



# Agenda

## Planning Committee

Date:	Wednesday, 13 February 2019 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Heather Speak, Ray Thomas.</p>

### Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">23 January 2019</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 23.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 55
5	Future High Street Fund – Proposed Expression of Interest	56 - 59
	INFORMATION ITEMS:	
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Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

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

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## 13 February 2019

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2	18/0929	WEST VIEW FARM, MOORSIDE, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3XH CHANGE OF USE OF EXISTING AGRICULTURAL BUILDING TO GENERAL INDUSTRIAL USE (CLASS B2) INCLUDING ELEVATIONAL CHANGES TO AMEND EXISTING WINDOWS AND DOORS, INTRODUCTION OF ADDITIONAL WINDOWS AND DOORS, AND PART RENDERING OF BUILDING. FORMATION OF VEHICLE ACCESS TO SIDE OF DWELLING WITH 1.5M HIGH GATE	Grant	34
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### Background Papers

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

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2018
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.

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

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

# Planning Committee Schedule

## 13 February 2019

**Item Number:** 1

**Committee Date:** 13 February 2019

<b>Application Reference:</b>	18/0872	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Richardson	<b>Agent :</b>	Carter-Zub Building Consultancy LTD
<b>Location:</b>	29 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LJ		
<b>Proposal:</b>	ERECTION OF SEVEN DETACHED DWELLINGS WITH NEW ACCESS ROAD OFF MAINS LANE INCLUDING CREATION OF NEW ACCESS FOR NO. 29 MAINS LANE VIA PROPOSED CUL-DE-SAC		
<b>Ward:</b>	SINGLETON AND GREENHALGH	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Not Applicable		

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

<https://www.google.co.uk/maps/@53.8488237,-2.9535786,175m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

### Summary of Officer Recommendation

The application relates to a parcel of open grassland extending to *circa* 0.9 hectares in area surrounding an existing detached bungalow at no. 29 Mains Lane, Singleton. The land is located within the Countryside Area as identified on the FLP Policies Map and is outside the boundaries of any defined settlement. Nevertheless, the site benefits from an extant outline planning permission (including access, layout and scale) for a residential development of 7 dwellings (16/0538) which was granted at appeal (reference APP/M2325/W/17/3166447) on 29 June 2017. Therefore, despite the proposal's conflict with the development strategy identified in the FLP (which was not adopted at the time of the appeal decision for application 16/0538 and, accordingly, carried only limited weight in that decision), the extant permission for residential development is an important material consideration which must carry substantial weight in establishing the principle of residential development on the site.

The site is located between pockets of built development to three sides. Therefore, whilst the proposal would erode its openness the relatively enclosed nature of the site means that, when seen amongst and against the backdrop of existing buildings, the development would be viewed as a natural extension to the collection of buildings located on the triangle of land between Mains Lane and Garstang Road. Accordingly, the development can be accommodated without any significant impact on the landscape, character and setting of the area. The proposal would achieve a spacious development layout, with houses set in generous plots reflecting the lower density and building-to-plot ratio of surrounding development fronting onto Mains Lane. The layout would follow the existing building line

along the A585 and the siting and distribution of landscaping, hardstanding and boundary treatments would ensure a sympathetic assimilation when the development is viewed in the context of this thoroughfare.

The proposed means of access to the site from Mains Lane would replicate that approved under application 16/0538 and would ensure a safe and suitable access to the site for all users. The internal layout would also provide suitable vehicle circulation, turning and parking space to avoid any adverse effects on highway safety. Similarly, the level of traffic generated by a development of 7 dwellings would not have any severe residual effects on the capacity of the surrounding highway network.

The proposed dwellings would accommodate living accommodation in the roof space and, accordingly, would be 1.5 storeys in height. The scale of the properties would be compatible with that of surrounding buildings and their siting, spacing and screening in relation to existing development would ensure that they do not appear as dominant or imposing features in the street scene of Mains Lane, nor would the development have any undue effects on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking. The external appearance of the dwellings would follow a contemporary and bespoke design concept that would assimilate sympathetically with the scale, features and character of surrounding buildings while raising the standard of design locally and adding interest to the streetscene.

The development falls below the threshold where infrastructure contributions are required to mitigate its impact. No other adverse effects would arise with respect to ecology, flood risk or contamination that would significantly and demonstrably outweigh the scheme's benefits. Accordingly, the proposal is considered to represent sustainable development in accordance with relevant policies contained within the FLP and the provisions of the NPPF.

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

The application is classified as major development and the officer recommendation is for approval.

### **Site Description and Location**

The application relates to a parcel of open grassland extending to *circa* 0.9 hectares in area which surrounds an existing detached bungalow at no. 29 Mains Lane, Singleton. The existing bungalow occupies a central location to the northern edge of the site and follows a rectangular footprint with a staggered façade to Mains Lane incorporating a 1.5 storey protruding gable to the northeast corner with a recessed entrance porch and single storey gable-fronted protrusion alongside. The bungalow has living accommodation in the roof space, including a roof-sheltered first floor balcony to the rear.

The wider parcel of grassland is open to the bungalow and appears to be used as its garden area. An L-shaped, flat-roofed building which has purportedly been used as a stables is located to the southwest corner. Boundary treatments to the site perimeter include a *circa* 2m high hedgerow to the northern boundary with Mains Lane – interrupted only by the vehicle access to no. 29's driveway; a low-level (approximately 1m) timber fence backed by hedgerow to the eastern perimeter; and a line of scattered vegetation of varying height to the western fringe. The southern perimeter is marked by boundary railings and fencing shared with two neighbouring dwellings, with only thin, sporadic planting located within the site along this edge.

The site is flanked by buildings on three sides. A split level single to 1.5 storey building used as a small commercial laboratory (no. 23 Mains Lane) is located to the east and is separated from the site boundary by private access drives to dwellings at nos. 23a (a detached bungalow) and 25 (a steep-roofed dormer bungalow) Mains Lane located to the southeast and south of the site respectively. A further 'true' bungalow (Brook Cottage) accessed from Garstang Road is located centrally alongside the southern site boundary to the west of no. 25 Mains Lane. An adjoining parcel of open grassland borders to the southwest. The adjoining site to the west comprises a collection of buildings forming the Koi Pool Garden Centre and two bungalows fronting onto Mains Lane (nos. 35 and 37).

The application land is located within the Countryside Area as identified on the Fylde Local Plan to 2032 Policies Map and is outside the boundaries of any defined settlement. Nevertheless, the site benefits from an extant outline planning permission (including access, layout and scale) for a residential development of 7 dwellings (16/0538) which was granted at appeal (reference APP/M2325/W/17/3166447) on 29 June 2017. This permission provides for the construction of one 1.5 storey and six single storey dwellings wrapping round no. 29 and accessed via a cul-de-sac off Mains Lane.

### **Details of Proposal**

This application seeks full planning permission for the erection of seven detached dwellings on the site. Although of a different scale – with all plots being split-level 1-1.5 storeys by accommodating an element of living accommodation in the roof space – the layout of the dwellings would follow the principles established by the extant permission. The seven dwellings would include a mix of 5 x 4-bed and 2 x 5-bed houses with a combined floorspace of 2,248sqm.

