to be located into the Green Belt. To put new build development, even if related to the airport, would be harmful to the openness of the greenbelt and should not be allowed, except in very special circumstances.

The construction of new buildings for an airport use would not accord with the wellestablished national guidance of what constitutes "appropriate development" in the Green Belt, as set out in paragraph 89 of the NPPF. Whilst acknowledging the economic benefits being sought within the Enterprise Zone, I am conscious that the effect of the proposed alteration would be to free up development land outside the green belt for non-airport uses by putting airport related development that, could in part, remain located outside the Green Belt, into the Green Belt.

It is not appropriate for a neighbourhood plan to establish that a particularly use, would constitute very special circumstances. That must be a matter that has to be promoted and determined at the planning application stage. I note that the airport does enjoy some permitted development rights, including the construction of buildings subject to certain size limitations set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 for operational development. The fact that they can be constructed, notwithstanding the Green Belt designation, does not undermine the national policy against planning permission being granted for inappropriate development. I do not consider that a policy would meet basic conditions if the neighbourhood plan advanced a policy which allowed development, contrary to national green belt policy, to be promoted.

At the hearing it was confirmed that Fylde and Blackpool's respective development management committees would be responsible for agreeing the master plan for the Airport's enterprise zone. Their deliberation would have to consider whether to allow all types of airport related development in the Green Belt as part of the master plan. I therefore propose to change "must" to "should" as this is a matter for the approval of the actual decision makers in respect of the masterplan to address,

I have some concerns that some parts of the policy are not policy but justification for the policy namely the fourth paragraph of the policy.

Both Lancashire County Council and the Local Enterprise Partnership have recommended that the policy should be retitled Blackpool Airport Enterprise Zone. I consider that is an acceptable title that better reflects the area covered by the policy.

Recommendation

That the policy be retitled Blackpool Airport Enterprise Zone.

Delete paragraph 4 of the policy and insert in the penultimate paragraph "including with relevant organisations including " between" consultation" and "with".

Replace Plan 2 with that prepared as part of the Suggested Changes.

Replace "must" with "should" in the last paragraph.

Policy SS2: Island site

There have been no objections to this policy and I confirm that it meets basic conditions.

Policy E1: The town centre and town centre development

The Submission Version of the plan sought to encourage the diversity of uses that support the vitality and viability of the town and local centres, so long as the uses were taking place above ground floor level. National planning policy is that town centres can benefit from a range of uses in addition to shops which collectively contribute to the success of these areas. There was a debate at the hearing about removing restriction to upper floors and I am pleased to say that the Suggested Changes version removes the limitation of only allowing alternative uses above ground floor level. That change brings a policy into line with national policy and advice.

The revised policy now meets basic conditions and no further alterations are required.

Recommendation

Delete" above ground floor level" from the third paragraph of the Submission Version as per the Suggested Changes.

Policy E2: Primary shopping frontages

The original Submission Version of the plan imposes a limit of non-retail uses to 25% of the units within the block. My questions and comments made at the hearing, raised specifically the point that the number of unit methodology did not differentiate

between the change of use of a small kiosk or the loss of a department store.

The Suggested Changes version does look at the consideration of the viability of existing uses. The principle of the policy is to recognise that a range of uses can contribute to a successful and vibrant town centre. It is not considered that it is necessary for an applicant to have to show that an ongoing retail use remains a viable when a say restaurant use wishes to be allowed, which equally could contribute to the vitality the centre. This can be achieved if the test is not applied to Class A uses.

The requirement, in the final part of the policy, that "a well-designed and appropriate window display" is beyond the scope of planning control.

Recommendations

Delete Submission Version and insert the Suggested Version but amend it by the inserting at the end of subsection c) "unless the proposed use is a use falling within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended.

Delete the last sentence of the subsection d).

Policy E3: Secondary shopping frontage

The same issues, relating to secondary shopping areas apply in the same way as they do with primary shopping areas and my same conclusions apply.

Recommendations

Delete Submission Version and insert the Suggested Version but amend it by the inserting at the end of subsection c) "unless the proposed use is a use falling within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended.

Delete the last sentence of the subsection d).

Policy E4: Employment and enterprise

The requirements of businesses to "meeting the needs of the local community" is an unnecessary restriction. It goes against the principle of supporting economic activity as set out in the NPPF.

The final criteria for considering the acceptability proposals is that they should not have an adverse impact on the local highway network. The NPPF states in paragraph 32 that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe".

I will be recommending the use of the same threshold.

Recommendations

Delete "that meet the needs of the community" from the first paragraph

Policy E5: Office development

I am satisfied that this policy meets basic conditions and no changes are required.

Policy E6: Leisure, culture and tourism

It is a requirement the policies should relate "to the use and development of land". The first bullet point relates to how the image of the town will be promoted. That is an entirely appropriate objective for the Town Council to pursue as part of its tourism promotion strategy, but it does not form part of the development plan. Reference can however be included in the supporting text. This equally applies to the promotion of beach leisure, marine tourism and recreation events. The provision of designated coach drop-off facility similarly lies outside the scope of planning control.

Recommendations

Delete subsection a), g) and i)

Policy E7: Tourism accommodation

I have no objections to the policies which cover the protection of tourist accommodation within the Holiday Area as defined on the Proposals Map.

I do have concerns regarding the final element of the policy which will not allow the conversion or properties to market residential use. That runs contrary to the aims of the NPPF, which are to encourage a significant increase in housing supply and to encourage the change of use of commercial buildings into residential uses.

Recommendation

Delete "affordable" before housing.

Policy T1: Accessibility for all

This policy meets basic conditions and no changes are required. The changes now include the requirement that all schemes to are required to have regard to "other development plan policies".

Recommendation

Insert "subject to other development plan policies".

Policy TR2: Better public transport

I have major concerns that much of this policy deviates from being proposals for the "use and development of land". The only elements of the policy which has land-use implications rather than being reliant on budgetary decisions on highway management matters are the improvements to the railway stations and the extension of the Tram network as set out in the Suggested Changes. The other matters are clearly important to the development of the town and in line with Government advice set out in the Planning Practise Guidelines that these matters can be properly set out in a companion document or clearly differentiated parts of the plan which does not form part of the development plan and will not go to referendum.

In the light of my conclusions relating to DEL1 as CIL payments are not discretionary. I will propose the deletion of the final paragraph.

Recommendations

Delete subsections a), b) and c) from the Suggested Changes Version and deletion of the final paragraph.

Policy TR3: Residential car parking

The first paragraph is not a policy but it is the reasoning for policy and should be incorporated within the justification. The principles behind the location of curtilage parking are sound, but there will be locations or particular types of development where the achievement of the policy cannot be achieved. That matter can be addressed without compromising the trust of the policy by the introduction of the caveat "wherever possible". The LPA has suggested that the policy would be better if included in the Design Guide but as far as the basic conditions are concerned there is no reason not to have the requirements as a neighbourhood plan policy.

Recommendation

Delete the first paragraph.

Policy TR4: Town centre parking

This policy relates to the town council's desire to be involved with the development of a car parking strategy for St Anne's town centre. There was a discussion about this at this hearing and the conclusion reached was that it was not actually at policy relating to the use and development of land. In the Suggested Changes the Town Council is promoting the removal of this policy.

Recommendation

In line with the Town Council's Suggested Changes the Submission Version of the Policy TR4 be deleted.

Policy TR5: Getting around St Anne's

I consider that the achievement of the linked network is an important part of the vision and strategy for the neighbourhood plan. However, these specific proposals are more matters that fall under the responsibility of the Highway Authority than through the planning system. However, the one area where the aspirations of the policy can be delivered, is through influencing new development at the planning application stage. My recommendation is that the final paragraph be retained along with this essential parts of the first section which gives the context for the policy. The remaining elements can be included in the non-development plan section of the document.

Recommendation

Renumber as TR4 and replace the Submission Version and replace with Suggested Changes but delete all text between "on /off street cycle routes "to "electric buggies" and the final paragraph.

Policy HOU1: Housing development

Following the hearing there has been a significant change in the text of the policy although it only is achieved by the addition of only four words. In the Submission

Version, housing was only to be allowed on previously developed land, which lay within the settlement boundary, including on infill sites. I expressed major concern that the housing policies were inadequate and could mean the plan did not meet the basic conditions, as it will prevent the town meeting its own housing requirements and hence the achievement of sustainable development. That position has now changed as a result of the proposed Suggested Changes. All development for housing on previously developed sites whether inside or outside the settlement boundary as well as the land within the settlement boundary will be supported. The second sentence presumes in favour for residential development on infill and redeveloped site in the town. However, that element is now unnecessary - they will also either be brownfield sites and/or land within the settlement boundary. I therefore propose to delete that part of the sentence as it is both unnecessary and I am concerned that retaining it will cause ambiguity.

Recommendation

Delete Submission Version and insert Suggested Changes but delete "on infill and redevelopment sites within the town" in the second sentence.

Policy HOU2: Housing for a sustainable community

This policy sought to rebalance housing provision, to attract and economically active families. At that hearing the local planning authority position was that there was still an unmet need for small units and furthermore that the major new housing developments would deliver primarily residential development for families. The policy is now proposed for deletion in the Suggested Changes Version of the plan.

Recommendation

In line with the Town Council's Suggested Changes the Submission Version of the Policy HOU2 be deleted.

Policy HOU3: New Apartments

This was a topic which is engaged a degree of time at the hearing. The objective of the original submission was to resist solely new apartment developments and where flats were included as part of the mixed development, to limit them to 20% of the units within the scheme. Much of the debate centred on concerns that the Town Council were articulating, regarding the conversion of existing large properties into flats and houses in multiple occupation (HMOs). This was in terms of the standard of accommodation and the effect of the change of use on the development on the

amenity of the area. On the other hand, Fylde Council in its representations were concerned that the policy could lead to larger properties falling into disrepair if there was a presumption against their conversion. The revised policy in Suggested Changes now is a completely different policy which deals with the criteria for the consideration of planning applications for the conversion of properties to flats or HMOs. I consider this policy is appropriate and will ensure that the effect on the character of the area as well as to ensure the problem an acceptable standard of accommodation within the property are considered. These are matters that are consistent with national and local policy and meets the basic conditions test.

Recommendation

Delete the Submission version and renumber as policy HOU2 and insert wording as set out in the Suggested Changes Version of the Plan.

Policy HOU4: Retirement hubs

I am satisfied that this policy meets the basic conditions and no alterations are required.

Recommendation

Policy to be renumbered Policy HOU3

Policy HOU5: Residential design

There was a debate at the hearing in response to question I have raised, as to whether it was appropriate to require an outline application to have to be submitted with the masterplan, be demonstrate that the development could be properly integrated into its setting. The Suggested Changes Version makes reference to the submission of an illustrative masterplan which addressed my concerns.

Recommendation

Renumber as Policy HOU4 and delete the Submission version and replace policy HOU4 as set out in the Suggested Changes Version of the Plan.

Policy SU1: Incorporate sustainable urban drainage into new development

The policy is essentially in line with up to date national advice on dealing with surface water drainage in new development. My only concern is the requirement that development contributions will be required from the provision and maintenance of SuDS which is not provided as part of the development. My conclusions regarding the collection of CIL are the same as in previous sections, along with the need for

any planning obligations to meet the three objectives set out in Regulation 122 of the CIL Regulations.

Recommendation

Delete the last paragraph of the Submission Version.

Policy SU2: Decentralised energy networks and district heating systems

The Submission Version of the plan put the requirements to explore decentralised energy supply and district heating/cooling systems was for "major development" i.e. 10 units. That threshold has now been raised to 100+ homes in the Suggested Changes Version of the plan. I believe that that is much more practical threshold and I propose to accept that recommendation. I am aware that the Secretary of State in his statement to the House of Commons dated 25th March 2015 stated that "Local authorities or qualifying bodies preparing neighbourhood plans should not.... set out ...any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings." I therefore consider that this section should be better included in the Design Guidance and not be a development plan policy.

Recommendation

That the Policy be deleted and the contents be moved to the Design Guide.

Policy DEL1 Developer contributions

I have raised concerns that the policy for development contributions did not necessarily meet the test of planning obligations. The Suggested Changes version introduced a requirement for a direct relationship to the development. The latest version of the plan is the clarity that the assessment of the requirements lay with Fylde Council. I am concerned that the reference to "the Council" could be misconstrued and could be considered to refer to the Town Council. I will make it clear that any contribution to the list of nine items set out in the policy, has to be directly related to the development, which is the test as to whether the planning application will be refused had it not been to the contribution being made.

Recommendation

Replace the Submission version with the Suggested Changes version but insert in the fourth paragraph, "so long as there is a direct relationship with the development" at the end of the first sentence.

Insert "Fylde" Council into the last paragraph.

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance I can confirm that the area of the St Anne's on the Sea Neighbourhood Development Plan as designated by Fylde Council is the appropriate area for the Referendum to be held and the area for the referendum does not need to be extended.

Summary

The St Anne's on the Sea Neighbourhood Plan has much to commend itself, aspiring to high quality new development, reflecting the expectations that all schemes should contribute to the achievement of the "Garden Town by the Sea". Equally it promotes exciting new initiatives such as trying to link open space within the town to the coast. I am delighted to recognise the enthusiasm and vision that has gone into the demonstrating how new development can help shape the town over the next fifteen years. The Town Council is to be congratulated on taking such a positive approach and using the neighbourhood planning process to set out a clear vision for the town.

However, my concern has been to the approach that the plan has taken to providing the new homes that the community is going to need and I am making a number of what must seem significant changes to policy, beyond even what the Town Council has promoted in its Suggested Changes version of the Plan and to the settlement boundary. I have to make it clear that had I not felt that I was in a position to recommend these changes, it was very likely that I would have reached a different conclusion as to whether the Plan should be allowed to proceed to referendum. Neighbourhood Plans have to be prepared having regard to Secretary of State advice which is clearly to secure a boost in the supply of housing. As originally submitted the plan I felt that the Plan would not be providing for sustainable development for the whole plan period. I recognise that some of my changes will not be popular recommendations, but it has allowed me to come to the view that taken as a whole the Plan, if amended by my recommendations, would now meet all the statutory requirements, including the basic conditions and should be allowed to proceed to referendum.

I am therefore delighted to recommend to Fylde Council that the St Anne's on the Sea Neighbourhood Development Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning

10th August 2016



Schedule pf Proposed Changes following the Independent Examiners Report and suggested modifications:

Policy/page	Examiner Recommendation	Reason for Change
Reference		
Of NDP		
Policy GP1: Settlement boundary (p.21 and Proposals Map)	That the land shown as Open Countryside outside the Green Belt be deleted and the land then be included within the Settlement Boundary on the Proposals Map (see attached Map).	At the time of making the decision Fylde Borough Council cannot identify a five year housing supply, in accordance with paragraph 49 of the Framework, policies which affect the supply of housing land, which would include the designation of land as countryside outside the Green Belt, will not be considered up-to-date. The incorporation of the land identified as countryside outside the Green Belt, into the settlement boundary would offer the town the flexibility to be able to meet its housing needs over the next 15 years, which are unlikely to diminish.
Policy GP2: Demonstrating	Replace the Submission version of the Policy with that shown in	Without the flexibility of adjusting the settlement boundary, the Plan could not deliver sustainable development and as such would fail the basic conditions test. Discounting residential use as a last resort is not considered in line with the
viability (p.22)	Suggested Changes version and remove the paragraph after subsection c) which states "where the existing use is no longer considered viable" down to "town,	Secretary of State's advice, particularly as there are limited opportunities for new residential development within the borough.
	district or local centres" and remove the last paragraph of the justification.	To enable the Plan to meet the basic conditions.
Policy EN1: Protection of sites of biological and geological conservation importance	Replace the Submission version with the Suggested Changes version of the policy except for the penultimate paragraph which should read: <i>"The level of protection and mitigation should be proportionate to the status of the habitat or species</i>	The original Submission version of the policy offered the same level of protection to locally designated sites as internationally recognised sires. This ran contrary to the hierarchical approach which is promoted in the Framework, a point made by Natural England.
(p.25)	and should give appropriate weight to their importance, individually and as part of the contribution they make to the wider ecological network"	Modifications will also improve the clarity and understanding.