The existing access to no. 29 would be blocked up and a new priority ('give way') junction formed onto Mains Lane to the east of the current driveway. The design of the access would mirror that approved as part of permission 16/0538, with visibility splays of 4.5m x 120m achieved in both directions at the junction with the A585. The new junction would include 2m wide footways to either side of a 5.5m wide estate road around the access with Mains Lane, with the estate road narrowing to 4.8m and a 1.5m footway to the east/south side of the cul-de-sac within the site. In addition to serving all 7 of the proposed dwellings, this cul-de-sac would also provide a new access to the side of no. 29 Mains Lane.

The proposed layout would place separate dwellings (plots 1 and 7) to either side of no. 29 Mains Lane, with the remaining 5 plots located alongside the southern boundary to flank the longest run of an L-shaped cul-de-sac. With the exception of plot 6 – which has been re-positioned further to the southwest corner to front onto the turning head of the cul-de-sac at an angle – the siting of the remaining dwellings is substantially in accordance with the layout permitted by the extant outline permission.

While following a common theme with respect to their materials – a palette of red facing brick, render and timber cladding – and contemporary style, each dwelling would have a bespoke design punctuated by features including facing gables, split-level monopitched roofs and, in the case of plots 3, 5 and 6, dormer windows to front roof slopes. Glazing would be of a floor-to-ceiling or curtain wall profile, including wraparounds to some corners. Externally, gardens would be enclosed by a combination of 1m high railings backed by hedging to Mains Lane and the estate road, with 1.8m high close-boarded fencing between houses and to rear gardens (where these do not front onto the cul-de-sac). Each dwelling would have a driveway frontage providing a minimum of 2

off-road car parking spaces, though all plots would also have at least a single garage.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0538	OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS ( 6 X SINGLE STOREY, 1 X 1.5 STOREY) AROUND EXISTING DWELLING WITH ACCESS, LAYOUT AND SCALE APPLIED FOR WITH APPEARANCE AND LANDSCAPING RESERVED	Appeal against non-determination	04/01/2017
12/0032	RESUBMISSION OF APPLICATION 11/0405 FOR PROPOSED FRONT AND SIDE EXTENSIONS	Granted	13/03/2012
11/0405	PROPOSED FRONT AND SIDE EXTENSIONS AND ROOF LIFT	Withdrawn by Applicant	10/08/2011
82/0308	OUTLINE - 1 DETACHED DWELLING AND GARAGE.	Refused	23/06/1982
75/0985	STABLES FOR 6 PONIES ON LAND AT REAR.	Granted	24/03/1976
74/0379	PRIVATE RESIDENCE AND SMALLHOLDING.	Refused	04/09/1974
74/0392	PRIVATE RESIDENCE AND SMALLHOLDING.	Refused	04/09/1974

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0538	OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS ( 6 X SINGLE STOREY, 1 X 1.5 STOREY) AROUND EXISTING DWELLING WITH ACCESS, LAYOUT AND SCALE APPLIED FOR WITH APPEARANCE AND LANDSCAPING RESERVED	Allowed	29/06/2017
82/0308	OUTLINE - 1 DETACHED DWELLING AND GARAGE.	Dismiss	26/11/1982
74/0379	PRIVATE RESIDENCE AND SMALLHOLDING.	Dismiss	29/08/1975
74/0392	PRIVATE RESIDENCE AND SMALLHOLDING.	Dismiss	29/08/1975

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

**Singleton Parish Council** – Consulted on 20.11.18 and responded on 20.12.18 indicating that “Outline planning permission has already been granted for this site and the Parish Council is happy to leave the final decision as to the detailed plans up to Planning Officers.”

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

**Cadent Gas:** Should you be minded to approve this application please include the following notes as an informative

- Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent’s legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent’s Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any



unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

- All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

*Environmental Health Officer (EHO):* I have looked at the Phase 1 Contamination report and would agree with its findings. It may be advisable to add the following condition relating to land contamination:

- Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at Fylde Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development. Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building(s), which confirms that no adverse ground conditions were found.

*Greater Manchester Ecology Unit (GMEU):* GMEU have commented on a previous application at this site. The Ecology Report submitted with this application was submitted with the 2016 application and we would normally ask for an updated survey. However, as the bungalow is to be retained as part of the development and the stables were considered to have a negligible potential to support roosting bats, on this occasion GMEU's previous comments (copied below) remain unchanged.

- **Great Crested Newt (GCN)** - Five ponds present within 250m of the site were assessed for their potential to support GCN. Ponds north of Mains Lane and South of Garstang Road were not considered for assessment as the major roads were considered to be an impassable barrier to GCN. HSI assessments were undertaken on the 5 ponds, pond 2 and 3 were stocked with Koi Carp up until two day prior to the survey when a recent attack, by what is thought to be mink had decimated stocks in these ponds and dead fish were visible on the banks. Pond 5 was found to contain a large amount of roach. These three ponds were considered unlikely to support GCN. Ponds 1 and 4 could not be directly accessed, large numbers of waterfowl were present on pond 4 and small numbers of mallard and moorhen on pond 1. None of the ponds were considered suitable to support amphibians, all of the ponds scored poorly using the HSI assessment. The site was found to have limited foraging value to amphibians as most of the site is amenity grassland and species poor hedgerow to the north of the site. Opportunities are restricted to the scrub on the western boundary. Refuge opportunities are restricted to the south-west corner of the site where wood piles occur. No further surveys are considered necessary for GCN at this time. However a number of recommendations have been made within the report (6.2.1 & 6.2.4) to ensure that no amphibians are harmed during works. We would therefore recommend that these recommendations are implemented in full and a condition to this effect placed on any permission, if granted.
- **Bats** - The residential property at the north of the site is to be retained as part of the development. The bungalow is of recent construction and was found to be exceptionally sealed. The building was checked externally for its potential to support roosting bats and any signs of bat usage. No signs or potential for roosting was found to be present. The building was considered to have a negligible potential to support roosting bats. No further

bat surveys are therefore considered necessary at this time.

- **Birds** – The trees, hedgerows and vegetation on the site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). We would therefore recommend that works to trees, hedgerows and vegetation clearance should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent by a suitably qualified person. We would therefore suggest that a condition to this effect be placed on any permission, if granted, in order to protect wild birds.
- **Trees** - All trees and hedgerows to be retained on the site should be protected from the development to prevent damage to the root system. Protection should follow guidelines presented within BS 5837:2012 'Trees in relation to design, demolition & construction'. We would therefore recommend a condition to this effect should be placed on any permission.
- **Biodiversity Enhancement** – we would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include: (i) Bat bricks and/or tubes within the new development; (ii) Bat boxes; (iii) Bird boxes; (iv) Bolstering of hedgerows; (v) Native tree and shrub planting

#### *Highways England:*

- There have been pre-application discussions as part of these proposals during with Highways England associated with a previous application (reference 16/0538) for the same development at this site. These discussions covered the traffic impacts of the proposed development as well as the applicants proposals for the provision of an improved access from the site onto the A585(T) Mains Lane.
- In respect of traffic impact upon the SRN, Highways England is of the view that the impact would not be 'severe' when considered against the stipulations of the policy governing the consideration of development applications affecting the SRN (DfT Policy Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'). Consequently, Highways England has no objection to the proposals on grounds of traffic impacts.
- In respect of the issue of access, Highways England believes that the applicant should provide an appropriate and safe form of access / egress between the development and the A585(T) at their own expense and with the agreement of Highways England. Should this development receive consent, these works would be carried out under the terms of an agreement under Section 278 of the Highways Act 1980. Our position on those proposals at this stage is that we are confident that a specific design for the access could be agreed based upon the principles of the design proposed as part of this application. As part of this, the design would need to be subject to a further, independent Stage 1 Road Safety Audit (to the requirements of the Design Manual for Roads and Bridges (DMRB) Standard GG119) with any findings resolved to the satisfaction of Highways England before the development could commence on site.
- In October 2017, Highways England announced its preferred route for the A585 Windy Harbour to Skippool Bypass. This scheme would reroute the A585 and bypass Mains Lane itself, which would be detrunked and become a local road managed by Lancashire County Council. The bypass scheme is currently at the early stages of being examined as part of the Development Consent Order process required before legal approval can be given for the new road to be built. A decision on the Development Consent Order is not expected before late 2019, with completion of the bypass not being until 2023. Should the project go ahead, this may offer an opportunity for the speed and level of traffic using Mains Lane to be reduced following its associated detrunking; therefore making the character of the route more amenable to developments of this type than it currently is.
- Highways England has no objection to the proposal subject to the imposition of a condition

requiring that no development commences unless and until the full design and construction details of the required highway access improvements between the site and the A585 trunk road have been submitted to and approved in writing by the local planning authority. A further condition should be imposed to require that there is no drainage connection between the development and the highway drainage system of the A585 trunk road or any drainage connection within or under any part of the trunk road.

*Local Highway Authority (LHA) – LCC Highways – Updated comments dated 22.01.19:*

- (LCC) Highways understands the current planning application is concerned with the internal layout of the site only and the site access and impact on the surrounding highway infrastructure was approved by the Planning Inspectorate as part of planning application 16/0538 and the appeal APP/M2325/W/17/3166447. It is also understood the Highways England was made comments regarding the proposed site access onto Mains Lane and the planning department should consider these comments and recommended conditions as part of the planning process.
- (LCC) Highways are of the opinion that the proposed car parking conforms to current guidelines; recommendations and the philosophy of the Manual for Streets; Creating Civilised Streets; the Joint Lancashire Structure Plan.
- If the estate road is to be offered for adoption through a S38 agreement a continuous footpath and/or service verge will be required on both sides of the site access road. A 2m wide footpath or service verge is required for locating statutory undertakes equipment' protecting the sight lines from drives and must be provided where buildings front the road and any drives serving properties. Where properties and drives do not front the carriageway the footpath or service verge width can be reduced to 0.5m providing there is no street lighting. If street lighting is required on the narrow footpath or service verge width to be increased to 800mm. Car parking spaces must not be over the 2m wide footpath or service verge areas and sight lines of 2.0m x 17m will need to be provided in both directions based on table 7.1 from Manual for Streets and an estimated wet road 85th percentile speed of 15mph. The recommended maximum height of any obstruction within the sight line is 600mm as pedestrians accessing plot 7 and 29 Mains Lane would have a desire to walk on the road. Where this recommendation is not implemented the highway may not be considered suitable for adoption by Lancashire County Council. If the road is not adopted by LCC it will remain private and will need to be maintained by a private management and maintenance company.
- Conditions are recommended concerning: (i) the provision of vehicle turning areas within the site; (ii) a traffic management plan to be implemented during the construction period; (iii) visibility splays of 2m x 17m from the driveways of plot 7 and 29 Mains Lane; (iv) delivery of parking spaces prior to first occupation; (v) retention of garages for car parking.

*Natural England:* Advise that they have no comments to make on the application.

*United Utilities:*

- A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- Recommend the imposition of conditions concerning: (i) a surface water drainage scheme, which should be drained separately to foul water; (ii) a scheme for the management and

maintenance of any sustainable drainage system.

### **Neighbour Observations**

<b>Neighbours notified:</b>	20 November 2018
<b>Site notice posted:</b>	4 December 2018
<b>Press notice:</b>	13 December 2018
<b>Amended plans notified:</b>	N/A.
<b>No. Of Responses Received:</b>	0
<b>Nature of comments made:</b>	None received.

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

### **Relevant Planning Policy**

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

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

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

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF2	Developer Contributions
T5	Parking Standards
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
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**Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Accordingly, it is not Schedule 2 development and is not EIA development.

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

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

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

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

Having regard to the nature of the development proposed, its location and the planning history of the site, the main issues in this case are considered to be:

- The principle of development, including whether the site is a suitable location for housing in the context of the development strategy outlined in the FLP.
- The development's effects on the character and appearance of the area.
- The scheme's impact on the amenity of surrounding occupiers and whether it would provide a good standard of amenity for future occupiers.
- The development's impact on highway safety.
- Other matters relating to developer contributions, ecology, flood risk and contamination.

**Principle of development:*****Whether the proposal is appropriate development in the Countryside:***

The site falls within the Countryside Area as identified on the FLP Policies Map. FLP policy GD4 states that development in the Countryside will be limited to that falling within one of six permissible categories (a – f). As none of the circumstances in categories (a) – (e) are applicable in this case, the only exception that could be applicable relates to criterion (f) which allows “minor infill

development". Paragraph 7.15 of the reasoned justification to policy GD4 indicates that "minor infill development will be of a scale and use that does not have a material impact on the rural character of the area and does not conflict with the provisions of policy ENV3 [relating to the protection of existing open spaces identified on the Policies Map]".

Mains Lane is a semi-rural thoroughfare which links the settlements of Singleton and Skippool. The prevailing pattern of residential development along the frontage of Mains Lane comprises larger dwellings laid out to a low density in deep, elongated plots containing a single dwelling. This pattern has the effect of creating a 'ribbon' on roadside development along both frontages of Mains Lane, with intervening agricultural field parcels of varying width falling between stretches of buildings.

While the positioning and depth of plots 1 and 7 to either side of no. 29 Mains Lane follows this 'ribbon' pattern to the roadside of Mains Lane, this could not be considered to be the case in respect of the five dwellings at plots 2-6 where these are set back further within the site in a 'backland' location which lacks any frontage to Mains Lane. Although the site is relatively enclosed by buildings to three sides (with the exception of the southwest corner which borders an open field parcel onto Garstang Road), the scale of the development and size of the dwellings would result in substantial urbanisation of the existing land parcel which would, inevitably, erode its openness and rural character. Therefore, the proposal is not considered to represent "minor infill development" for the purposes of FLP policy GD4 (f) and, accordingly, does not fall properly within any of the categories of development that are permissible within the Countryside as provided for by policy GD4. In this respect, the proposal is in conflict with the provisions of the Development Plan.