[1
	Retitle policy as per Suggested	
Dalia 510	Changes	
Policy EN2:	Replace the Submission version of	Conscious that paragraph 77 of the
Protection of	the Policy with that shown in	Framework states that "local green space
open spaces,	Suggested Changes.	designation is not appropriate for most
local space		green spaces or open space", however
(LGS), outdoor	Remove Site 31 – Valentine Kennels	the Town Council has justified each site's
recreational	from Appendix 1 and the Proposals	inclusion and as such apart from one site
facilities and	Map and renumber the list of Local	considers that all designations do meet
green	Green Spaces accordingly.	the basic conditions.
infrastructure		
(= 20)	Retitle the policy name in line with	The only area which would be difficult to
(p.26)	Suggested Changes version, i.e.	justify is the designation of the former
	Policy EN2: Green Infrastructure	Valentine Kennel site, as it appears only
		to have been designated in order to
Daliay END:	Delete Deliev EN2 in line with To	prevent development.
Policy EN3: Provision of	Delete Policy EN3 – in line with Town	Following the publication of the latest
	Council's recommendation following	version of the local plan and the open
open space in residential	the Public Hearing.	space study, the Town Council is now
development		suggesting that the policy be deleted.
(p.28)		
Policy EN4: Starr	Delete the 2 nd paragraph and rely on	The neighbourhood plan cannot require
Hills Reserve	Policy DEL1.	CIL money to be allocated towards any
This Reserve		particular project.
(p.29)	Renumber policy, i.e. Policy EN3:	
(p.23)	Starr Hills Nature Reserve	For clarity and accuracy.
Policy EN5:	No change – other than the re-	For clarity and accuracy.
, Urban tree	numbering of policy, i.e.	, , ,
supply	Policy EN4: Urban Tree Supply	
(p.29)		
Policy EN6:	Delete the 2 nd paragraph and rely on	The neighbourhood plan cannot require
Community tree	Policy DEL1.	CIL money to be allocated towards any
planting		particular project.
	Renumber Policy, i.e. Policy EN5:	
(p.30)	Community Tree Planting	For clarity and accuracy.
Policy CH1:	Delete Policy CH1: Community	At the Public Hearing it was confirmed
Community	Infrastructure and accompanying	that FBC would not be preparing a
infrastructure	justification.	separate Infrastructure Plan for St.
		Annes. National policy states that
(p.33)		Neighbourhood Plan policies must be
		supported by evidence and there is no
		evidence to show inadequate
		infrastructure.
Dellas CUD		To meet the basic conditions.
Policy CH2:	Replace the Submission version pf	The Submission version of the Plan refers
Community	the policy and the supporting text	to the identification of community
facilities	with that shown in the Suggested	facilities as Assets of Community Value.
(25)	Changes version.	However, this is not a policy for the use
(p.35)		and development of land. The Town

	Renumber policy accordingly	Council have therefore removed this
	Policy CH1: Community Facilities	paragraph in their Suggested Changes version of the Plan.
		Modification provides accuracy and clarity.
Policy CH3: Encouraging an active and healthy lifestyle	Delete Policy CH3: Encouraging an active and healthy lifestyle Add accompanying justification to Policy EN2.	In line with the Town Council's Suggested Changes version, part of this policy has now been incorporated within Policy EN2.
(p.35)		To meet the basic conditions.
Policy DH2: Corridors and gateways (p.41)	Replace the Submission version of the policy and the supporting text with that shown in the Suggested Changes version. Delete the last sentence of the Suggested Changes version of the	The LPA will be determining whether it wishes to include the St. Annes Corridor and Gateway Strategy and the Blackpool Airport Corridor Improvement Area within its Regulation 123 list, this is not a matter that the neighbourhood Plan can determine.
	policy.	To meet the basic conditions.
Policy SS1: Blackpool Airport	The policy is renamed Blackpool Airport Enterprise Zone. Delete paragraph 4	In line with recommendations made by Lancashire County Council and the Local Enterprise Partnership.
(p.45)	Insert in the penultimate paragraphincluding with relevant	Part of the text within the policy is justification rather than policy.
	<i>organisations including</i> between ' <u>consultation</u> ' and ' <u>with</u> '.	For clarity and accuracy and to meet with basic conditions.
	Replace must with <i>should</i> in the last paragraph.	
Policy E1: The town centre and town centre development (p.47)	Delete above ground floor level from the 3 rd paragraph of the Submission version as per their Suggested Changes.	This change will enable the policy to become in line with national policy, and as such will make the basic conditions.
Policy E2: Primary shopping frontages	Replace the Submission version of the policy with the Suggested Changes version. Amend it by inserting at the end of subsection c) <i>"unless the proposed use is a use</i>	To ensure that the policy meets with the basic conditions, as part of the policy is beyond the scope of planning control.
(p.47)	falling within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended".	
	Delete the last sentence of the subsection d)	
Policy E3:	Replace the Submission version of	To ensure that the policy meets with the

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parking		development of land policy.
(p.58)		To meet the basic conditions.
Policy TR5: Getting around	Replace the Submission version of the policy with the Suggested	Much of this policy falls under the responsibility of the Highway Authority.
St Anne's	Changes version.	As such the final paragraph should be retained along with the essential
(p.58)	In addition, delete all text between "on/off street cycle routesto electric buggies" in the final paragraph.	elements but the remaining can be added into the non-development plan section. For accuracy and clarity, and to meet the
	Renumber the policy to Policy TR4:	basic conditions.
	Getting Around St. Anne's.	
Policy HOU1:	Replace the Submission version of	The previous wording of the policy was
Housing development	the policy with the Suggested Changes version.	inadequate and did not meet with the basic conditions.
(p.61)	In addition, delete " on infill and redevelopment sites within the town" in the 2 nd sentence.	
Policy HOU2:	Delete Policy HOU2 – in line with	This policy was more of a desire by the
, Housing for a	Town Council's suggestion.	Town Council rather than a land use and
sustainable		development of land policy.
community		
(p.62)		To meet the basic conditions.
Policy HOU3:	Replace the Submission version of	The amended text is now consistent with
New	the policy with the Suggested	national and local policy and meets the
apartments	Changes version.	basic conditions.
(p.64)	Renumber the policy to Policy HOU2: Conversion of Existing Properties into Flats and HMO's.	For accuracy and clarity.
Policy HOU4:	No change other than renumbering	For accuracy and clarity.
Retirement hubs (p.65)	to Policy HOU3: Retirement Hubs	
Policy HOU5:	Replace the Submission version of	The amended text now meets the basic
Residential	the policy with the Suggested	conditions, as previously the policy
design	Changes version.	requests were no appropriate.
(p.65)	Renumber the policy to Policy HOU4: Residential Design.	
Policy SU1:	Delete the last paragraph	The neighbourhood plan cannot require
Incorporate sustainable		CIL money to be allocated towards any particular project.
urban drainage		
into new		To meet the basic conditions.
development		
(p.68)		
Policy SU2:	Delete Policy SU2, and contents	National guidance states that local
decentralised	moved into the Design Guide.	authorities or qualifying bodies should

energy		not set out additional local technical
networks and		standards or requirements relating to
district heating		construction.
systems		
(p.69)		
Policy DEL1:	Replace the Submission version with	The original policy did not meet the test
Developer	the Suggested Changes version.	of planning obligations. This latest
contributions		version of the plan has more clarity.
	Insert in the 4 th paragraph " so long	
(p.71)	as there is a direct relationship with	
	the development" at the end of the	To ensure there is no misunderstanding
	first sentence.	that 2the Council" in this instance is Fylde
		Borough Council.
	Add " <i>Fylde Borough</i> " in the last	
	paragraph.	

Proposed Settlement Boundary Amendment





Fylde Borough Council

St Anne's on the Sea Neighbourhood Development Plan – DRAFT Decision Statement

Summary

Under the Town and Country Planning Act 1990 (as amended), Fylde Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under neighbourhood planning.

This statement confirms that following an Independent Examination and Public Hearing, Fylde Borough Council now confirms that subject to the modifications proposed by the Examiners Report have been accepted; that the Submission version of the St. Anne's on the Sea Neighbourhood Development Plan has been altered as a result of it, and as such will proceed to a Neighbourhood Planning Referendum.

Background

On the 12 July 2013, Fylde Borough Council approved an application by St. Anne's Town Council to designate the St. Anne's on the Sea Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan, in accordance with Part 2 of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

The neighbourhood plan making process was led by St. Anne's Town Council, with an appointed Steering Group to undertake the Plan preparation made up of volunteers advised by planning consultants. The Plan underwent various stages, and following the Submission version of the St. Annes on the Sea Neighbourhood Development Plan (the Plan) to Fylde Borough Council, the Plan was publicised and representations were invited to make comment on the proposed Plan and content. The publicity period ended on 24 March 2016.

During this period Fylde Borough Council, in agreement with St. Anne's on the Sea Town Council, formally appointed Mr John Slater BA (Hons), DMS, MRTPI, to examine whether the Plan met with the Basic Conditions and legal requirements and if it should therefore proceed to Referendum.

The Examiner concluded that he was satisfied that the Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in his report, which are also set out in a Table 1: Examiner Recommended Modifications, of this statement.

Schedule 4B s.12 to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a local planning authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in the legislation, a Referendum must be held on the making of the Plan by the local planning authority. If the local planning authority is not satisfied that the Plan meets the Basic Conditions and legal requirements then it must refuse the proposal. A referendum must take place and a majority of residents who turn out to vote in favour of the Neighbourhood Development Plan (50% plus one vote) before it can be "made".

Policy/page Reference Of NDP	Examiner Recommendation	Reason for Change	Action by LPA
Policy GP1: Settlement boundary (p.21 and Proposals Map)	That the land shown as Open Countryside outside the Green Belt be deleted and the land then be included within the Settlement Boundary on the Proposals Map (see attached Map).	At the time of making the decision Fylde Borough Council cannot identify a five year housing supply, in accordance with paragraph 49 of the Framework, policies which affect the supply of housing land, which would include the designation of land as countryside outside the Green Belt, will not be considered up-to-date. The incorporation of the land identified as countryside outside the Green Belt, into the settlement boundary would offer the town the flexibility to be able to meet its housing needs over the next 15 years, which are unlikely to diminish. Without the flexibility of adjusting the settlement boundary, the Plan could not deliver sustainable development and as such would fail the Basic Conditions test.	Agree to make the modification to the settlement boundary. To meet the Basic Conditions
Policy GP2:	Replace the Submission version	LEGEND Nodified Settlement Boundary Nodified Settlement Boundary Nodified Settlement Boundary 	Agree with

Table 1: EXAMINER RECOMMENDED MODIFICATIONS

Demonstrating	of the Policy with that shown in	resort is not considered in line with	the
viability	Suggested Changes version and	the Secretary of State's advice,	Examiner.
	remove the paragraph after	particularly as there are limited	
(p.22)	subsection c) which states	opportunities for new residential	Text
	"where the existing use is no	development within the borough.	amended
	longer considered viable" down		accordingly.
	to "town, district or local	To enable the Plan to meet the basic	
	centres" and remove the last	conditions.	
	paragraph of the justification.		

Policy GP2: Demonstrating Viability

Where policies in this plan seek to retain existing uses subject to viability, it must be demonstrated to the satisfaction of the Council that one of the following tests has been met:

- a) The continued use of the site/premises for its existing use is no longer viable in terms of the operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use development for the existing use and a compatible use; or
- b) The land/premises is/are no longer suitable for the existing use when taking into account access/highway issues (including public transport), site location, business practices, infrastructure, physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration; or
- c) Appropriate marketing of the land/property indicates that there is no demand for the land/property in its existing use. Details of the current occupation of the buildings, and where this function would be relocated, will also be required.

Marketing

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:

- I. 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.
- II. 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.
- III. 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.

Policy EN1:	Replace the Submission version	The original Submission version of the	Agree with
Protection of	with the Suggested Changes	policy offered the same level of	the
sites of	version of the policy except for	protection to locally designated sites	Examiner.
biological and	the penultimate paragraph	as internationally recognised sires.	
geological	which should read:	This ran contrary to the hierarchical	Text
conservation		approach which is promoted in the	amended
importance	"The level of protection and	Framework, a point made by Natural	accordingly.
	mitigation should be	England.	
(p.25)	proportionate to the status of		
	the habitat or species and	Modifications will also improve the	
	should give appropriate weight	clarity and understanding.	
	to their importance, individually		
	and as part of the contribution		
	they make to the wider		
	ecological network"		
	Retitle policy as per Suggested		
	Changes version, i.e. Policy EN1:		
	Sites of Biological and		
	Geological Importance		

EN1: Sites of Biological and Geological Importance

Development likely to result in the loss, deterioration or harm to habitats, species or features of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted unless:

- a) the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- b) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points a) to c) comprise:

- Special Protection Areas
- Ramsar sites
- Sites of Special Scientific Interest (SSSIs)
- legally protected species
- Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs)
- Biological Heritage sites and Farmland Conservation Areas
- priority habitats and species listed in the national and local Biodiversity Action Plans

- habitats and species of principal importance for the conservation of biodiversity in England
- trees, and woodlands, (including semi-natural and replanted woodland), aged and veteran trees, and hedgerows
- Sites of national or local geological importance
- features of the landscape that function as a wider network of sites by virtue of their coherent ecological structure or function or are of importance for the migration, dispersal and genetic exchange of wild species

The level of protection and mitigation should be proportionate to the status of the habitat or species and should give appropriate weight to their importance, individually and as part of the contribution they make to the wider ecological network.

Development that is likely to result in a significant effect, either alone or in combination, on an international or European nature conservation designation, or a site proposed for such designation, will need to satisfy the requirements of the Habitat Regulations.

Policy EN2:	Replace the Submission version	Paragraph 77 of the Framework states	Agree with
Protection of	of the Policy with that shown in	that "local green space designation is	the
open spaces,	Suggested Changes.	not appropriate for most green spaces	Examiner.
local space		or open space", however the Town	
(LGS), outdoor	Remove Site 31 – Valentine	Council has justified each site's	Text
recreational	Kennels from Appendix 1 and	inclusion and as such apart from one	amended
facilities and	the Proposals Map and	site (Site 31 – Valentine Kennels)	accordingly.
green	renumber the list of Local Green	considers that all designations do	
infrastructure	Spaces accordingly.	meet the basic conditions.	And Site 31
			removed
(p.26)	Retitle the policy name in line	The only area which would be difficult	from
	with Suggested Changes	to justify is the designation of the	allocation.
	version, i.e. Policy EN2: Green	former Valentine Kennel site, as it	
	Infrastructure	appears only to have been designated	
		in order to prevent development.	

EN2: Green Infrastructure

A high quality and connected network of green infrastructure for St. Anne's will be achieved by:

a) Protecting from inappropriate development the existing areas of open space including outdoor recreational facilities, identified on the policies map, which comprise our green infrastructure network.

Other than in circumstances where the proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area, open spaces, and outdoor recreational facilities and playing fields should not be built upon, unless the requirements of paragraph 74 of the NPPF are met.

Development will not be permitted on open space that makes a positive contribution to the historic environment including the character, appearance and setting of conservation areas and listed buildings.

Development that results in the loss of registered Historic Parks and Gardens of national importance will not be permitted.

- b) Improving the, the quality and accessibility of green infrastructure and where possible providing net gains in biodiversity.
- c) Connecting our green infrastructure with other open and civic spaces including the creation, extension or enhancement of safe green corridors, pedestrian and cycle routes and public rights

of way (see Policies DH2 and TR4).

d) Creating new accessible green infrastructure. All residential development should incorporate new, or enhance existing, green infrastructure of an appropriate size, type and standard agreed by Fylde Borough Council and informed by an up to date need assessment. Where on-site provision is not possible, financial contributions will be sought to make appropriate provision for open space and green infrastructure.

New open spaces should be accessible and where possible, connect and enhance the existing green infrastructure network within St. Anne's. Provision of open space should be in advance of relevant developments being occupied and should also be accessible to people with disabilities and be dementia friendly.

The needs of all age groups, including those with particular needs, should be considered in the design of new or enhancements to existing green infrastructure

Local Green Space

The open spaces detailed in Appendix 1 and as shown on the policies map are designated as 'local green space' in accordance with NPPF paragraphs 76-77 and development on such land will only be permitted in very special circumstances where it can be clearly demonstrated that the development will not conflict with the purpose of the designation.

Policy EN3:	Delete Policy EN3 – in line with	Following the publication of the latest	Agree with
Provision of	Town Council's	version of the local plan and the open	the
open space in	recommendation following the	space study, the Town Council has	Examiner.
residential	Public Hearing.	suggested that this policy be deleted.	
development			Policy
			deleted.
(p.28)			
Policy EN4:	Delete the 2 nd paragraph and	The neighbourhood plan cannot	Agree with
Starr Hills	rely on Policy DEL1.	require CIL money to be allocated	the
Reserve		towards any particular project.	Examiner.
	Renumber policy, i.e. Policy		
(p.29)	EN3: Starr Hills Nature Reserve	For clarity and accuracy.	Text deleted
			accordingly.

EN3: Starr Hills Nature Reserve

The Town Council will work with Fylde Borough Council and other relevant stakeholders to make better use of the existing nature reserve for education and specialist visitor purposes at Starr Hills, and develop appropriate visitor interpretation and environmental management plans whilst protecting its biodiversity and geodiversity value.

Policy EN5:	No change – other than the re-	For clarity and accuracy.	Agree with
Urban tree	numbering of policy, i.e.		the
supply	Policy EN4: Urban Tree Supply		Examiner.
(p.29)			
Policy EN6:	Delete the 2 nd paragraph and	The neighbourhood plan cannot	Agree with
Community	rely on Policy DEL1.	require CIL money to be allocated	the
tree planting		towards any particular project.	Examiner.
	Renumber Policy, i.e. Policy		
(p.30)	EN5: Community Tree Planting	For clarity and accuracy.	Text deleted

			accordingly.
Policy CH1:	Delete Policy CH1: Community	At the Public Hearing it was confirmed	Agree with
Community	Infrastructure and	that FBC would not be preparing a	the
infrastructure	accompanying justification.	separate Infrastructure Plan for St.	Examiner.
		Annes. National policy states that	
(p.33)		Neighbourhood Plan policies must be	Policy
		supported by evidence and there is no	deleted.
		evidence to show inadequate	
		infrastructure.	
		To meet the basic conditions.	
Policy CH2:	Replace the Submission version	The Submission version of the Plan	Agree with
Community	of the policy and the supporting	refers to the identification of	the
facilities	text with that shown in the	community facilities as Assets of	Examiner.
	Suggested Changes version.	Community Value. However, this is	
(p.35)		not a policy for the use and	Text
	Renumber policy accordingly	development of land. The Town	amended
	Policy CH1: Community	Council have therefore removed this	accordingly.
	Facilities	paragraph in their Suggested Changes	
		version of the Plan.	
		Modification provides accuracy and	
		clarity.	
CH1: Communit	y Facilities		
Development re	sulting in the loss of any building o	r land currently or last used as a commun	ity facility or
•	will be permitted if it can be demo	•	, ,
a)	adequate alternative provision exis	sts or will be provided in an equally access	ible location
	for that community; or		
b)	the tests set out in Policy GP2 have	e been satisfactorily met.	
M/hono it is done			
where it is dem	onstrated that an existing commun	ity use is not viable, feasible or practical,	preference

Where it is demonstrated that an existing community use is not viable, feasible or practical, preference will be given to the change of use or redevelopment to alternative community uses before other uses are considered. Proposals for development which involve the unavoidable loss of a community facility (or facilities) for which there is a proven demand will be required to consider the scope for relocating or reproviding the facility (or facilities) either within the new development or on an alternative site within the locality and to make such provision, where viable, feasible and practical.

Policy CH3:	Delete Policy CH3: Encouraging	In line with the Town Council's	Agree with
Encouraging	an active and healthy lifestyle	Suggested Changes version, part of	the
an active and		this policy has now been incorporated	Examiner.
healthy	Add accompanying justification	within Policy EN2.	
lifestyle	to Policy EN2.		Policy
		To meet the basic conditions.	deleted.
(p.35)			
Policy DH2:	Replace the Submission version	The LPA will be determining whether	Agree with
Corridors and	of the policy and the supporting	it wishes to include the St. Annes	the
gateways	text with that shown in the	Corridor and Gateway Strategy and	Examiner.
	Suggested Changes version.	the Blackpool Airport Corridor	
(p.41)		Improvement Area within its	Text

 Delete the last sentence of the Suggested Changes version of the policy.	Regulation 123 list, this is not a matter that the neighbourhood Plan can determine.	amended accordingly.
	To meet the basic conditions.	

DH2: Corridors and Gateways

A) St. Anne's Corridor and Gateway Strategy

The Town Council will work with partners to develop a strategy for creating distinct high quality access corridors and gateways to the town as shown on the **Policies Map**, along with landmarks and areas of design character and quality of land and neighbourhoods adjoining these routes. The strategy will include:

- a corridor and gateway masterplan, including detailed corridor and gateway zones/ sites
- agreed design themes (including lighting, street furniture, landscaping, signage
- outline costs)
- identification of potential funding and maintenance resources
- a phased programme of implementation

Development proposals adjoining these corridors and gateways must respond in design terms and have regard to the principles and detailed guidance set out in the St. Anne's Design Guide and the accompanying Corridors and Gateways Companion Document.

All development will be required to make a positive contribution towards the implementation of the strategy and improvement of the access corridors and gateways.

B) Blackpool Airport Corridor Improvement Area

The road corridor comprising Squires Gate Lane, in the vicinity of Blackpool Airport, which is identified on the **Policies Map** as the Blackpool airport corridor improvement area, is a strategic gateway to St. Anne's and Blackpool.

Any masterplan prepared for the airport site, should include proposals for the comprehensive environmental improvement of this corridor and associated gateways, (see **Policy SS1**). Delivery, funding and maintenance arrangements should also be set out. This will be informed by the Site Anne's Corridor and Gateway Strategy or vice versa, depending on which progresses first.

The corridor straddles the boundary between Fylde (St. Anne's Parish) and Blackpool Councils, and, where feasible, joint proposals for both sides of the corridor and associated gateways should be set out in the masterplan.

In the absence of a masterplan for airport site, the Town Council will work with partners to improve the appearance and quality of environment of this strategic corridor as part of the St. Anne's Corridor and Gateway Strategy.

C) Developer Contributions

Developer contributions will be required to make provision towards the implementation of the St. Anne's Corridor and Gateway Strategy including the Blackpool Airport corridor improvement area.

Policy SS1:	The policy is renamed Blackpool	In line with recommendations made	Agree with
Blackpool	Airport Enterprise Zone.	by Lancashire County Council and the	the
•	Aliport Enterprise Zone.		••••
Airport		Local Enterprise Partnership.	Examiner.
	Delete paragraph 4		

(p.45)	Insert in the penultimate paragraph <i>including with</i> <i>relevant organisations</i> <i>including</i> between ' <u>consultation</u> ' and ' <u>with</u> '.	Part of the text within the policy is justification rather than policy. For clarity and accuracy and to meet with basic conditions.	Text amended accordingly.	
	Replace must with <i>should</i> in the last paragraph.			
SS1: Blackpool /	Airport Enterprise Zone			
	peration and viability of the airport Map will be safeguarded from non-a	t is supported. The open lands of the airpo airport related development.	ort identified	
commercial or le Map, unless the	eisure uses, will be located in the ar	eration of the airport, or development of reas outside the Green Belt identified on t rements that constitute very special circu	he Policies	
The delivery of t	he Blackpool Airport Corridor Enter	rprise Zone is supported.		
		erplan, which must have been prepared i ncluding with St. Anne's Town Council.	n	
	the boundaries of the airport desig ted in the agreed Masterplan.	nated as Green Belt will be safeguarded, a	and this	
Policy E1: The town centre and town centre development	Delete above ground floor level from the 3 rd paragraph of the Submission version as per the Town Council's Suggested Changes version.	This change will enable the policy to become in line with national policy, and as such will make the basic conditions.	Agree with the Examiner. Text amended	
(p.47)			accordingly.	
	entre and Town Centre Developme	ent		
Retail and other appropriate main town centre development will be encouraged within the town centre as defined on the Policies Map . Proposals for such development in 'edge of centre' or 'out-of-centre' locations will be considered in accordance with the National Planning Policy Framework. The town centre, primary shopping frontage and secondary shopping frontage boundaries are defined on the Policies Map .				
Within the town centre, a diversity of uses that support the vitality and viability of the centre will be supported, to encourage an evening economy and to improve safety and security by increasing natural surveillance of the centre, provided that the proposal would not adversely affect the character of the				

centre, highway safety or the amenity of adjoining and nearby properties. Such uses include cultural facilities, restaurants and cafés, financial and professional services, offices and residential uses, as well as uses relating to non-residential institutions and leisure and recreation uses that are appropriate in a town centre.

Within the Wood Street Cafe Quarter, identified on the **Policies Map**, redevelopment or changes of use to restaurants, cafes and drinking establishments, or extensions to such existing uses will be permitted, subject to the use not adversely affecting highway safety or the amenity of adjoining and nearby properties; and any external works being in keeping with the character and amenities of the town centre and highway safety.

Policy E2: Primary shopping frontages (p.47)	Replace the Submission version of the policy with the Suggested Changes version. Amend it by inserting at the end of subsection c) <i>"unless the</i> <i>proposed use is a use falling</i>	To ensure that the policy meets with the basic conditions, as part of the policy is beyond the scope of planning control.	Agree with the Examiner.
E2: Primary Shop	within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended". Delete the last sentence of the subsection d)		Text amended accordingly.
retail use. Propos from Use Class A a) t	sals for the change of use of ground 1 to other uses will be considered a	Policies Map , will be maintained in predo d floor premises within the primary shopp against the following criteria: pution to, the character, diversity, vitality	bing frontages
b) t F ii c) t t d) t	the need to maintain a majority of t Retail use and prevent the introduc Proposals must retain at least 75% of n A1 retail use; the viability of retaining that use, un the Town and Country Planning (Us	the ground floor units within these fronta ction of excessive concentrations of other of the frontage in an unbroken run of prir nless the proposed use is a use falling wit se Classes) Order 1987 as amended; and remises themselves to be treated in a fash	uses. mary frontage hin Class A of
E3: Secondary shopping frontage	Replace the Submission version of the policy with the Suggested Changes version. Amend it by inserting at the end of subsection c) <i>"unless the proposed use is a use falling within Class A of the Town and Country Planning (Use Classes)</i> <i>Order 1987 as amended"</i> . Delete the last sentence of the	To ensure that the policy meets with the basic conditions, as part of the policy is beyond the scope of planning control.	Agree with the Examiner. Text amended accordingly.
F2 : Comparison of	subsection d) hopping Frontages		

will be considered against the following criteria:

- a) their particular effect on, or contribution to, the character, diversity, vitality and viability of the centre;
- b) the need to maintain a significant proportion of the ground floor units within these frontages in A1 Retail use and prevent the introduction of excessive concentrations of other uses. Proposals must retain at least 50% of the frontage in an unbroken run of secondary frontage;
- c) the viability of retaining that use, unless the proposed use is a use falling within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended; and
- d) the need for the frontages of the premises themselves to be treated in a fashion appropriate to a shopping area.

Policy E4:	Delete the following textthat	The requirements of business to	Agree with
Employment	meet the needs of the	"meeting the needs of the local	the
and enterprise	community from the 1 st	community" is an unnecessary	Examiner.
	paragraph	restriction. The NPPF also states in	
(p.49)		paragraph 32 that "development	Text
		should only be prevented or refused	amended
		on transport grounds where the	accordingly
		residual cumulative impacts of	
		developments are severe.	
		Modification provides conformity with	
		the basic conditions.	

E4: Employment and Enterprise

Proposals for small scale employment uses, (up to 1,000m2) social enterprises and other businesses, such as the creation of live work units, will be supported, subject to all the following criteria:

- a) proposals should not have significant harmful impacts on the local community or prevent them meeting their needs;
- b) proposals should not have significant harmful impacts on visitors and visitor attractions and facilities; and
- c) proposals should not have significant harmful impacts on the natural and historic environment of the area or the built environment of the town;
- d) proposals should not involve the loss of dwellings;
- e) proposals should contribute to the character and vitality of the local area;
- f) proposals should not have an adverse impact on residential amenity;
- g) proposals should not adversely impact upon the safe and efficient operation of the local highway network.

Policy E6:	Delete subsections a), g) and i)	Parts of the policy lie outside the	Agree with
Leisure,		scope of planning control.	the
culture and			Examiner.
tourism		In order to comply with the basic	
		conditions	Text
(p.51)			amended
			accordingly.
E6: Leisure, Culture and Tourism			

The Town Council will encourage, support and promote the town's leisure, culture and tourism offer by:

- a) promoting the principles of sustainable tourism through realising the potential of the Borough's heritage assets, in particular the Promenade Gardens and Ashton Gardens, St Anne's Pier;
- b) supporting the high quality physical regeneration of The Island Sea Front Area and the protection of seaside resort facilities, to support wider tourism, culture and the local economy;
- c) encouraging daytime and evening business, leisure, cultural and heritage based tourism facilities, such as hotels, restaurants, cinemas, theatres, museums, swimming pools and leisure centres within the town centre;
- d) protecting tourism, cultural and leisure assets, such as golf courses and the seaside resort facilities, with a view to helping them to adapt to new challenges with the use of development briefs;
- e) promoting public art and public realm works within the town and securing developer contribution funding where appropriate and CIL compliant;
- f) support the future development of provision for motor home users In appropriate locations.

Policy E7:	Delete affordable before	In order for the policy to meet the	Agree with
Tourism	housing.	basic conditions as the final element	the
Accommodati	C C	of the policy which will not allow the	Examiner.
on		conversion or properties to market	
		residential use, which runs contrary to	Text
(p.52)		the aims of the NPPF.	amended
			accordingly.

E7: Tourism Accommodation

High quality serviced tourism accommodation (e.g. hotels) will be encouraged in the Holiday Areas, as defined on the **Policies Map**, provided that proposals:

- a) respect the character of the area; and
- b) do not prejudice the visual and other amenities of nearby residential properties.