For the avoidance of doubt, it should be noted that the basis for the above conclusion is not related to the development's classification as "major" under the definition in the DMPO, as those statutory definitions are distinct from the terminology in FLP policy GD4 (i.e. it does not follow that "major development" as defined in the DMPO is incapable of constituting "minor infill development" for the purposes of FLP GD4 (f) providing that it meets the tests in paragraph 7.15 of the Local Plan).

#### *Development Strategy:*

In addition to its designation as Countryside, the site is also located outside any of the settlements identified in FLP policy S1. Policy S1 sets out a four-tier settlement hierarchy which seeks to direct the majority of development to Key Service Centres and Local Service Centres in the urban areas of the borough which have the greatest accessibility to local services, employment and transport opportunities. A smaller proportion of development will be permitted in rural areas, with this to be directed primarily towards the Tier 1: Larger Rural Settlements and, secondarily, to the Tier 2: Smaller Rural Settlements. With respect to developments in rural areas, policy S1 indicates that "development will be restricted to the Tier 1 and Tier 2 Larger and Smaller Rural Settlements, except where development is allowed by Policy GD2, GD3 or GD4 as applicable." Finally, policy S1 states that "development that is appropriate to the scale and character of settlements at each level of the settlement hierarchy, will be promoted in accordance with the Development Strategy."

FLP policy S1 is to be read in conjunction with the Development Strategy set out in policy DLF1. Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8,715 new homes over the plan period to 31 March 2032, with 90% of these to be located in the four Strategic Locations for Development. The remaining 10% of new homes are to be located in the Non-strategic Locations for Development, which include the Tier 1 Larger Rural Settlements and the Tier 2 Smaller Rural Settlements. In addition, policy DLF1 makes an allowance for small housing sites (those amounting to between 1 and 9 homes) that are not allocated in the Plan to "occur throughout the borough where compliance with the other policies of the plan".

FLP policy H1 (c) stipulates that the Council will provide for and manage the delivery of new housing by “ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the “Liverpool” method from the start of each annual monitoring period and in locations that are in line with the Policy DLF1”.

With the above context in mind, paragraph 15 of the NPPF indicates that “the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

For the reasons set out in the preceding section of the report, the proposal development fails to meet any of the limitations in FLP policy GD4 where development can be permitted in the Countryside Area. The area of Little Singleton is not identified as a settlement in the settlement hierarchy to policy S1 and, although policy DLF1 makes an allowance for small housing sites – such as the 7 dwellings proposed here – throughout the borough, this is only permissible where schemes are “compliant with other policies of the plan”. Accordingly, as the development has been found to conflict with the provisions of FLP policy GD4, it must also be in conflict with the Development Strategy identified in policies S1, DLF1 and H1 of the Local Plan.

#### *Accessibility to services:*

Part of the Council’s case in respect of appeal APP/M2325/W/17/3166447 related to the site’s remoteness to local shops, services and employment opportunities, including the fact that a bus service which previously operated along Mains Lane has ceased. These matters are, however, dealt with in paragraphs 15-17 of the Inspector’s decision where she concludes as follows:

*“I consider that the proposed development would have acceptable access to the range of services necessary to support new housing development. Thus, in this regard, there would be no conflict with Policy HL2 of the FBLP, and it would accord with paragraph 55 of the Framework.”*

Accordingly, the proposal would not result in the creation of isolated homes in the countryside having regard to its accessibility to services necessary to support everyday needs.

#### *Housing land supply position and the ‘tilted balance’:*

Paragraph 11 (d) of the NPPF sets out the ‘tilted balance’ which should be applied in favour of development proposals “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [including, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer)]” unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The Council adopted the FLP as the statutory development plan for the borough on 22.10.18. Paragraph 74 of the Framework indicates that “a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated **where it has been established in a recently adopted plan** [emphasis added]”. As the FLP was adopted less than 12 months ago, the Council is able to demonstrate a five year supply of deliverable housing sites by virtue of establishing this in a recently adopted plan. It follows, therefore, that policies in the FLP relating to the supply of housing are not out-of-date and, furthermore, that the ‘tilted balance’ in paragraph 11 (d) of the NPPF does not

apply in this case.

*Weight to be given to extant outline permission 16/0538:*

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

The site benefits from an extant outline planning permission for a residential development of 7 dwellings (reference 16/0538). Although this permission was allowed at appeal prior to the adoption of the FLP, it remains extant until 29.06.2020 and, accordingly, represents an important material consideration in the assessment of this application. In particular, although the scale of the development now proposes a scheme of exclusively 1.5 storey dwellings (as opposed to the one 1.5 storey and six single storey houses permitted by application 16/0538), the number and layout of the dwellings is the same and/or substantially in accordance with the details approved under application 16/0538. In that respect, the effects of the two schemes are very similar.

As the proposal is submitted in the form of a full planning application, it is open to the LPA to re-assess the principle of development in the context of the most up-to-date policies contained within the FLP and the revised NPPF published on 24.07.18. This assessment must, however, also take into account the fact that an extant permission exists on the site. Therefore, notwithstanding the proposed development's conflict with the requirements of FLP policies GD4, S1, DLF1 and H2, it remains the case that the site could be developed without delay should an application for approval of reserved matters pursuant to outline planning permission 16/0538 be allowed. Given that the only matters reserved by application 16/0538 related to the appearance and landscaping of the development, there are no reasons or constraints to suggest that such a development could not come forward in a very similar form to that which is now proposed by this full planning application.

*Conclusion concerning the principle of development:*

The proposal does not fall within any of the categories where development can be permitted in the Countryside as set out in FLP policy GD4. In particular, it does not represent "minor infill development" for the purposes of GD4 (f). As a result, the scheme is also in conflict with the Development Strategy outlined in FLP policies S1, DLF1 and H1 which states that new housing development will only be permitted outside the Strategic and Non-strategic Locations for Development where it is in compliance with other relevant policies in the Plan (specifically, policy GD4 in this case). Moreover, as the Council has an up-to-date Local Plan and is able to demonstrate a 5 year supply of deliverable housing sites, the titled balance identified in paragraph 11 (d) of the NPPF is not applicable. Therefore, the proposed development would conflict with the provisions of the development plan and fails to adhere to the objective in paragraph 15 of the NPPF which requires the planning system to be genuinely plan led.

In spite of the above, it remains the case that the site benefits from an extant outline planning permission (16/0538) which would, subject to the approval of reserved matters, allow a very similar form of development to take place within it. This extant permission is an important material consideration which must weigh heavily in favour of the proposal as it has established the principle of residential development on the site, regardless of the scheme's conflict with the recently adopted Local Plan (which was not in force at the time of that previous decision). In these circumstances, it is considered that the existence of an extant planning permission represents a material consideration in favour of the scheme which justifies a decision other than one in accordance with the provisions of the development plan. On this basis, therefore, the site is considered to represent a suitable



location for housing and the principle of residential development is considered to be acceptable.