Non serviced tourism accommodation uses in these areas will be resisted.

Within the Holiday Areas, as defined on the **Policies Map**, the change of use from serviced tourism accommodation will be resisted.

Outside the Holiday Areas, the change of use from serviced tourism accommodation will be supported subject to the following criteria:

- i. the proposed alternative use would also support local tourism, including self-catering accommodation, or
- ii. the proposed alternative use would otherwise support the local economy by providing employment, or
- iii. the proposed alternative use would contribute to the needs of the community, in terms of providing a community facility or housing.

Reference should be made to **Policy GP2**.

Policy TR1:	Replace the Submission version	Modifications enable the policy to	Agree with
Accessibility	of the policy with the Suggested	meet the basic conditions.	the

for all	Changes version.		Examiner.
		Amendments are in line with the	
(p.55)	Insert "subject to other	Town Council's suggested changes.	Text
	development plan policies" at		amended
	the end of the policy.		accordingly.
TR1: Accessibili	ty For All		
	mprove the accessibility of St. Anne e supported subject to other develo	e's for all sectors of society, including the e pment plan policies.	elderly and
Policy TR2:	Delete subsections a), b) and c)	Much of this policy deviates from	Agree with
Better public	from the Suggested Changes	being proposals for the "use and	the
transport	version and delete the final	development of land" and as such	Examiner.
	paragraph.	without the modifications the policy	
(p.56)		would not meet with the basic conditions.	Text deleted accordingly.
TR2: Better Pub	lic Transport		
includin • • •	ng: monitoring capacity/adequacy of c improvements where feasible, inclu- improvements to public realm and provision of visitor information improved pedestrian and cycle acco- station ential future extension of the Black		n for to Squire Gate
Policy TR3:	Delete the first paragraph.	The first part of the policy is reasoning	Agree with
Residential car		for the policy and as such should be	the
parking		incorporated within the justification. A caveat "wherever possible" can	Examiner.
(p.57)		overcome when locations of particular	Text deleted
		types of development cannot be achieved.	accordingly.
TR3: Residentia	l Car Parking	deme ved.	
of a garage, par	ble car parking should be accommo king space, or both. parking, the following principles sho	odated within the curtilage of the dwelling ould be incorporated:	in the form
-		le – internal dimensions of at least 6.4m x	3m are
required b) Garages		architectural style of the house they serve	·.
· · ·	s should be set back from the street	-	
d) Parking should either he in between houses (rather than in front) or where it is in front designed			

d) Parking should either be in between houses (rather than in front), or, where it is in front, designed so as to minimise visual impact, particularly by avoiding excessive hard surfacing and loss of

existing boundary walls, fences and hedges.

Any on-street parking for visitors and deliveries, which is required and is appropriate, must be carefully designed, avoiding long rows of parked cars.

Rear parking areas should be small (serving no more than six homes) so that there is a clear sense of ownership and they must should benefit from good natural surveillance.

Policy TR4:	Delete Policy TR4 – in line with	This policy is more of a desire by the	Policy
Town centre	Town Council's suggestion.	Town Council rather than a land use	deleted
parking		and development of land policy.	
(p. 58)		To meet the basic conditions.	
Policy TR5:	Replace the Submission version	Much of this policy falls under the	Agree with
Getting	of the policy with the Suggested	responsibility of the Highway	the
around St	Changes version.	Authority. As such the final paragraph	Examiner.
Anne's		should be retained along with the	
	In addition, delete all text	essential elements but the remaining	Text
(p.58)	between " on/off street cycle	can be added into the non-	amended
	routestoelectric buggies"	development plan section.	and deleted
	in the final paragraph.		accordingly.
		For accuracy and clarity, and to meet	
	Renumber the policy to Policy	the basic conditions.	
	TR4: Getting Around St. Anne's.		

TR4: Getting Around St. Anne's

The Town Council will work with Fylde Borough Council and Lancashire County Council and other appropriate organisations and land owners to develop and maintain a safe and linked network for pedestrians and cyclists linking our green infrastructure network (see **Policy EN2**), key community facilities, the town centre, beach and sea front, and the open countryside. It will build on the existing incomplete network of footpaths, bridleways.

New developments will be required to make provision for linking to this network (including appropriate maintenance) in accordance with separate guidance to be set out in supplementary guidance by Fylde Borough Council with assistance by the Town Council.

Policy HOU1:	Replace the Submission version	The previous wording of the policy	Agree with
Housing	of the policy with the Suggested	was inadequate and did not meet with	the
development	Changes version. the basic conditions.		Examiner.
(p.61)	In addition, delete " on infill and		Text
	redevelopment sites within the		amended
	town" in the 2 nd sentence.		and deleted
			accordingly.

HOU1: Housing Development

The development for housing of previously developed land and land within the settlement boundary will be positively supported subject to other relevant development plan policies being satisfied. (see also **Policy GP1**). Permission will be granted for residential developments, subject to proposals being well designed (in accordance with **Policy HOU5**) and meeting relevant requirements, set out in other policies in the development plan, the NPPF and the St. Anne's Design Guide.

Delete Policy HOU2 – in line	This policy was more of a desire by the	Policy
with Town Council's suggestion.	Town Council rather than a land use and development of land policy.	deleted
	To meet the basic conditions.	
Replace the Submission version	The amended text is now consistent	Agree with
of the policy with the Suggested	with national and local policy and	the
Changes version.	meets the basic conditions.	Examiner.
Renumber the policy to Policy	For accuracy and clarity.	Text
HOU2: Conversion of Existing		amended
Properties into Flats and		accordingly.
HMO's.		
	with Town Council's suggestion. Replace the Submission version of the policy with the Suggested Changes version. Renumber the policy to Policy HOU2: Conversion of Existing Properties into Flats and	with Town Council's suggestion.Town Council rather than a land use and development of land policy.To meet the basic conditions.Replace the Submission version of the policy with the Suggested Changes version.The amended text is now consistent with national and local policy and meets the basic conditions.Renumber the policy to Policy HOU2: Conversion of Existing Properties into Flats andFor accuracy and clarity.

HOU2: Conversion of Existing Properties into Flats and HMOs

In determining planning applications to convert property to flats or Houses in Multiple Occupation (HMOs), the Council will have regard to:

- a) the standard of accommodation for the intended occupiers of the premises;
- b) effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
- c) adequacy of car parking provision;
- d) general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;
- e) adequate private outdoor amenity space;
- f) adequate provision and screening for, waste and recycling facilities.

Policy HOU4:	No change other than	For accuracy and clarity.	Policy
Retirement	renumbering to Policy HOU3:		number
hubs (p.65)	Retirement Hubs		amended
Policy HOU5:	Replace the Submission version	The amended text now meets the	Agree with
Residential	of the policy with the Suggested	basic conditions, as previously the	the
design	Changes version.	policy requests were not appropriate.	Examiner.
(p.65)	Renumber the policy to Policy		Text
	HOU4: Residential Design.		amended
			accordingly.

HOU4: Residential Design

All new residential development must be designed in accordance with the principles set out in the accompanying Design Guide.

Any planning application for a major housing or mixed use development in excess of 25 dwellings will be required to be accompanied by an illustrative masterplan showing the layout and distribution of housing and other uses, proposed vehicular access arrangements, open space, recreation and green infrastructure provision, landscaping, relationship with existing development, proposed pedestrian, cycling linkages to adjoining neighbourhoods and networks (see **Policy TR4**), and response to climate change in terms of micro-climate and seaside location.

Any major planning application in excess of 25 dwellings shall be designed on the principles of a "west

coast garden neighbourhood" as described in the accompanying Design Guide. Developments below this threshold are encouraged to follow these principles. (see also **Policies DH1 & DH2**)

The adoption of renewable energy, energy efficiency and water recycling technology will be encouraged. Careful consideration should be given to the orientation of the principal rooms in new dwellings so that account is taken of future climate change, with passive solar gain and energy efficiency maximised.

Policy SU1:	Delete the last paragraph	The neighbourhood plan cannot	Agree with
Incorporate		require CIL money to be allocated	the
sustainable		towards any particular project.	Examiner.
urban			
drainage into		To meet the basic conditions.	Text deleted
new			accordingly.
development			
(p.68)			
	•		

SU1: Incorporate Sustainable Urban Drainage into New Development

New developments must incorporate sustainable urban drainage systems (SuDS) to reduce the run off of surface water to the maximum stipulated in DEFRA's Non-Statutory Technical Standards for SuDS unless agreed otherwise with Fylde Borough Council and, where applicable, the Lead Local Flood Authority.

The maintenance of such systems must be agreed in writing by the appropriate bodies to minimise the potential for a flood risk to arise as a result of poor or inadequate maintenance arrangements.

Sustainable urban drainage may include features such as ponds, swales, and permeable paving. The SuDS must be designed as an integral part of the green infrastructure and street network, so that SuDS features are positive features of the development. The system should effectively mitigate any adverse effects from surface water run-off and flooding on people, property and the ecological value of the local environment.

Policy SU2:	Delete Policy SU2, and contents	National guidance states that local	Policy		
decentralised	moved into the Design Guide.	authorities or qualifying bodies should	deleted		
energy		not set out additional local technical			
networks and		standards or requirements relating to			
district heating		construction.			
systems					
(p.69)		To meet with the basic conditions.			
Policy DEL1:	Replace the Submission version	The original policy did not meet the	Agree with		
Developer	with the Suggested Changes	test of planning obligations. This latest	the		
contributions	version.	version of the plan has more clarity.	Examiner.		
(p.71)	Insert in the 4 th paragraph " <i>so</i>		Text		
	long as there is a direct	To ensure there is no	amended		
	relationship with the	misunderstanding that "the Council"	accordingly.		
	<i>development</i> " at the end of the	in this instance is Fylde Borough			
	first sentence.	Council.			
	Add " <i>Fylde Borough</i> " in the last				
	paragraph.				
DEL1: Develope	r Contributions				
New developme	nt will normally be expected to cor	ntribute towards the mitigation of its impa	act on		

infrastructure, services and the environment and contribute towards the requirements of the community. This may be secured as a planning obligation through a Section 106 agreement, where the development would otherwise be unacceptable (and where there is a direct relationship to the development), or through the Community Infrastructure Levy (CIL), at such time as Fylde Borough Council has prepared a Standard Charging Schedule.

Where appropriate, developers will be permitted to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions.

Within the Neighbourhood Development Plan Area, new development will be required to contribute towards providing the infrastructure necessary for delivery of the Neighbourhood Plan, informed by viability assessment, and as required by the Delivery Strategy. Contributions will be assessed having regard to relevant current national policy and guidance in terms of development thresholds and limitations on "pooling" etc.

The types of infrastructure that developments may be required to provide contributions towards in the Neighbourhood Development Area include, but are not limited to the following so long as there is a direct relationship with the development. This list is intended to supplement and clarify any list included in any policy in the Fylde Local Plan to 2032 and must be read in conjunction with that list.

- a) Enhancing the functionality, quality, connectivity and accessibility of the Green Infrastructure network, including the improvement and development of the Starr Hills Nature Reserve;
- b) community tree planting;
- c) public transport improvements, including items listed in bullets a) to d) of Policy T2;
- d) improvement and maintenance of the pedestrian and cycle network, including items listed in bullets a) to h) of **Policy T5**;
- e) affordable housing;
- f) improvements to the car parking provision in the town centre;
- g) improvements to the appearance and quality of environment of access; corridors and gateways to the town as part of the implementation of the St. Anne's Corridor and Gateway Strategy;
- h) essential new community infrastructure or improvements to the capacity of existing community infrastructure;
- i) sustainable drainage measures.

Where a development is made unviable by the requirements of a planning obligation, Fylde Borough Council will have regard to appropriate evidence submitted by an applicant and consider whether any flexibility in the planning obligation is justified.

Post Adoption SEA and HRA

Following the modifications as a result of the Examiner's report, as outlined in Table 1 of this statement, a further screening opinion was sought under the EC Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) with the three statutory bodies (Environment Agency, Heritage England and Natural England). The Environment Agency and Heritage England have raised no objections or concern to the proposed modifications, whilst Natural England have raised concern regarding the proposed settlement boundary amendment in regards to the protection of the Nature Reserve.

Decision and Reasons

The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

Fylde Borough Council has considered whether to extend the area in which the referendum is to take place and agrees with the Examiner that there is no reason to extend the Neighbourhood Development Plan Area for the purposes of holding the referendum.

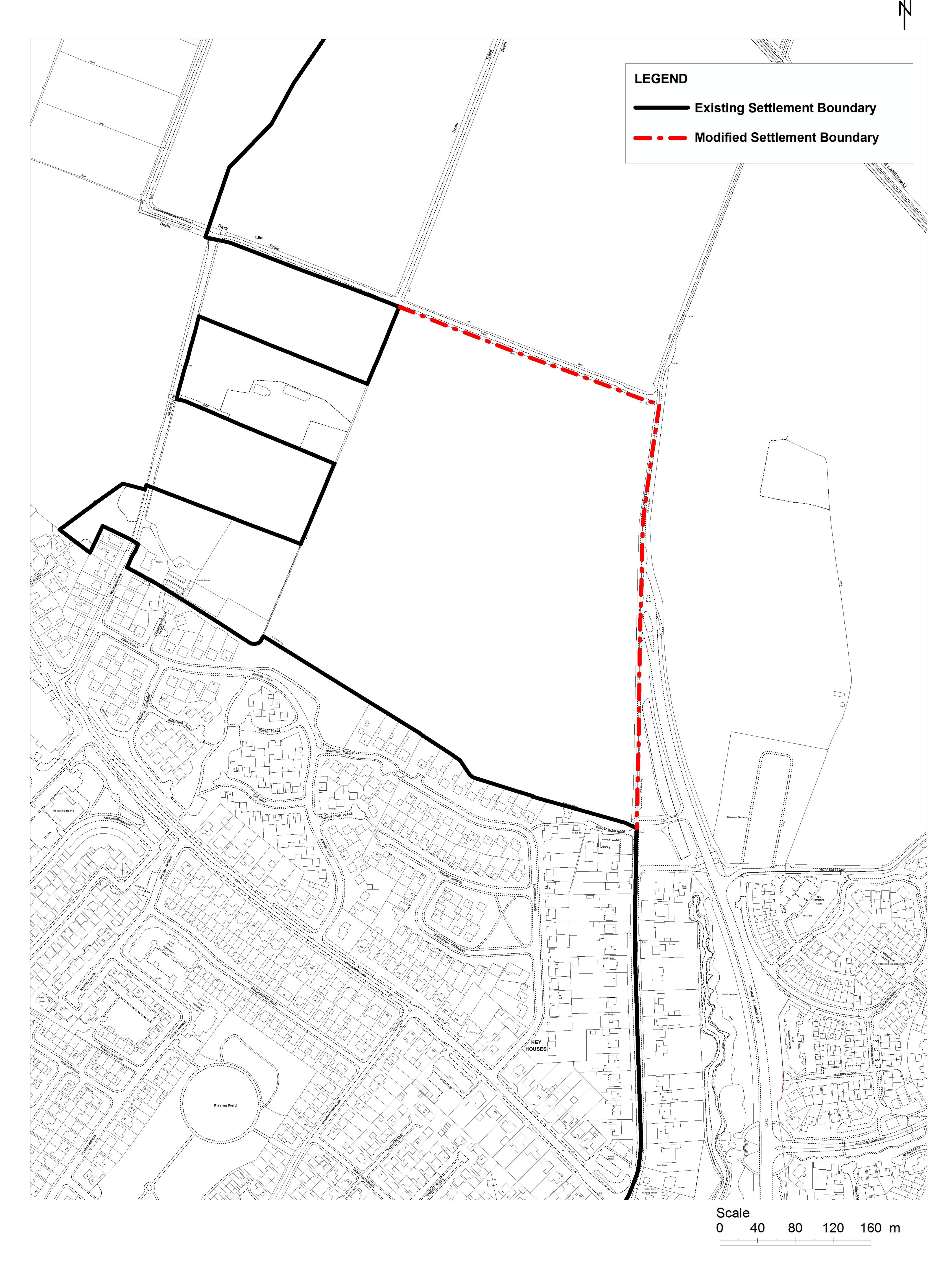
Having considered each of the recommendations made by the Examiner's report, and the reasons for them, Fylde Borough Council in consultation with St. Anne's on the Sea Town Council and following a further screening exercise, as defined in the Environmental Assessment of Plans and Programmes Regulations 2004, have decided to accept the modifications to the draft Plan. Table 1 outlines the modifications made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations.

Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question:

"Do you want Fylde Borough Council to use the St. Anne's on the Sea Neighbourhood Development Plan to help decide planning applications in the neighbourhood area?" will be held in St. Anne's with the count taking place in the Council Town Hall.

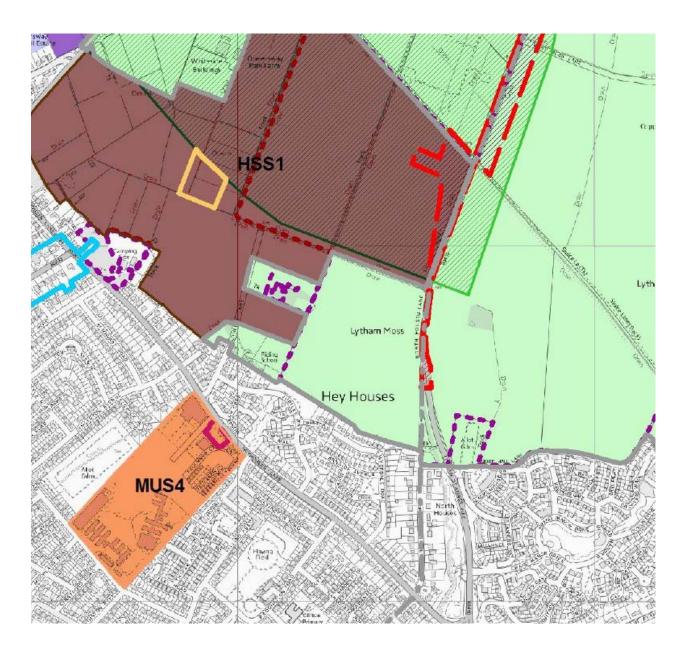
A copy of the Decision Statement will be available via Fylde Borough Council's website and in hard copy at request from the Planning Policy team, Town Hall, Lytham St. Anne's, FY8 1LW.

The proposed date on which the Referendum will take place is ****.



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Appendix 5: Section of Policies Map for the Fylde Local Plan to 2032 Publication Version in relation to the Proposed Amended Settlement Boundary





INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	12 OCTOBER 2016	6

LIST OF APPEALS DECIDED

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The following appeal decision letters were received between 26/08/2016 and 30/09/2016.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 26/08/2016 and 30/09/2016. Copies of the decision letters are attached.

Rec No: 1			
27 June 2016	15/0902	ST ANNES MEDICAL CENTRE, DURHAM AVENUE,	Written
		LYTHAM ST ANNES, FY8 2EP	Representations
		RETROSPECTIVE APPLICATION TO ALLOW B1 USE OF	AS
		EXISTING SECOND FLOOR, DEMOLITION OF 5 STEPHEN	
		STREET AND EXTENSION TO CAR PARK AND PROPOSED	
		ROOF LIFT TO EXISTING MEDICAL CENTRE TO CREATE	
		ADDITIONAL OFFICE SPACE ON SECOND FLOOR	
Appeal Decision:	Part allowed: 29	9 September 2016	



Appeal Decision

Site visit made on 30 August 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/M2325/W/16/3150374 St Annes Health Centre, Durham Avenue, Lytham St Annes, Lancashire FY8 2EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Harry Ashworth against the decision of Fylde Borough Council.
- The application Ref 15/0902, dated 23 December 2105, was refused by notice dated 20 April 2016.
- The development proposed is retrospective application to allow B1 use of existing second floor, demolition of 5 Stephen Street and extension to car park and proposed roof lift to existing medical centre to create additional office space on the second floor.

Decision

 The appeal is dismissed insofar as it relates to the proposed roof lift to existing medical centre to create additional office space on the second floor. The appeal is allowed insofar as it relates to B1 use of existing second floor, demolition of 5 Stephen Street and extension to car park. Therefore planning permission is granted for B1 use of existing second floor, demolition of 5 Stephen Street and extension to car park and at St Annes Health Centre, Durham Avenue, Lytham St Annes, Lancashire FY8 2EP in accordance with the terms of the application, Ref 15/0902, dated 23 December 2015.

Application for costs

2. An application for costs was made by Mr Harry Ashworth against Fylde Borough Council. This application is the subject of a separate Decision.

Procedural Matter

- 3. The description of the development provided on the application form in this case referred to the variation of a condition on an earlier approval. However, this has been amended on the appeal form to reflect the retrospective nature of some elements of this scheme. I have therefore used this latter description in the interests of accuracy.
- 4. As details of current and proposed employment levels on this site were not provided, and details of the level car parking provision were not clear, further clarification of these matters were sought and are considered below.

Main Issues

5. The main issues in this case are:

- 1) The effect of the parking arrangements on the living conditions of the occupiers of nearby properties; and,
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and daylight/sunlight.

Background

- 6. St Annes Medical Centre is a substantial modern building of two to three storeys which houses two GP Surgeries and a pharmacy. It is located within a mature residential area, adjacent to the railway line, near the centre of Lytham St Annes. Following the original approval for this building in 2007, an adjacent property on Stephen Street was demolished to create additional parking spaces for the Centre. Also, whilst the original approval conditioned the use of the third floor for storage only, this area has been used as additional office space since 2011. Whilst both of these elements have been the subject of earlier applications neither have formally been granted planning permission.
- 7. The current appeal follows the refusal of an application for retrospective approval of the additional car park area and the use of the third floor as office space. This application also included the creation of additional office floorspace at third floor level to be achieved by lifting the roof of the existing part-three storey element of the building. This would enable the re-location of an additional GP Surgery, the Poplar House Surgery, into this building.

Reasons

Living conditions - parking

- Current dedicated car parking provision for the medical centre provides for 131 car parking spaces. This includes the additional parking spaces¹ provided as a result of the demolition of No 5 Stephen Street. 30 covered cycle parking spaces are also provided.
- 9. The assessment of the parking implications of these proposals by the Council was undertaken on the basis of the current staffing levels on this site being 46, with an additional 14 members of staffing proposed as a result of the relocation of staff from the Poplar House surgery. Subsequent evidence submitted by the parties indicates that current staffing levels are between 45 and 47, with this figure including around 32 part-time members of staff. It has also been acknowledged that the employment of around 130 members of 'community staff' is associated with the Centre. The appellant states that this group work off site in a community setting, and are not permanent members of staff in the typical sense. In terms of whole time equivalents it is suggested that community staff equate to 53. Finally, updated figures suggest that the Poplar House surgery would bring an additional 24 members of staff to the centre, 13 of which would be part-time, around 10 more than previously assumed.
- 10. It is therefore clear that initial estimates of current and proposed future levels of employment associated with this site have been under-estimated. I acknowledge that a proportion of these employees are part time and a substantial number work out in the community. Whilst I accept that the community workers are not likely

¹ Whilst the application form refers to an additional 26 car parking spaces being provided, the Council refers alternately to the creation of an additional 18 and 20 parking spaces.

require access to parking spaces on a regular or predictable basis at this site, it is likely that they are largely dependent on car use to access patients and different venues, including this Centre. In this respect, the parking needs of the current staff and proposed future staff base are not fully assessed or understood in this proposal.

- 11. This calls into question the Council's assessment of the Centre's parking requirements using the parking standards for D1 medical/health facilities and B1 office use². I accept that 72 parking spaces may be sufficient allocation for the proposed increase to 18 consulting rooms. The assessment of office space in terms of the parking requirements per m² of gross floor area suggests that 24 spaces would be sufficient, generating a need for 96 spaces overall and suggesting an over-capacity at the Centre. However, my view is that this assessment has not taken into consideration the current and future parking requirements of <u>all</u> current and proposed future staff which would be based at and linked to the Centre.
- 12. At the time of my site visit during the early afternoon of a weekday I was able to observe some availability of parking spaces at the Centre. However, I also noted a lot of on street car parking in the streets around the Centre, which I accept has an impact on the living conditions of the occupiers of neighbouring properties, many of which do not have private driveways. I also accept that demand for parking spaces is likely to be greater during the busy early morning period, but that in the evenings and much of the weekends, outside opening hours, this area is likely to be relatively undisturbed.
- 13. The current levels of usage have been in place for around the past four years. Based on the current level of parking provision, including the creation of additional parking spaces on site, and noting the Council's parking standards, it appears that there is sufficient capacity to accommodate current parking needs. In this respect my view is that the retrospective approval of the additional car parking area and the use of the second floor area as office space would not be unreasonable.
- 14. Turning to the proposed increase in the size of the Centre to accommodate the additional surgery, I accept that the Council may have permitted other traffic generating activity in this area, and as I have noted, outside opening hours these streets would remain relatively undisturbed. I also accept that this site is in a sustainable location with good access to public transport options, and that the patients from the Poplar House surgery would support such a transfer, and that some patients have already transferred.
- 15. However, my view is that a high proportion of both existing and future patients and staff are, and would be, dependent on private motor vehicles to access this facility. In this respect the proposal to further expand this Centre has not demonstrated either that additional parking requirements associated with increased use are fully understood, or that the capacity to accommodate such additional requirements exists. It is also clear that any unmanaged increase in traffic levels in this location could have a detrimental effect on the living conditions of the occupiers of neighbouring properties in terms of disturbance and inconvenience at certain times of the day. This would include vehicle congestion and manoeuvring, vehicles taking up on street parking spaces which residents without driveways would need, and the blocking of accesses.

² Joint Lancashire Structure Plan Parking Standards 2005

- 16. On this matter I conclude that the proposal for the retrospective use of the second floor storage area as office space, and the demolition of 5 Stephen Street for use as additional car parking does not have a detrimental effect on the living conditions of the occupiers of nearby properties in terms of parking arrangements. In this respect the proposal complies with the Fylde Borough Local Plan 2005 (the Local Plan) which at Policy CF1 requires adequate parking to be provided for the extension of community facilities, and that residential amenity should not be prejudiced.
- 17. I also conclude that the proposal to expand the second floor to accommodate the additional surgery would have a detrimental effect on the living conditions of the occupiers of nearby properties in terms of parking arrangements. In this respect the proposal would not comply with the Local Plan which at Policy CF1 requires adequate parking to be provided for community facilities, and that residential amenity should not be prejudiced.

Living conditions – outlook and sunlight/daylight

- 18. The footprint of the Centre has a 'T' shape with its current three storey element located to the south west adjacent to the railway line. The proposal would increase the height of this part of the building by around 2m in order to enable access to a greater amount of this third floor area for office use. Durham Avenue and Stephen Street contain semi-detached and terraced properties of two to three stories in height. The houses closest to this part of the appeal building and most likely to be affected include the two storey properties at No 9 and No 11 Durham Avenue, and the two and three storey dwellings at No 4 and No 6 Stephen Street. The Council notes that at their closest points No 9 Durham Street is around 9m and No 4 Stephen Street is around 8.5m from the part of the Centre which would be increased in height.
- 19. The development of this building has altered the outlook for occupiers of these properties to a considerable degree, to the extent that the 21m facing distance referred to by the Council has already clearly been breached. However, my view is that the additional 2m height would not impact on this outlook, nor appear as overbearing, to any significantly greater degree than the present building, particularly as the roof slopes away from these properties. I accept that the proposal would impact on the amount of sunlight reaching the Stephen Street properties to the greatest degree, as they are located to the north east of the extended part of the building. However, I do not consider that this impact would be particularly noticeable given the existing height of the building.
- 20. As additional second floor windows would be present on elevations facing these properties and their gardens I acknowledge that there would be privacy concerns. In this respect I accept the Councils suggestion that, should the appeal be allowed, then a condition requiring such windows to be obscured and non-opening could be required to mitigate any harm.
- 21. On this matter I conclude that the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and daylight/sunlight, would not be unduly harmed by the proposal. It would therefore comply with the Local Plan in this respect which at Policy CF1 requires that the development of Community Facilities should not prejudice residential amenity. It would also comply with the principle contained in paragraph 17 the National Planning Policy Framework requiring that development "should always seek to securea good standard of amenity for all existing and future occupants".

Conditions

22. As the parts of the application relating to the B1 use of the second floor and the demolition of 5 Stephen Street to create additional car parking have already been implemented it is not necessary to apply conditions to this part of the decision.

Conclusion

- 23. I have found this proposal to be acceptable in terms of the retrospective application for B1 use of the second floor and the demolition of 5 Stephen Street to create additional car parking. These aspects of the proposals do not have a detrimental effect on the living conditions of the occupiers of nearby properties. I have also found that the proposed roof lift would not have a detrimental effect on the living conditions of nearby properties.
- 24. However, it has not been demonstrated that sufficient car parking provision has been made to accommodate the proposed increase in office space and staffing levels at the Centre. As a result I have found that this element of the proposal would have a detrimental effect on the living conditions of the occupiers of nearby properties in the vicinity of the appeal site.
- 25. For these reasons, taking into consideration all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the B1 use of the second floor and demolition of 5 Stephen Street, and dismissed insofar as it relates to the roof lift to create additional office space.

AJ Mageean

INSPECTOR



Costs Decision

Site visit made on 30 August 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Costs application in relation to Appeal Ref: APP/M2325/W/16/3150374 St Annes Medical Centre, Durham Avenue, Lytham St Annes, Lancashire FY8 2EP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Harry Ashworth for a partial award of costs against Fylde Borough Council.
- The appeal was against the refusal planning permission for retrospective approval to allow B1 use of existing second floor, demolition of 5 Stephen Street and extension to car park and proposed roof lift to existing medical centre to create additional office space on the second floor.

Decision

1. The application for an award of costs is refused.

Reasons

- 2. Paragraph 030 of the National Planning Practice Guidance (the NPPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
- 3. The NPPG at paragraph 049 states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. This includes if they prevent or delay development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
- 4. The appellant states that the application which is the subject of this appeal should have been approved as the advice provided by the Council's highways adviser raised no objection to the proposal. Such advice was based on adopted parking standards and site visits. As a result the appellant considers that unnecessary and wasted expense has been incurred to defend the second reason for refusal in this case.
- 5. However, it is clear in this case that the planning committee gave consideration to the considerable number of objections relating to highways matters received during the processing of this application from local residents, the existing occupants of the site and other user groups. As this was a significant material consideration, site visits were undertaken to understand the particular

circumstances of this case, including the effect of on-street parking on the living conditions of the occupiers of nearby properties.