Character and appearance:

FLP policy ENV1 requires that developments have regard to their visual impact on the landscape context and type within which they are situated. Developments should be appropriate to the landscape character, amenity and tranquillity of an area and should have regard to any impact on valued landscapes. In addition, criteria (a) – (e) of the policy state that developments should ensure the provision of appropriate landscaped buffers to limit their visual impacts in or adjacent to countryside locations; include provisions for the preservation, maintenance and enhancement of existing tree and shrub planting; compensate for the loss of existing landscape features; deliver landscaping schemes which make use of native species appropriate to the site's context; and make provision for ongoing management and maintenance.

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

- a) In order to promote community cohesion and inclusivity, new development will be expected to deliver mixed uses, strong neighbourhood centres and active street frontages which bring together all those who live, work and play in the vicinity.
- b) Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- g) Applying Secured by Design principles to all new developments.
- h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- i) Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- k) Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- l) Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.
- m) Protecting existing landscape features and natural assets as an integral part of the development; requiring multi-functional green infrastructure to be integrated into urban areas; providing enhancements to open spaces to encourage people to use them; protecting and enhancing habitats; providing open spaces and linkages to the wider ecological networks as part of the Green Infrastructure network; and enhancing the public realm.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. In addition, paragraph 131 of the NPPF states that:

- “In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

#### *Layout and landscaping:*

The site’s northern boundary flanking Mains Lane is presently enclosed by a high (*circa* 2m) hedgerow. This is supplemented by a line of coniferous hedging to the eastern boundary and scattered tree and shrub planting to the western boundary. In addition, the site is bounded by existing buildings on three sides (the exception to this being a gap to the southwest corner which allows views through to Garstang Road). These enclosures mean that, although the open space surrounding no. 29 provides a break in the built-up frontage of Mains Lane, the land parcel is seen between and against the backdrop of existing buildings rather than as a peripheral feature which marks the point of transition into open countryside.

With the above characteristics in mind, paragraph 20 of the Inspector’s decision in respect of appeal reference APP/M2325/W/17/3166447 concludes as follows:

- “The development of the site would inevitably erode its open nature, but the relatively enclosed nature of the site means that the scheme would be able to be accommodated without any significant impact on the landscape, character, and setting of the area. As the site is largely bordered on all sides by development, where views of the scheme would be possible it would be seen against the backdrop of this surrounding development, and would form a natural extension to the buildings located on the triangle of land between Mains Lane and Garstang Road East. As a result, it would not be seen as physically or visually isolated.”

While this scheme differs somewhat from the outline application which was the subject to the abovementioned appeal, it substantially follows the building layout and density parameters identified in the outline application. In particular, the proposal includes the siting of dwellings to either side of no. 29 in order to ensure a continuous frontage onto Mains Lane which respects the prevailing building line to the A585 and the pattern of roadside development which is characteristic of the thoroughfare. Aside from the point of access onto Mains Lane the existing hedge to the northern boundary would be retained. This would be supplemented by new hedgerow planting around the junction, the replacement of conifers alongside the eastern boundary with a new native hedge and other garden boundary hedge planting backed by railings to gardens fronting the estate road. This hedging would be supplemented by tree planting in roadside locations, including the retention of specimens forming the western boundary with the garden centre.

The development layout would ensure a strong building frontage to highways, including dual-aspect elevations to houses with multiple facades facing onto existing and proposed roads. Dwellings would be set in spacious plots and laid out to a low density to reflect the generous plot sizes of surrounding dwellings on Mains Lane. Hardstanding parking areas to the front of houses would comprise resin-bound surfaces softened by substantial soft landscaping within garden frontages to avoid an over-engineered appearance to the estate road. Boundary treatments to gardens with a roadside aspect would comprise low-level (1m) railings backed by hedging, with 1.8m high close-boarded timber fencing between and to the rear of plots where these treatments would be screened from the estate road.

The scheme’s layout would be compatible with the character and pattern of surrounding

development and its density would ensure that the spacious, landscaped frontage to Mains Lane is maintained. Areas of retained and proposed landscaping would preserve and enhance the sylvan frontage to the A585, with this theme carried forward through to the estate road.

#### *Scale:*

All dwellings would include a 1.5 storey element by including living accommodation in the roof space, though the extent of this would vary between plots depending on their configuration. While some plots would have double-height facing gables and dormer windows, first floor accommodation to others would be achieved through a composition of steeply sloping monopitched roofs.

The existing bungalow at no. 29 Mains Lane includes a large protruding gable to the northeast corner which provides living accommodation to the first floor, along with a recessed balcony to the rear elevation. A sectional drawing is submitted with the application. This shows that the ridgelines of dwellings to either side of no. 29 (plots 1 and 7) would follow the height of no. 29, with the ridge heights of plots to the southern fringe (nos. 2-6) protruding marginally (*circa* 0.5m) above the existing dwelling. In all cases, however, the ridge heights of the proposed dwellings would be some 2.5m lower than that of the dormer bungalow at no. 25 Mains Lane which incorporates a steeply sloping roof with substantial floorspace at first floor level.

The size, height, roof profiles and massing of the dwellings would ensure that the development assimilates sympathetically with the existing property at no. 29 Mains Lane and the wider street scene. In particular, the frontage properties on plots 1 and 7 would replicate the scale of no. 29 and would preserve the prevailing 1.5 storey character of neighbouring buildings along this stretch of Mains Lane, with the slightly taller house types to the rear of the site being substantially screened from the A585 by the three foreground dwellings in order that they would not appear as dominant or imposing additions to the street scene.

#### *Appearance:*

The design of the dwellings would follow a contemporary theme with each house type incorporating a bespoke configuration, but tied together through a common style and palette of materials. Dwellings would follow stepped facades with interest added by protrusions and recesses articulated through the use of a mix of materials including red brick, off-white render and timber cladding. Roof compositions include a series of monopitched slopes converging at different heights towards a central, flat valley broken up by protruding gables and – in the case of three plots – small dormer windows. Fenestration would comprise tall, floor-to-ceiling openings with wraparound glazing to corners at the ground floor and triangular openings at first floor level to follow roof pitches. Facing gables would comprise curtain wall glazing offset by timber cladding to the adjoining walls.

Paragraphs 127 (c) and 131 of the NPPF encourage developments of an innovative design which help raise standards in the area, providing that they fit in with the overall form and layout of their surroundings. Similar objectives are contained in FLP policy GD7. The proposed dwellings would introduce a unique, contemporary design concept to this stretch of Mains Lane which is predominantly characterised by bungalows of a traditional appearance. Although there would be a degree of contrast between the style and composition of the proposed dwellings in comparison to neighbouring buildings on Mains Lane, the scheme would follow the prevailing layout, scale, pattern and plot size of surrounding development while introducing an innovative and high quality design concept which would have a positive impact by raising the standard of building design in the area.

The proposed development, by virtue of its layout, density, scale, landscaping, materials and design,

would assimilate sympathetically with the semi-rural character of the site and its surroundings and the prevailing pattern of development in the area, while introducing a unique and innovative design concept which would raise the standard of design locally.