- 6. I accept that parking standards are to some extent a technical matter, however, it is clear that the particular circumstances of this site within a mature residential area meant the additional consideration of local living conditions led to a determination which was contrary to initial officer advice on this matter. Furthermore, it is also clear from details of current and proposed employment levels based at the site which emerged during the course of the appeal that the details of the parking requirements of this site were not fully understood during the application process. This information was required on the initial application form but not provided by the appellant at this time.
- 7. Whilst details of employment levels, parking arrangements, and the effects of such provision in the wider area could have been requested at the application stage, my view is that this would have been unlikely to have led to a different conclusion on this matter. It can be seen from my decision that I agree with conclusion of Council Members in relation to parking concerns.
- 8. Accordingly, I do not consider that Council Members acted unreasonably in coming to conclusion which differs from highways advice on this matter. They were entitled not to accept the professional advice of officers as long as the case could be made for a contrary view.
- 9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

AJ Mageean

INSPECTOR

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
MANAGEMENT TEAM	DEVELOPMENT MANAGEMENT COMMITTEE	12 OCTOBER 2016	7
GENERAL FUND REVENUE BUDGET MONITORING REPORT 2016/17 - POSITION			
AS AT 31 ST JULY 2016			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The purpose of this report is to provide an update of the Council's General Fund (GF) Revenue Budget as at 31st July 2016 and specifically for those areas under the Committee's remit.

SOURCE OF INFORMATION

Chief Financial Officer – the report is based upon information extracted from the Council's financial ledger system for the period to July 31st 2016.

LINK TO INFORMATION

General Fund Revenue Budget monitoring Report to 31st July 2016:

https://www.fylde.gov.uk/revenue2016/

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

This information is provided to enable the committee to consider and scrutinise periodic revenue budget monitoring reports for those areas under the committee's remit.

FURTHER INFORMATION

Contact: Paul O'Donoghue (Chief Financial Officer)

Tel: 01253 658566

GENERAL FUND REVENUE BUDGET MONITORING REPORT 2016/17 –

POSITION AS AT 31ST JULY 2016

Summary

The purpose of this report is to provide an update on the Council's General Fund (GF) Revenue Budget as at 31^{st} July 2016. The report includes a narrative description of the most significant variances from the profiled latest budget and details any actions required to address these. Appendix A to this report shows the value of the most significant variances (those in excess of £5k) for all of the Council services by Committee and provides a brief explanation for each variance.

1. Background

- 1.1 The Council operates a system of Revenue Budget Monitoring which revolves around the production of detailed monthly monitoring reports for budget holders. Significant variances from the expected budget position at the point of monitoring, both for expenditure and income, are summarised in monitoring reports which are periodically reported to each Programme Committee for information purposes. This report therefore details the findings and issues emerging from budget monitoring carried out to 31st July 2016.
- 1.2 It should be noted that work continues on improving budget profiling across the Council in order that budget profiles more accurately reflect the spending pattern of individual budgets across the financial year. This serves to enhance budget monitoring and focus attention on true variances rather than budget profiling issues. This is a continuous process with budget holders so that the improved profiling continues to refine the budget monitoring system.
- 1.3 Council approved the 2016/17 budget at its meeting on 2nd March 2016. Subsequently on 20th June 2016 the Finance and Democracy Committee approved the Council's outturn position for 2015/16. The impact of those approvals, including savings and growth options approved at Council and slippage from 2015/16 approved by the Finance and Democracy Committee, are now reflected in the Council's financial ledger and therefore this report monitors expenditure and income against the updated approved budgets.

2. Budget Rightsizing Exercise

2.1 In 2011/12 The Councils Management Team committed to carrying out an annual budget rightsizing exercise to analyse underspends which have occurred over the last 3 financial years and to adjust current and future year budgets to better reflect the level of resource requirement in the context of current financial constraints. This process has continued to be undertaken annually and will be repeated during the second quarter of 2016/17. Any resulting changes to budgets will be reflected in later updates to the Councils Financial Forecast.

3. Budget Areas to Note

There are a number of budget areas to note on this General Fund Budget Monitoring report:

i. Employee Costs

The budget forecast which was approved by Budget Council in March 2016 assumed reduced payroll costs as a result of 'turnover savings' (delays in the recruitment to vacant posts) of £200,000 per annum from 2016/17 onwards. Actual savings achieved in relation to direct employee costs to 31st July 2016 are already in excess of this target as a result of a large number of un-filled posts during the period, a number of which have now been recruited to. These savings are therefore unlikely to recur to this extent for the remainder of the year. The employee costs budget will be reviewed as part of the right-sizing exercise on service budgets later in the year and a favourable MTFS adjustment may follow.

ii. Car Parking Income

The income is in excess of the budget for the period due to increased usage/visitor numbers largely as a result of dry, sunny weather conditions during the early part of the year. Additionally the current approved budget assumes the loss of income from the closure in 2016/17 and 2017/18 of the Stanner Bank and St Pauls Avenue car parks as a result of the coast protection works to be carried out at Fairhaven and Church Scar. The works had been expected to commence in 2016/17 but will now not commence

until 2017/18. The budget will be adjusted to reflect this and any other changes in the next update to the Financial Forecast.

iii. Sale of Sand (Sand-winning)

Income from the sale of sand has been higher than the forecast amount and consequently this income budget will be reviewed as part of the budget right-sizing exercise with the intention of increasing the income budget to reflect the current level of income. The increase may be a consequence of greater levels of activity in the construction industry, and the consequential demand for sand as a building material, possibly reflecting an upturn in the house-building market.

iv. Fleet Costs

Expenditure on fleet costs for the year to date indicates a number of variances against various elements of the budget. Much of the adverse variance in material and repair costs reflect the fact that many vehicles are no longer within the manufacturers' warranty period and consequently repair costs fall on the Council. The favourable variance on fuel costs arises from the lower wholesale diesel prices for the first part of the year and improved driver awareness of economical driving techniques. The fleet budgets will be reviewed as part of the right-sizing exercise on service budgets later in the year and any necessary adjustments will be made.

v. Planning Enforcement Costs

The Council has incurred some costs in relation to the Direct Enforcement Action at the unauthorised Traveller Site at Fairfield Road, Hardhorn. The outcome of the appeal relating to the 6 occupied pitches has recently been determined and the Council is considering the decision. This budget will be kept under review during the remainder of the financial year.

vi. Council Tax and Housing Benefits

There are currently a number of significant variances on the various control accounts in respect of Council Tax and Housing Benefits, particularly Rent Allowance expenditure. However, as the majority of these are directly reimbursed from central government grant a large variance at year end is not currently anticipated and the variances have therefore been excluded from the variance analysis report. The position will be kept under review throughout the remainder of the year and a MTFS adjustment may follow.

4. Conclusions

External pressures outside the Council's control are impacting on all local authorities. Instructions remain in place that officers should not commit to any unnecessary expenditure and should seek to maximise efficiencies. This approach has a downward impact on costs incurred by the Council and may result in an under-spend against budget this year.

Regular budget monitoring reports are an integral part of the Council's financial monitoring framework. These will be available on the Councils website.

Finance staff work continuously with budget holders across the Council, and are heavily reliant upon budgetholders to be able to understand and quantify the potential impact of in-year hotspot variances within their areas of responsibility.

We are still at the early part of 2016/17 and it is therefore not possible to draw any firm conclusions on the inyear financial position. The financial risks facing the Council, as set out in the MTFS to Council in March 2016 still remain. Instructions issued by Management Team that budget holders are to remain prudent in order to build up additional balances are still in place.

REVENUE MONITORING 2016/17 - Period 4 to July 31st 2016 (Variances in excess of £5k)

Appendix A

Кеу	BLUE	Variance currently showing but expected to be on target at year end
	GREEN	Possible Favourable Outturn Variance
	AMBER Possible Adverse Outturn Variance	
	RED	Projected Adverse Outturn Variance

Service Area	Detailed Description	Full Year Budget	Budget as at Period 4	Actual & Commitments as at Period 4	Variance as at Period 4	FAV / ADV	Variance	Alert	Budget Holder	Budget Holder Comments
		£	£	£	£		%			
INANCE & DEMOCRACY COMMITTEE / CORPORATE CROSS CUTTING BUDGETS										
All Council services	Employee costs including basic pay, pension, NI, and overtime, plus agency costs	8,379,723	2,801,428	2,704,815	-96,613	FAVOURABLE	-3.4%	GREEN	Corporate	The budget forecast which was approved by Budget Council in March 2016 assumed reduced payroll costs as a result of 'turnover savings' (delays in the recruitment to vacant posts) of £200,000 per annum from 2016/17 onwards. The actual level of savings achieved in relation to direct employee costs for the current year to date is in excess of this target as a result of delays in recruitment to a number of key posts which either have been recently filled or which will be filled in the coming months. A favourable variance to his extent is not anticipated to be repeated in later periods. This budget will be kept under review during the remainder of the financial year.
Legal Services Team	Legal Fees and Court Costs	7,500	2,496	15,267	12,771	ADVERSE	511.7%	AMBER	lan Curtis	The overspend has resulted from the payment of counsel's fees for representing the Council in an inquest relating to a fatality at a privately- owned local swimming pool. As the Council is the health and safety enforcement authority, it was appropriate and necessary for the Council to be represented at the inquest. The circumstances of the fatality will now form the basis of a prosecution by the Council. The budget will be kept under review for the remainder of the year.
Legal Services Team	Income from Legal Fees	-7,500	-2,500	-8,391	-5,891	FAVOURABLE	-235.6%	GREEN		The additional income largely comprises the reimbursement of costs from the diversion of a public footpath at Mill Farm. This work is carried out by the council as planning authority where a footpath is to be diverted to enable a development to take place, but the costs are reimbursed by the developer. A favourable outturn variance is anticipated.
DEVELOPMENT MANAGEMENT		1	1			1				
Planning Appeals	Planning Appeal Hearing Costs	152,060	33,204	20,845	-12,359	FAVOURABLE	-37.2%	BLUE	Mark Evans	A number of planning appeals are expected to be contested later in the year which will result in further costs being incurred. This budget will be kept under review during the remainder of the financial year.
Planning Enforcement	Enforcement Costs	100,000	33,360	6,161	-27,199	FAVOURABLE	-81.5%	BLUE	Mark Evans	The Council has incurred some costs in relation to the Direct Enforcement Action at the unauthorised Traveller Site at Fairfield Road, Hardhorn. The outcome of the appeal relating to the 6 occupied pitches has recently been determined and the Council is considering the decision. This budget will be kept under review during the remainder of the financial year.

REVENUE MONITORING 2016/17 - Period 4 to July 31st 2016 (Variances in excess of £5k)

Appendix A (cont'd.)

Кеу	BLUE	Variance currently showing but expected to be on target at year end
	GREEN	Possible Favourable Outturn Variance
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	RED	Projected Adverse Outturn Variance

Service Area	Detailed Description	Full Year Budget	Budget as at Period 4	Actual & Commitments as at Period 4	Variance as at Period 4	FAV / ADV	Variance	Alert	Budget Holder	Budget Holder Comments
		£	£	£	£		%			
ENVIRONMENT HEALTH & HOUS	Premises Licences 2003 Act	-75,000	-13,500	-29,579	-16,079	FAVOURABLE	-119.1%	BLUE	Chris Hambly	The licensing team have received an unusual amount of new licence applications in the first quarter resulting in the increased income (including licences relating to the Lytham Proms event and at AFC Fylde). This was an exceptional situation and is unlikely to be repeated during the remainder of the year.
OPERATIONAL MANAGEMENT CO	OMMITTEE		1	n.		1			1	
Car Parking Fees	Car Parking Fees	-524,130	-207,877	-240,962	-33,085	FAVOURABLE	-15.9%	GREEN	Andrew Dickson / Darren Bell	The income is in excess of the budget for the period due to increased usage/visitor numbers largely as a result of dry, sunny weather conditions during the period. Additionally the current approved budget assumes the closure in 2016/17 and 2017/18 of the Stanner Bank and St Pauls Avenue car parks as a result of the coast protection works to be carried out at Fairhaven and Church Scar. The works had been expected to commence in 2016/17 but will now not commence until 2017/18. The budget will be adjusted to reflect this and any other changes in the next update to the Financial Forecast.
Computer Services	Purchase of Computer Equipment	114,932	38,336	9,546	-28,790	FAVOURABLE	-75.1%	BLUE	Paul O'Donoghue	A number of IT projects have not progressed as planned due to staffing changes and vacancies within the IT team. Following a restructure the IT team now has sufficient resources to deliver the proposed developments and it is anticipated that the planned expenditure will occur later in the financial year to result in an outturn position broadly in line with the budget.
Fylde Waste Schemes	Replacement Waste Containers	40,000	10,000	36,484	26,484	ADVERSE	264.8%	AMBER		There has been a need to replenish stocks of blue, brown and green bins due to increased requests from new build properties, such that the annual budget has almost all been expended in the first quarter of the year. The budget will be kept under review but it is anticipated that an increase will be required later in the year. This expenditure is offset by additional income from the charges levied for new bins as and when they are provided.
Trade Waste Service	Bulk Bin Lease Charges	-50,000	-48,750	-54,413	-5,663	FAVOURABLE	-11.6%	GREEN	Kathy Winstanley	The income is in excess of the budget for the period due to increased customer demand. The budget will be reviewed as part of the right-sizing exercise.
	FMS Material Costs	140,875	47,037	54,273	7,236	ADVERSE	15.4%	AMBER		These budgets should be considered together. Both of the budgets are currently overspent due to high material/repair and welding costs as the fleet
Fleet Services	Repairs by Commercial Garages	23,150	7,834	14,028	6,194	ADVERSE	79.1%	AMBER		ages. These budgets will be reviewed as part of the right-sizing exercise and adjusted as necessary.
	Fuel Costs	313,266	104,493	87,236	-17,257	FAVOURABLE	-16.5% 210	GREEN		This favourable variance arises from the lower wholesale diesel prices for the first part of the year and improved driver awareness of economical driving techniques. The budget will be reviewed as part of the right-sizing exercise and adjusted as necessary.

REVENUE MONITORING 2016/17 - Period 4 to July 31st 2016 (Variances in excess of £5k)

Appendix A (cont'd.)

Кеу	BLUE	Variance currently showing but expected to be on target at year end
	GREEN	Possible Favourable Outturn Variance
	AMBER	Possible Adverse Outturn Variance
	RED	Projected Adverse Outturn Variance

Service Area	Detailed Description	Full Year Budget		Actual & Commitments as at Period 4		FAV / ADV	Variance	Alert	Budget Holder	Budget Holder Comments
		£	£	£	£		%			
TOURISM & LEISURE COMMITTEE	E									
St.Annes Leisure (Strategic)	Game Site Fees	-50,000	-33,000	-22,494	10,506	ADVERSE	31.8%	BLUE	Mark Wilde	Income has been affected by weather conditions that have been unfavourable to games activities (and boating at Fairhaven Lake in particular) largely due to strong winds. An improvement in weather conditions for the remainder of the tourist season may restore income levels by the year-end such that income targets may be achieved.
Lytham Leisure (Strategic)		-59,000	-40,120	-33,616	6,504	ADVERSE	16.2%	BLUE		
Coast and Countryside	Sale of Sand (sandwinning)	-150,000	-37,485	-62,188	-24,703	FAVOURABLE	-65.9%	GREEN	Andrew Dickson / Darren Bell	The sale of sand has continued on an improving trend which is likely to be related to the increase in activity amongst construction companies following a period of relative inactivity. This budget will be reviewed as part of the right-sizing exercise and adjusted as necessary.

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO					
MANAGEMENT TEAM	DEVELOPMENT MANAGEMENT COMMITTEE	12 OCTOBER 2016	8					
CAPITAL PROGRAMME MONITORING REPORT 2016/17 - POSITION AS AT								
31 ST JULY 2016								

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The purpose of this report is to provide an update of the Council's approved Capital Programme as at 31st July 2016 and specifically for those schemes under the Committee's remit.

SOURCE OF INFORMATION

Chief Financial Officer – the report is based upon information extracted from the financial ledger system for the period to July $31^{st} 2016$.

LINK TO INFORMATION

Capital Programme Monitoring 2016/17 as at 31st July 2016:

https://www.fylde.gov.uk/capital2016/

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

This information is provided to enable the committee to consider and scrutinise the latest position on the Council's approved Capital Programme for those schemes under the committee's remit.

FURTHER INFORMATION

Contact: Paul O'Donoghue (Chief Financial Officer)

Tel: 01253 658566

CAPITAL PROGRAMME MONITORING REPORT 2016/17 -

POSITION AS AT 31STJULY 2016

Summary

The purpose of this report is to provide an in-year progress update in respect of those schemes within the Capital Programme that have been approved for delivery in 2016/17, together with an update on the Council's overall Five Year Capital Programme. This report includes a narrative description of the most significant risks to the Capital Programme and details any actions required to address these. Appendix A to this report provides an update by Committee on schemes scheduled for commencement or delivery in 2016/17. Appendix B provides a summary of the latest position for the 5 year Capital Programme and Appendix C provides details of the financing of the programme.

1. Background

The Council approved the Capital Programme on 2nd March 2016. That update showed a balanced capital programme position from 2016/17 onwards. This report includes year to date expenditure and sets out the latest phasing of the programme and any additions or changes since the capital programme was presented to Council in March 2016. The Programme has also been rolled forward to include the year 2020/21.

2. Notes on Specific Schemes

There are a number of schemes for which further information is provided below:

(i) Accommodation Project

The accommodation project was originally included in the capital programme on the basis that the scheme would be self-financing from capital receipts from the sale of 3 sites (St David's Road Depot, Derby Road, Wesham and the Public Offices). Actual asset sales and receipts are dependent on market conditions and cannot be predicted with certainty. St David's Road depot was sold in 2012/13, and the site at Derby Road, Wesham was sold in 2013/14. The Public Offices site has been re-marketed since 2014/15 and the Accommodation Working Group have reviewed a number of further expressions of interest. Disposals of this nature where external agencies, planning decisions, external legal specialists and property developers are involved often take many months to conclude.

Work on Phases 4 and 5 are on track and are scheduled to be completed within budget during the autumn of 2016.

Delivery of the remaining substantive phases of the scheme (6 and 7) is dependent on realising a capital receipt from the sale of the Public Offices or the identification of an alternative source of funding. It is now proposed to fund phase 8 (Car park & external works) from a combination of the annual car park capital budget and the landscaping element being undertaken by the in-house parks staff. All funding options continue to be considered by the cross-party Accommodation Working Group which monitors and manages this project. Regular update reports on the project will continue to be provided to Members. Virements from phase 7 totalling £354k and from phase 8 totalling £186k have previously been approved by Members to earlier phases of the project to allow the delivery of those earlier phases. The current budgets shown for these later phases (6, 7 and 8) therefore do not reflect the estimated cost of delivery. Updated costings for these phases are currently being prepared.

ii) Coast Protection Scheme

The Strategic Appraisal Report for the Fylde Shoreline Strategy was approved by the Environment Agency's Large Project Review Group (LRPG) in January 2014 and included the replacement of sea defences at Fairhaven and Church Scar. Following this approval further funding was released by DEFRA and Cabinet approved spend for a Coastal Headland Study Project Appraisal Report (PAR) in the sum of £175k with a further £95k awarded in August 2016, fully funded from DEFRA resources. The PAR report was submitted for approval by the

Environment Agency's LRPG on the 6th August 2015. Following a number of queries and points of clarification the Project Appraisal report has been approved.

The next stage is the preliminary detailed, customer led design of the new sea walls and involves gaining the necessary approval for the work to progress, planning permission, Marine Management Organisation licence, environmental impact assessment and appropriate assessment with regards to the potential to disturb overwintering birds during construction. Once these approval are obtained it will unlock funding for both Fairhaven Lake and Church Scar sea defence construction schemes.

The overall cost of the Fairhaven and Church Scar Coast Protection Scheme within the Capital Budget is £16.5m including a contribution from Fylde Council of £400k. The DEFRA funding spans the years 2016/17 to 2018/19. Fylde Council's contribution of £400k towards sea wall development works is fully-funded from the Capital Investment Reserve. Following annual review of the Environment Agency's Medium Term Plan (MTP) the project funding has been reviewed and re-phased as follows 2016/17 1m, 2017/18 13m, 2018/19 5.825m. The total project cost is now 19.825m including a contribution from Fylde Council of 400K. We are awaiting the formal confirmation letter from the environment agency that the MTP has been updated and once received this will be reflected in the revised MTFS. Further updates and any future changes to the scheme will be reported to members and the Capital Programme will be updated accordingly.

(iii) Disabled Facilities Grants (DFGs)

As local housing authority, the Council has a statutory duty to provide disabled adaptations within the Borough. In order to fund these works the Council receives grant support which previously was provided by the Department for Communities and Local Government (DCLG).

As part of the 2013 Spending Round review the Government established the 'Better Care Fund', with the intention of "providing an opportunity to transform local services so that people are provided with better integrated care and support". Under these new arrangements from 2015/16 onwards the funding for Disabled Facilities Grants (DFGs) transferred to the Department of Health, with funding being distributed to all Councils via the upper-tier authority for that area. As such, in Lancashire the fund will be administered by Lancashire County Council. Each upper-tier authority then allocates the funding to their respective housing authorities (i.e. district councils within their area) to enable them to continue to meet this statutory responsibility.

This Council has previously made a decision to limit DFG expenditure to the level of the funding received for this purpose. In order to monitor the level of demand upon this resource the number of applications on the various categories of waiting lists and the periods of waiting time for DFG's are closely monitored and are reported to Members as appropriate.

The Capital Programme includes annual provision for DFG's at the level of the 2015/16 grant allocation from 2017/18 onwards - £468k. However for this year 2016/17 the allocation has been confirmed and a report was presented to Council 4th July 2016 due to a significant increased DFG allocation via the Better Care Fund totalling £849k. For 2017/18 onwards the figures in the programme are estimates and will only be confirmed in the year they are due. For as long as DFG works remains a statutory obligation the grant is unlikely to be withdrawn by the Government but could be reduced.

Whilst the significant increase in grant is to be welcomed it is unlikely to be fully spent within this financial year due to the backlog in assessments by the Occupational Therapy Service. The OT Service has pledged to appoint additional resources over the coming months to reduce the backlog of cases.

Any changes in DFG income received by the Council will have a direct impact on the level of works that can be undertaken. There is also a direct revenue implication on DFG fees which would also have to be adjusted.

(iv) Project Slippage

Areas of slippage must be addressed in future years to ensure that no loss of external grant is imposed due to conditions associated within specified timescales.

(v) Other Capital Receipts

The approved programme for 2016/17 onwards assumes "Right to Buy" receipts of £25k per annum and "General Asset Sales" of £45k per annum. Future receipts are dependent on prevailing market conditions and values cannot be predicted with certainty. This will be monitored and reviewed during the year and adjusted accordingly in future monitoring reports, along with the impact this may have on the financing of the programme.

(vi) Capital Investment in St. Annes Pool

As part of the arrangement with the YMCA for the operation of the pool, the Council undertook to provide Capital support in the event of major works, repair or breakdown and a provision of £153k was included in the programme for this eventuality. There is now a remaining capital resource of £93k in 2016/17. There is a risk that this remaining resource is insufficient to meet future capital expenditure needs for the facility.

3 Conclusions

- 3.1 Actual expenditure to 31st July 2016 is £658k against a full year budget of £8.622m. This equates to 7.6% of the latest budget. The expenditure on a number of schemes is phased later during the financial year.
- 3.2 The current Capital Programme as updated is showing a balanced position for 2016/17 onward. The Capital Programme and the associated financing will be subject to discussion with Members during the months in the lead up to the annual budget setting process for 2017/18.
- 3.3 Any additional expenditure which is not fully funded by external finance would normally require the generation of capital receipts or further borrowing (the latter placing further pressure on the Revenue Budget from the consequent repayment costs). However Budget Council on 4th March 2013 approved the creation of a Capital Investment Reserve to finance future capital expenditure. The balance of this reserve at 31st March 2016 was £2.275m. However all of this is committed to deliver approved schemes in the years 2016/17 to 2019/20 and there is presently no funding available within this reserve for additional future projects. Whilst it remains the case that this reserve is the preferred source of finance for any further additions to the Capital Programme in future years, additional contributions to the reserve would be required in order to create such a funding source.

CAPITAL PROGRAMME - 2016/17 IN-YEAR SCHEME MONITORING REPORT - AS AT 31/07/16

	APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 31/07/16 £000	Variance £000	Comments
	FINANCE & DEMOCRACY COMMITTEE								
Z120 / Z121	Accommodation Project - Phase 3 & 4 - East Wing Inc. Lift & Chaseley Link Bridge		482	19		501	420	81	Phase 3 (east wing) is now completed whilst phases 4 and 5 of the scheme are currently underway and are scheduled to be completed within budget during the autumn of 2016.
Z122	Accommodation Project - Phase 5 - One Stop Shop	Proceeds from the	302			302		302	
Z123	Accommodation Project - Phase 6 - Council Chamber	sale of surplus Council Assets, and the Accommodation	296			296		296	Delivery of the remaining phases of the scheme (6, 7 and 8) is dependent on realising a capital receipt from the sale of the Public Offices or the identification of an alternative source of funding. All funding options continue to be considered by the cross-party
Z124	Accommodation Project - Phase 7 - Internal Refurb / Services	Project Reserve	348			348		348	Accommodation Working Group which monitors and manages this project. Regular update reports on the project will continue to be provided to Members. Virements from phase 7 totalling £354k and from phase 8 totalling £186k have previously been approved by
Z125	Accommodation Project - Phase 8 - Car Park & External Works	 L	0			0		0	Members to earlier phases of the project to allow the delivery of those earlier phases. The current budgets shown for these later phases (6,7 and 8) therefore do not reflect the estimated cost of delivery. Updated costings for these phases are currently being prepared.
	Sub total		1,428	19	0	1,447	420	1,027	
	TOURISM & LEISURE COMMITTEE								
Z102	Ashton Gardens Depot	Proceeds from the sale of surplus Council Assets	63			63		63	The scheme is currently on hold pending the disposal of the Public offices site (the works will need to be completed prior to that disposal). The scheme was re-phased into 2016/17 as the disposal of that site is now not expected to take place until later in 2016/17.
Z076	St Annes Pool	No external finance - funded by borrowing/general asset disposal receipts	93			93		93	This represents the balance of the maintenance scheme resource which will be retained and drawn upon when required.
Z128	St Annes Pool - External Works	Capital Investment Reserve/ Arts Council Grant	120			120		120	A scheme has been proposed which will be designed in-house subject to the delivery of other priority projects. Once designed there will need to be consultation with stakeholders and then dialogue with the Arts Council over match funding. During 2015/16 this scheme was re-phased into 2016/17. A report will be presented to Committee prior to any spend.

Appendix A

	APPROVED SCHEMES	Financing Source	Approved Budget	Slippage B/F from	Adjustments from	Updated Budget	Expenditure	Variance	Comments
			2016/17 £000	2015/16 £000	03/03/16 £000	2016/17 £000	to 31/07/16 £000	£000	
	TOURISM & LEISURE COMMITTEE (CONT)								
Z112	Fairhaven Lake & Promenade Gardens - First round	Capital Investment Reserve	20			20		20	This scheme represented the match funding for the development of the Heritage Lottery Development Bid. Given that the first round bid was unsuccessful a report was presented in September 2015 to the Tourism & Leisure Committee outlining how the Fairhaven Masterplan can be delivered in the future and subsequently this scheme was re-phased into 2016/17. A report will be presented to Committee prior to any spend.
Z147	Promenade Gardens Water Play Facility	Capital Investment Reserve	0			0		0	This scheme is profiled to be delivered in 2017/18.
Z097	Promenade Footways	No external finance - funded by borrowing/general asset disposal receipts	40	7		47		47	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. A report will be presented to Committee in September to propose and seek authorisation of the expenditure works in 2016/17.
Z148	Hope Street Footways	Capital Investment Reserve	24			24	24	0	A report was presented to The Tourism and Leisure Committee to authorise the expenditure for resurfacing works to Hope Street Park footpaths in 2016/17. This scheme has been completed to budget.
Z141	Lowther Pavilion Roof	Capital Investment Reserve	115	3		118		118	The scheme is planned to be delivered during the summer of 2016 and is expected to be completed to budget during 2016/17.
Z143	Sand Dunes re-modelling at North Beach Car Park / Summerfields	Capital Investment Reserve	15	2		17		17	Surveys were completed in October 2015. The design works have also been commissioned. The scheme will require stakeholder engagement and the necessary approvals prior to commencement. A detailed proposal is currently being worked in consultation with Councillors and Residents. The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016.
Z144	Freckleton Memorial Park	Capital Investment Reserve / S106 Monies / External grants and contributions	50		122	172		172	Finance & Democracy Committee in June 2016 approved the Council to act as accountable body and approved a fully funded capital budget increase to the 2016/17 capital programme of £122k to be fully funded from various external grants and Section 106 contributions to give a total capital budget of £172k. Letting of the contract was agreed and awarded to Wicksteed playgrounds and the scheme is expected to be completed to budget during 2016/17.
Z149	Warton-with-Westby Parish Council Play Area	Capital Investment Reserve	50			50		50	Officers are awaiting information on the status of the Friends group and the consultation results from the Town Council. Progress meeting are on going and a Report will be presented to Committee prior to any spend.
	Sub tota	I	590	12	122	724	24	700	

	APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 31/07/16 £000	Variance £000	Comments
	OPERATIONAL MANAGEMENT COMMITTEE								
Z038	Replacement Vehicles	Capital Investment Reserve / Borrowing	346	60	56	462		462	The budget for this scheme has been adjusted to reflect the slippage and fully funded capital budget increase for weed removal as approved by the Finance and Democracy Committee of 20th June 2016. All vehicle acquisitions are expected to be completed in line with the budget during 2016/17.
Z150	Vehicle Wash-down Facilty - Snowdon Rd Depot	Capital Investment Reserve	25			25		25	A report will be presented to Committee to propose and seek authorisation of the expenditure works in 2016/17.
Z154	North Promenade Toilets Refurbishment	Capital Investment Reserve	84			84		84	A report has been presented to Committee to seek authorisation of the expenditure works in 2016/17.
Z151	Bus Shelter Replacement Programme	Capital Investment Reserve	30			30		30	A report will be presented to the Committee to propose and seek authorisation of the expenditure works in 2016/17.
Z049	Car Park Improvements	No external finance - funded by borrowing/general asset disposal receipts	30			30	29	1	The scheme has been completed to budget in 2016/17.
Z116	Fylde Headlands Preliminary Work	Specific Government Grant (Environment Agency)	0	38	95	133	5	128	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016 and the addition to the scheme of £95,000, approved by Council on 4th July 2016, for further preliminary works to be undertaken which has been met by an additional grant from the Environment Agency in the same amount.
Z130	Fairhaven and Church Scar Coast Protection Scheme	Specific Government Grant (Environment Agency) / Capital Investment Reserve	3,600			3,600		3,600	Work is currently ongoing with Blackpool Council with regards to project delivery and a further report will be presented to Committee to update and propose the best options available for Fylde on the delivery of this scheme.
Z131	Repair & Renewal - Flood Defences	Specific Government Grant (Environment Agency)	0	33		33	1	32	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. Any unused grant will be returned to the Environment Agency.
	Sub total		4,115	131	151	4,397	35	4,362	