Impact on amenity:

Criteria (c) and (o) of FLP policy GD7 require that development proposals facilitate good design by:

- Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- All new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.

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

Adjacent buildings include a small commercial laboratory to the east (no. 23), a mix of true and dormer bungalows to the south/southeast (nos. 23a and 25 Mains Lane and Brook Cottage), buildings forming part of the Koi Pool garden centre and two bungalows (nos. 35 and 37) to the west, and a caravan park on the opposite side of the A585 to the north.

The laboratory and three dwellings to the east and south have windows overlooking the site. The most prominent of these are the high-level dormer windows (including one with a protruding balcony) at no. 25 Mains Lane which provide elevated views over the southeast corner. Windows in the rear of Brook Cottage are obscured by an intervening boundary fence and hedging, those to the front of no. 23a are offset and face in a north-easterly direction, with openings in the side of the laboratory screened by coniferous planting to the eastern perimeter.

The layout and orientation of the proposed dwellings would achieve the following minimum separation distances with neighbouring buildings:

- 19m with the commercial laboratory at no. 23 Mains Lane.
- 23m with no. 23a Mains Lane.
- 20.5m with the front elevation of the dormer bungalow at no. 25 Mains Lane.
- 21m with the rear elevation of Brook Cottage.

When these separation distances are considered in combination with the height and massing of the proposed dwellings and the configuration of windows in each elevation, the proposed development would not have an oppressive or overbearing appearance in the outlook of neighbouring dwellings, nor would it unduly affect their amenity by reason of overshadowing or overlooking. A protruding balcony is proposed to the rear of plot 2. This balcony would be enclosed by outriggers on both sides, thus preventing views from the sides (towards plot 1 to the north and no. 25 to the south) and limiting these to views over the outdoor space to the rear of the commercial laboratory over a distance of *circa* 22m. Accordingly, this feature would not adversely affect the privacy of existing or future occupiers.

The spacing, orientation and window configurations of the proposed dwellings would ensure good levels of amenity for future occupiers. Similarly, the generous size and landscaping of garden areas would provide spacious plot sizes and private outdoor amenity space for residents. Views into the

site from surrounding buildings are limited by a combination of their scale and intervening boundary treatments (having particular regard to Brook Cottage and no. 23). The exception to this is no. 25 Mains Lane which has high-level dormer windows in the front roof slope which would look directly over the side/rear garden of plot 2 over a minimum distance of approximately 6m.

At present, there is limited screening between the front of no. 25 and the application site. The submitted landscaping scheme proposes the introduction of a triangular copse of woodland planting within the side garden of plot 2 in order to screen views between the front of no. 25 and the garden of the new dwelling. As there is a drainage easement along the southern perimeter of the site this woodland copse is to be planted outside the easement. While this element of landscaping would take time to mature into an effective buffer, the medium-long term screening it would provide will ensure that the main garden area of plot 2 is not unacceptably overlooked by dormer windows in the front of no. 25.

Given the above, the proposed development would achieve a good standard of amenity for future occupiers in line with the objectives of the FLP and the NPPF.

#### Highways:

Paragraph 108 of the NPPF states that applications for development should ensure that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework indicates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

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

- Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

FLP policy T5 indicates that “car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car

parking provision will be applied, dependent on the location of the development concerned.” Policy T5 states that, in 2019, “the Council will prepare a Supplementary Planning Document (SPD) on parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde”, though this SPD has not yet been adopted.

Access to the site is proposed via a new priority (‘give way’) junction onto Mains Lane following the blocking up of the existing private access to no. 29. The proposed priority junction includes visibility splays of 4.5m x 120m in both directions with a 10m radii bell-mouth junction opening onto a 5.5m wide estate road. The design of the access is the same as that approved under application 16/0538. As Mains Lane is a trunk road, the final detailed design of the access needs to be approved by Highways England, with the Local Highway Authority’s (LHA) comments being limited to the internal development layout.

Highway’s England have indicated that the proposed means of access from Mains Lane is appropriate and has no objections to the scheme subject to the imposition of conditions controlling its detailed design and implementation. This would need to be followed up by the developer entering into a S278 agreement with Highways England. Accordingly, a safe and suitable means of access to the site can be achieved through the imposition of appropriate conditions. The level of traffic generated by a development of 7 dwellings will not have any severe, residual cumulative impacts on the capacity of the surrounding road network.

The internal estate road would take the form of a 5.5m wide cul-de-sac incorporating a 2m wide footway and tactile paving to crossing points around the junction with Mains Lane. To the south of this junction the cul-de-sac would narrow to 5m with a continuous 1.8m footway to the south side only, terminating at a turning head to the southwest corner. In terms of parking, the dwelling on plot 1 would benefit from a minimum of two off-road car parking spaces, plus integral garage provision. The remaining 6 plots, and no. 29 Mains Lane, would benefit from between 3-4 off-road parking spaces (plus integral garage provision). The LHA are satisfied that the internal estate road layout would ensure an appropriate highway configuration for access, manoeuvring and circulation of all road users, and have confirmed that the level of parking provision is acceptable.

Additional requirements with respect to the provision of a footway/service verge on both sides of the estate road would be applicable if the road is to be offered for adoption by the LHA. The applicant’s agent has, however, indicated that the road is not to be offered for adoption and will, instead, be privately maintained. The LHA have also requested a condition withdrawing permitted development rights for the conversion of garages to habitable living accommodation in the future in order that these are retained for parking. The NPPG indicates that permitted development rights should only be withdrawn in “exceptional circumstances”. As the proposed dwellings would benefit from between 2-4 off-road car parking spaces within driveways (without any garage provision being taken into account), it is not considered that there are any exceptional circumstances applicable in this case that would justify removing permitted development rights for future garage conversions given that the level of off-road parking within driveways alone would meet and/or exceed the required standard.

#### Other matters:

#### ***Developer contributions:***

Although the application is classified as “major” development for the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2015 by virtue of the combined floor area of the buildings being over 1,000 sqm, the number of dwellings falls below the

10 unit threshold where contributions towards public open space, affordable housing and education can be sought in accordance with the provisions of FLP policies ENV4, H4 and INF2 respectively. Accordingly, as the dwelling-number trigger for contributions in these policies is not met the development is not required to make contributions towards this infrastructure in order to make it acceptable in planning terms.

### ***Ecology:***

The application is accompanied by an ecological appraisal which takes the same form as that submitted in connection with application 16/0538. The survey includes the following conclusions and recommendations:

- **Great Crested Newts (GCN)** – Five ponds present within 250m of the site were assessed for their potential to support GCN. Ponds north of Mains Lane and South of Garstang Road were not considered for assessment as the major roads were considered to be an impassable barrier to GCN. Two ponds could not be directly accessed but waterfowl, mallard and moorhen were present within these ponds. Habitat Suitability Index (HSI) assessments for these 5 ponds reveals that none were suitable to support amphibians, with all scoring poorly in the HSI assessment. The site was found to have limited foraging value to amphibians as most of the site is amenity grassland and species poor hedgerow to the north of the site. Opportunities are restricted to the scrub on the western boundary. Recommendations are made in paragraphs 6.2.1 and 6.2.4 to ensure no amphibians are harmed during construction works.
- **Bats** – The existing bungalow at no. 29 Mains Lane is of recent construction and well sealed. Building inspections revealed no signs of bat usage and negligible potential for roosting bats. Therefore, no further bat surveys are considered to be required.
- **Birds** – Trees and hedgerows on the site have the potential to support nesting birds. Works to trees, hedgerows and vegetation clearance should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent by a suitably qualified person.
- **Badger** – Badger setts are not known to occur within 2km of the site. Recommendations are, however, made in order to minimise impacts on badgers passing over the site.