APPROVED SCHEMES	Financing Source	Approved Budget	Slippage B/F from	Adjustments from	Updated Budget	Expenditure	Variance	Comments
		2016/17 £000	2015/16 £000	03/03/16 £000	2016/17 £000	to 30/06/16 £000	£000	
ENVIRONMENT, HEALTH & HOUSING COMM	ITTEE							
Z010 Disabled Facilities Grants Programme	Specific Grant (Better Care Fund) / External Contributions / Grant repayments	468	46	381	895	175	720	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. A report was also approved by Council on 4th July 2016 for a £380,621 fully funded capital budget increase due to an an increased DFG allocation via the Better Care Fund. A review of how DFGs are delivered has recently been agreed by the EH&H Committee. Whilst the significant increase in grant is to be welcomed it is unlikely to be fully spent within this financial year due to the backlog in assessments by the Occupational Therapy Service. The OT Service has pledged to appoint additional resources over the coming months to reduce the backlog of cases.
Z152 93 St Albans Road - Compulsory Purchase Order	S106 Developer Contributions	0	105		105	4	101	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. A detailed scheme is currently being designed and costed and a report will be considered by the EH&H Committee.
Z155 Affordable Housing Scheme Sunnybank Mill, Kirkham	S106 Developer Contributions	0		460	460	0	460	A report was approved by Council on 4th July 2016 for a £920,000 fully funded addition to the capital programme, phased over two financial years (£460,000 payable in 2016/17 and £460,000 payable in 2017/18) to be met from a portion of the balance of \$106 developer contributions for affordable housing currently held by the Council for this purpose totalling £865,155.44, and a further £54,844.56 when funds become available, totalling £920,000. The programme is expected to be completed in line with the budget during 2016/17.
Z107 Rapid Deployment CCTV Replacement Projects	Specific Grant (LSP Performance Reward Grant)	0	38		38		38	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. The budget for CCTV camera replacement is planned to be spent on the revised CCTV project as approved by Council. Any remaining monies are to be earmarked and allocated to replacement cameras as and when they are required (subject to a community impact assessment and approval by committee) as also previously agreed by Council.
Z113 Cemetery and Crematorium - Infrastructure Works	Capital Investment Reserve	0			0		0	This part of the scheme is for the initial design phase of the of the substantial burial ground extension works programmed for 2017/18. The design work is currently being undertaken.
Z153 Lytham Park Cemetery - Windbreak Canopy	Capital Investment Reserve	60			60		60	A report will be presented to Committee to propose and seek authorisation of the expenditure works in 2016/17.
Z134 New memorial garden - Lytham Park Cemetery	Capital Investment Reserve	33			33		33	A new boundary fence has been installed. A report was presented to the November 2015 meeting of the Environment, Health & Housing Committee approving the location, draw down of funding and the procurement route of the various elements of the scheme. The scheme was re-phased during 2015/16 and is expected to be completed to budget in 2016/17.
Sub tota		561	189	841	1,591	179	1,412	

	APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 31/07/16 £000	Variance £000	Comments
	DEVELOPMENT MANAGEMENT COMMITTEE								
Z137	Woodlands Road Regeneration Scheme - Town Centre Phase 3	Capital Investment Reserve / S106 Developer Contributions	0	19		19		19	A report was presented to Development Management Committee in November 2015 approving commencement of the works. The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. The scheme is expected to be completed to budget in 2016/17.
Z138	St Annes Regeneration Schemes	S106 Developer Contributions	274			274		274	This funding is earmarked for the next phase of St Annes Town Centre including St Andrews Road Road North/South and The Crescent. A draft plan has been prepared and discussions are underway with property owners in the locality. The first element of the scheme, relating to the new street lighting scheme for The Crescent and St Andrews Road North has been commissioned and will be completed by the end of the calendar year 2016. The timeframe for delivery of the remainder of the scheme is linked to the outcome of the Government Coastal Community Fund bid as a successful outcome would allow for a more expansive regeneration scheme to be achieved. It is currently anticipated that this particular scheme will commence in the spring of 2017 and that a portion of the scheme may be re-phased into the 2017/18 financial year.
Z139	Lytham Regeneration Schemes	S106 Developer Contributions	130			130		130	Design work on the scheme was planned to commence in April 2016 for delivery of the scheme being later in the 2016/17 financial year. However, local community groups have indicated that this funding could also be used to match fund further funding from other bodies. As a result, the scheme content is to be widened to incorporate a public art component and a project group established to work towards a fully integrated scheme. A revised scheme is to be developed over the next few months and it may be necessary to rephase delivery of the project as a consequence. Any changes to the scheme and delivery timeframe will be reported to Members and the Capital Programme will be updated accordingly
Z140	Staining Regeneration Schemes	S106 Developer Contributions	0	40		40		40	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. This project is subject to ongoing discussions with Staining Parish Council. A draft scheme has been prepared based on the outcome of those discussions and the Parish Council has likewise suggested some features be included. The plans are to be amended and a further report to Members will follow.
	Sub total		404	59	0	463	0	463	
	Total Expenditure		7.098	410	1,114	8.622	658	7.964	

UPDATED 5 YEAR CAPITAL PROGRAMME 2015/16 TO 2019/20 - BY SCHEME

		Updated Estimate 2016/17 £000	Estimate 2017/18 £000	Estimate 2018/19 £000	Estimate 2019/2020 £000	Estimate 2020/2021 £000
FINANCE & DEMOCRACY COMMITTEE						
Accommodation Project - Phase 4 - Chaseley Link Bridge		501				
Accommodation Project - Phase 5 - One Stop Shop		302				
Accommodation Project - Phase 6 - Council Chamber		296				
Accommodation Project - Phase 7 - Internal Refurb / Services		348				
Accommodation Project - Phase 8 - Car Park & External Works		0				
	Sub total	1,447	0	0	0	0
TOURISM & LEISURE COMMITTEE						
Ashton Gardens Depot		63				
St Annes Pool		93				
St Annes Pool - External Works		120				
Fairhaven Lake & Promenade Gardens - First Round		20				
Promenade Gardens Water Play Facility		0	100			
Promenade Footways		47	40	40	40	40
Hope Street Footways		24				
Lowther Pavilion Roof		118				
Sand Dunes re-modelling at North Beach Car Park / Summerfield	s	17				
Freckleton Memorial Park		172				
Warton-with-Westby Parish Council Play Area		50				
	Sub total	724	140	40	40	40
OPERATIONAL MANAGEMENT COMMITTEE						
Replacement Vehicles		462	1,487	680	867	458
Vehicle Wash-down Facility - Snowdon Rd Depot		25				
North Promenade Toilets Refurbishment		84				
Bus Shelter Replacement Programme		30				
Car Park Improvements		30	30	30	30	30
Fylde Headlands Preliminary Work		133				
Fairhaven and Church Scar Coast Protection Scheme		3,600	7,300	5,600		
Repair & Renewal - Flood Defences		33				
	Sub total	4,397	8,817	6,310	897	488
ENVIRONMENT, HEALTH & HOUSING COMMITTEE						
Disabled Facilities Programme		895	468	468	468	468
93 St Albans Road - Compulsory Purchase Order		105				
Affordable Housing Scheme Sunnybank Mill, Kirkham		460	460			
Rapid Deployment CCTV Replacement Projects		38				
Cemetery and Crematorium - Infrastructure Works		0	294			
Lytham Park Cemetery - Windbreak Canopy		60				
New memorial garden - Lytham Park Cemetery		33				
	Sub total	1,591	1,222	468	468	468
DEVELOPMENT MANAGEMENT COMMITTEE Woodlands Road Regeneration Scheme - Town Centre Phase 3		19				
St Annes Regeneration Schemes		274				
Lytham Regeneration Schemes		130				
		40				
Staining Regeneration Schemes	Sub total	40	0	0	0	0
	Total Expenditure	8,622	10,179	6,818	1,405	996
	.ota Experiature_	0,022	10,175	0,010	1,703	550

UPDATED 5 YEAR CAPITAL PROGRAMME 2016/17 TO 2020/21 - FINANCING

	Updated Estimate 2016/17 £000	Estimate 2017/18 £000	Estimate 2018/19 £000	Estimate 2019/2020 £000	Estimate 2020/2021 £000
FINANCING:					
Capital Receipts - General Asset Sales	45	45	45	45	45
Capital Receipts - Right to Buy Receipts	25	25	25	25	25
Capital Receipts - (Accommodation Project)	1,006	_	-	_	_
Capital Receipts - Vehicle Sales	,				
Leasing					
Better Care Fund / Disabled Facilities Grant	895	468	468	468	468
Section 106 Monies - St Annes	274				
Section 106 Monies - Lytham	130				
Section 106 Monies - Staining	40				
Section 106 Monies - Freckleton Memorial Garden	15				
Section 106 Monies - 93 St Albans Road CPO	105				
Section 106 Monies - Affordable Housing, Sunnybank Mill	460	460			
Capital Grant - Repayments					
Capital Investment Reserve	1,324	493	78	182	
Accommodation Project Reserve	504				
Other External Finance (see analysis below)	3,601	7,300	5,600		
Direct Revenue Finance	56				
Prudential Borrowing	142	1,388	602	685	458
Total Financing	8,622	10,179	6,818	1,405	996
Total surplus (-) / shortfall in year	0	0	0	0	0
Cumulative surplus (-) / shortfall	0	0	0	0	0
See note below for external funding available to finance the abov	ve schemes:				
Other External Finance: Analysis					
LSP Performance Reward Grant	38				
Environment Agency - Fylde Coastal Preliminaries	3,295	7,300	5,600		
Environment Agency - Flood Defence	71	1,000	0,000		
Arts Council - St Annes Pool	90				
Freckleton Parish Council	20				
British Aerospace	10				
Friends of Freckleton Memorial Garden	9				
Lancashire County Council	6				
Lancashire Environment Fund	30				
Veolia	32				
New Fylde Housing - DFG Contribution					
,	3,601	7,300	5,600	0	0





REPORT OF	MEETING	DATE	ITEM NO					
RESOURCES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	12 OCTOBER 2016	9					
OUTSIDE BODIES								

PUBLIC ITEM

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

SUMMARY OF INFORMATION

On 11 April 2016, the Council made a number of appointments to outside bodies. These appointments followed from recommendations from the programme committees for appointments from within their respective memberships.

In line with the Protocol for Members on Outside Bodies (Part 5f of the Council's Constitution), every member serving on an outside body is required to complete a reporting form every six months, which is submitted to the relevant programme committee to which the external partnership relates.

Included as an appendix to this report are: returned completed reporting forms and a list of outstanding reports/ details of those bodies which have not met.

SOURCE OF INFORMATION

Elected member representatives to the Outside Bodies

LINK TO INFORMATION

Outside Bodies Reports and Summary

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The information is provided to maintain an understanding of the work of the outside bodies, and remain abreast of any issues that may have an impact on the residents of the borough or the council.

FURTHER INFORMATION

Contact Tracy Morrison, tel: 658521

Details

Councillor Name	Councillors Fiddler and Redcliffe
and Role on Outside Body (for example, Observer, Trustee, Director)	
Email	
Period this report covers (date):	June 2016
Name of Outside Body:	Duty to Cooperate
How often does the organisation meet? And how often have you attended?	Meet regularly with Councillors and Officers from Fylde, Wyre, Blackpool and LCC.
Key issues arising for Fylde Borough Council	the A585Preston-westerly By-pass. However, the session was dominated by Wyre who argued that they could not deliver their housing no'sthe shortfall in the order of 2000-houses.Wyre argued that Blackpool and Fylde had a legal responsibility to provide land to meet this shortfall. Fylde is confident we have robust evidence to dismiss Wyre's claim
	Examples of issues could be those that may affect decisions regarding budget setting, challenges for residents, policy changes that affect partnership working etc
Who did you inform of these issues within Fylde Borough Council?	Mark Evans, who also attends these meetings
In the light of these meetings, is it worthwhile for the Council to continue to have a representative/repr esentatives on this body?	Yes
Any further comments?	

Details

Councillor Name and Role on Outside Body (for example, Observer, Trustee, Director)	Cllr. LJ Nulty
Email	cllr.Inulty@fylde.gov.uk
Period this report covers (date):	To 5th Sept. 2016
Name of Outside Body:	Education Liaison Committee
How often does the organisation meet? And how often have you attended?	On an infrequent basis when it is felt to be necessary by any of the FBC officers or members or by the LCC Education officers involved. We have met once in the past 6 months and I attended.
Key issues arising for Fylde Borough Council	School places for both primary and secondary children in different areas of Fylde, and the problems of providing them in the correct areas.
	Examples of issues could be those that may affect decisions regarding budget setting, challenges for residents, policy changes that affect partnership working etc
Who did you inform of these issues within Fylde Borough Council?	Planning officers involved in these meetings
In the light of these meetings, is it worthwhile for the Council to continue to have a representative/repr esentatives on this body?	Yes
Any further comments?	These discussions and the information received from LCC are very useful in planning for the education of all our youngsters. A vital consideration when planning new developments or considering different locations.

Details

Councillor Name and Role on Outside Body (for example, Observer, Trustee, Director)	Cllr R.V.Redcliffe Member
Email	cllr.rredcliffe@fylde.gov.uk
Period this report covers (date):	March - August 2016
Name of Outside Body:	Fylde Education Liaison Group
How often does the organisation meet? And how often have you attended?	As required but usually at least once a year. I have attended every meeting since its inception in 2011. Last meeting was held on Monday 13th June 2016
Key issues arising for Fylde Borough Council	
	Examples of issues could be those that may affect decisions regarding budget setting, challenges for residents, policy changes that affect partnership working etc
Who did you inform of these issues within Fylde Borough Council?	Chief Executive, Senior Planning Officers, Elected
In the light of these meetings, is it worthwhile for the Council to continue to have a representative/repr esentatives on this body?	Yes
Any further comments?	As challenging housing targets are pursued it is essential that LCC as the statutory provider of education engage with FBC over how it delivers appropriate and adequate provision which meets the needs of Fylde residents and families and ensures we have socially cohesive communities.

Outside Bodies Returned Forms – Development Management Committee 12 October 2016

Outside Body	Councillor	Info First Requested	First Reminder	Second Reminder	Date Returned	Notes
Development Management, 14/09/16 meeting Closing date for reports Thursday 1 September 201	6					
Blackpool, Fylde & Wyre Economic Development Committee (EDC)	Sue Fazackerley	13/4/16 by email	4 July 2016		4/7/16	Nil return - O/B not meeting
Duty to Cooperate	Chair & vice of DM – Trevor Fiddler & Richard Redcliffe	13/4/16 by email	4 July 2016		10/7/16	Received joint report from Cllrs Fiddler and Redcliffe
(Planning) Education Liaison Group	Richard Redcliffe	13/4/16 by email	4 July 2016		03/08/16	Received
(Planning) Education Liaison Group	Linda Nulty	13/4/16 by email	4 July 2016	8 Aug 2016	5/9/16	Received

DECISION ITEM



Ĩ	REPORT OF	MEETING	DATE	ITEM NO
-	ESOURCES RECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	12 OCTOBER 2016	10

EXCLUSION OF THE PUBLIC

PUBLIC ITEM

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

RECOMMENDATION

Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined in paragraph 5 of schedule 12A to the Local Government Act 1972, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.