The ecology appraisal has been assessed by GMEU who are in agreement with its conclusions. GMEU have recommended conditions requiring that certain mitigation measures are put in place as follows: (i) to ensure that the recommendations in paragraph 6.2.1 and 6.2.4 of the appraisal are implemented during the construction period to avoid harm to amphibians; (ii) to incorporate opportunities for biodiversity enhancement into the development by including bat bricks and/or tubes, bat boxes, bird boxes, bolstering of hedgerows, native tree and shrub planting; (iii) restricting the removal of vegetation during the main bird breeding season; (iv) that suitable measures are put in place to protect all retained trees and hedgerows on the site during the construction period in accordance with BS 5837:2012 – ‘Trees in relation to design, demolition & construction’.

### ***Flood risk:***

The site is located within flood zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding) as identified on the Flood Map for Planning. Accordingly, it is at the lowest risk of river/sea flooding and, as the site is under 1 hectare in area, there is no requirement for the application to be accompanied by a flood risk assessment.

United Utilities (UU) have commented on the application and suggested that conditions be imposed regarding surface water disposal and a management/maintenance plan for any sustainable drainage

system. UU have also indicated that development should not encroach upon the 6m easement of a public sewer that crosses the site. Highways England (HE) have also requested that any drainage condition specifies no connection between the development and highway drainage system of the A585, or any drainage connection serving the development installed within or under the trunk road. The LLFA have also been consulted on the application, but have not provided any comments to date.

An indicative drainage strategy has been submitted as part of the application. This identifies the following principles:

- There is a watercourse adjacent to the northwest edge of the site to which surface water currently discharges. The site is underlain by loamy clay soils with impeded drainage, indicating the site to be unsuitable for drainage using soakaways. As the existing watercourse is already the point of discharge for existing run-off, it is proposed to re-use this watercourse for surface water drainage from the site. The surface water run-off from the site will have to be discharged to the watercourse at a suitably controlled rate. Surface water flows will be controlled and attenuated before being discharged to the watercourse on the western boundary.
- The rate of off-site discharges will be limited to as close to green-field run-off rates as possible. Calculations show a present rate of run-off of 7.0 l/s QBar and it will therefore it will be most practical and sustainable to limit the rate of discharge to a maximum of 7.0 l/s by means of a controlling Hydro-brake unit, placed in the last surface water chamber on the site.
- The drainage serving the new development will remain in private ownership of the site and all future owners or occupants. On completion of the development a suitably qualified maintenance company will be contracted to carry out all site inspections and maintenance of the drainage systems.
- A public foul-water sewer is located in Mains Lane, to the north east end of the front of the site. This sewer runs through the site, alongside its eastern and southern boundaries. It is proposed that foul water will be discharged to this sewer.

The indicative drainage strategy includes many of the details requested by consultees with respect to draining the site in the most sustainable way and avoiding reliance on highway drainage. Separate systems for foul and surface water would also be provided and greenfield surface water run-off rates to the adjacent watercourse would be achieved through attenuation and a hydrobrake. Accordingly, it is considered that the detailed design of foul and surface water drainage systems can be controlled through and appropriately worded condition.

#### ***Contamination:***

A phase 1 contamination report has been submitted in support of the application. This consists of a desk study report and site walkover. The report concludes that no contamination exists within the site which poses a risk of significant harm to receptors either on or in the immediate vicinity of the site. The report further recommends that a watching brief is maintained throughout the construction of the new dwellings and any signs of potential contamination found are fully investigated, with appropriate remedial action taken as necessary.

The Council's EHO is in agreement with the findings of the phase 1 report and its recommendations for a watching brief, with any unsuspected contamination to be reported and an appropriate remediation strategy put in place. An appropriate condition has been imposed in this regard to ensure that the development does not give rise to any adverse effects as a result of contamination.



## **Conclusions**

The application relates to a parcel of open grassland extending to *circa* 0.9 hectares in area surrounding an existing detached bungalow at no. 29 Mains Lane, Singleton. The land is located within the Countryside Area as identified on the FLP Policies Map and is outside the boundaries of any defined settlement. Nevertheless, the site benefits from an extant outline planning permission (including access, layout and scale) for a residential development of 7 dwellings (16/0538) which was granted at appeal (reference APP/M2325/W/17/3166447) on 29 June 2017. Therefore, despite the proposal's conflict with the development strategy identified in the FLP (which was not adopted at the time of the appeal decision for application 16/0538 and, accordingly, carried only limited weight in that decision), the extant permission for residential development is an important material consideration which must carry substantial weight in establishing the principle of residential development on the site.

The site is located between pockets of built development to three sides. Therefore, whilst the proposal would erode its openness the relatively enclosed nature of the site means that, when seen amongst and against the backdrop of existing buildings, the development would be viewed as a natural extension to the collection of buildings located on the triangle of land between Mains Lane and Garstang Road. Accordingly, the development can be accommodated without any significant impact on the landscape, character and setting of the area. The proposal would achieve a spacious development layout, with houses set in generous plots reflecting the lower density and building to plot ratio of surrounding development fronting onto Mains Lane. The layout would follow the existing building line along the A585 and the siting and distribution of landscaping, hardstanding and boundary treatments would ensure a sympathetic assimilation when the development is viewed in the context of this thoroughfare.

The proposed means of access to the site from Mains Lane would replicate that approved under application 16/0538 and would ensure a safe and suitable access to the site for all users. The internal layout would also provide suitable vehicle circulation, turning and parking space to avoid any adverse effects on highway safety. Similarly, the level of traffic generated by a development of 7 dwellings would not have any severe residual effects on the capacity of the surrounding highway network.

The proposed dwellings would accommodate living accommodation in the roof space and, accordingly, would be 1.5 storeys in height. The scale of the properties would be compatible with that of surrounding buildings and their siting, spacing and screening in relation to existing development would ensure that they do not appear as dominant or imposing features in the street scene of Mains Lane, nor would the development have any undue effects on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking. The external appearance of the dwellings would follow a contemporary and bespoke design concept that would assimilate sympathetically with the scale, features and character of surrounding buildings while raising the standard of design locally and adding interest to the streetscene.

The development falls below the threshold where infrastructure contributions are required to mitigate its impact. No other adverse effects would arise with respect to ecology, flood risk or contamination that would significantly and demonstrably outweigh the scheme's benefits. Accordingly, the proposal is considered to represent sustainable development in accordance with relevant policies contained within the FLP and the provisions of the NPPF.

## **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 from the date of this permission.

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

2. This permission relates to the following plans:

Drawing titled 'Site Location Plan' Rev P1 dated 29/10/18.

Drawing no. 00-SP-0001 Rev P3 – Proposed site plan.

Drawing no. J746/Access/fig1 Rev C – Access layout.

Drawing no. 165.4.01 – Landscape masterplan.

Drawing no. 164.4.02 – Hardworks layout.

Drawing no. 164.4.03 – Softworks layout.

Drawing no. 00-SP-0004 Rev P2 – Site sections.

Drawing no. 00-SK-0001 Rev P1 – Materials.

Drawing no. P1 EL-0001 Rev P1 – North and south elevations.

Drawing no. P1 EL-0002 Rev P1 – East and west elevations.

Drawing no. P1 GA-0001 Rev P1 – Ground floor plan.

Drawing no. P1 GA-0003 Rev P1 – First floor plan.

Drawing no. P1 GA-0004 Rev P1 – Roof plan.

Drawing no. P2 EL-0001 Rev P1 – North and south elevations.

Drawing no. P2 EL-0002 Rev P1 – East and west elevations.

Drawing no. P2 GA-0001 Rev P1 – Ground floor plan.

Drawing no. P2 GA-0003 – First Floor plan.

Drawing no. P2 GA-0004 Rev P1 – Roof plan.

Drawing no. P3 EL-0001 Rev P1 – North and south elevations.

Drawing no. P3 EL-0002 Rev P1 – East and west elevations.

Drawing no. P3 GA-0001 Rev P1 – Ground floor plan.

Drawing no. P3 GA-0003 Rev P1 – First Floor plan.

Drawing no. P3 GA-0004 Rev P1 – Roof plan.

Drawing no. P4 EL-0001 Rev P2 – North and south elevations.

Drawing no. P4 EL-0002 Rev P2 – East and west elevations.

Drawing no. P4 GA-0001 Rev P2 – Ground floor plan.

Drawing no. P4 GA-0003 Rev P2 – First Floor plan.

Drawing no. P4 GA-0004 Rev P2 – Roof plan.

Drawing no. P5 EL-0001 Rev P1 – North and south elevations.

Drawing no. P5 EL-0002 Rev P1 – East and west elevations.

Drawing no. P5 GA-0001 Rev P1 – Ground floor plan.

Drawing no. P5 GA-0003 Rev P1 – First Floor plan.

Drawing no. P5 GA-0004 Rev P1 – Roof plan.

Drawing no. P6 EL-001 Rev P1 – North and south elevations.

Drawing no. P6 EL-002 Rev P1 – East and west elevations.

Drawing no. P6 GA-0001 Rev P1 – Ground floor plan.

Drawing no. P6 GA-002 Rev P1 – First Floor plan.

Drawing no. P6 GA-003 Rev P1 – Roof plan.

Drawing no. P7 EL-0001 Rev P1 – North and south elevations.

Drawing no. P7 EL-0002 Rev P1 – East and west elevations.  
Drawing no. P7 GA-0001 Rev P1 – Ground floor plan.  
Drawing no. P7 GA-0003 Rev P1 – First Floor plan.  
Drawing no. P7 GA-0004 Rev P1 – Roof plan.

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

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

3. No above ground works shall take place until details of the finished ground floor levels for each dwelling and the ground levels for the external areas of the site, above ordnance datum, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before ground works to establish site levels are completed in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the dwellings shall be constructed in accordance with the materials detailed on drawing no. 00-SK-0001 Rev P1.

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

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the site shown on drawing nos. 165.4.01, 164.4.03 and the five sheets labelled "Typologies – Planting" shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plans. 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 order to ensure that the development assimilates sympathetically into the surrounding landscape, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

6. None of the dwellings hereby approved shall be first occupied until details of the design, materials and finish of boundary treatments for each plot (the height, siting and type of which is shown on drawing no. 00-SP-0001 Rev P3) have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in full accordance with the duly approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To ensure clear demarcation of public and private areas, to achieve adequate levels of privacy between neighbouring dwellings and to ensure that the design of boundary treatments is

sympathetic to the character and appearance of the street scene in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

7. The car parking and other areas of hard landscaping for each plot shall be constructed and made available for use in accordance with the details shown on drawing nos. 164.4.02, 00-SK-0001 Rev P1 and the two sheets labelled "Typologies – Paving" before the dwelling on each associated plot is first occupied. The duly constructed car parking areas shall be retained as such thereafter for the parking of motor vehicles.

Reason: In order to ensure adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of future occupiers, and to achieve a satisfactory visual appearance in the street scene in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and T5, and the National Planning Policy Framework.

8. No above ground works shall take place until a scheme for the design and construction of the site access and associated highway improvements between the site and the A585 (the layout of which is shown on drawing no. J746/Access/fig1 Rev C) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Final details of how the access and highway improvements interface with the existing alignment of the A585.
- b) Provision for visibility splays of 4.5 metres x 120 metres in both directions at the junction of the site access with the A585
- c) Full signing and carriageway marking details.
- d) Full construction details and specifications.
- e) Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards).
- f) An independent Stage 1 and Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes (DMRB Standard GG119).
- g) Confirmation of any arrangements to be put in place for the transfer of ownership of any land not within the ownership or control of Highways England, and that is required for the proposed access and highway improvements, to Highways England.

The site access and associated highway improvements shall be constructed in accordance with the duly approved scheme and shall be fully laid out, surfaced and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splays in criterion b) shall thereafter be kept free of any obstructions (including buildings, walls, gates, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.

Reason: To ensure a safe and suitable means of access to the site for all users and to achieve a satisfactory standard of engineering works within the adopted highway in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

9. No above ground works shall take place until a scheme for the design and construction of the estate road, including associated footways and vehicle turning areas, has been submitted to and approved in writing by the Local Planning Authority. The estate road, associated footways and vehicle turning areas shall be constructed in accordance the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for circulation and manoeuvring in order that vehicles can egress the site onto the A585 in forward gear in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the land falling within the visibility splays of 2 metres x 17 metres in both directions at the junction of the driveways of no. 29 Mains Lane and the dwelling on plot 7 with the new estate road (as shown on drawing no. 00-SP-0001 Rev P3) shall be kept free of any obstructions (including buildings, walls, gates, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

Reason: To ensure that adequate visibility is maintained at the junction of these driveways with the estate road due to the lack of footway provision on the north side of the estate road in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

11. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a) hours of work for site preparation, delivery of materials and construction;
- b) arrangements for the parking of vehicles for site operatives and visitors;
- c) details of areas designated for the loading, unloading and storage of plant and materials;
- d) details of the routing of vehicle traffic carrying plant and materials to and from the site and the times when these vehicle trips will not be made to and from the site;
- e) details of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- f) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties; and
- g) measures to control the emission of dust and dirt during construction.

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

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

12. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the hierarchy of drainage options in the Planning Practice Guidance, including evidence of an assessment of existing site conditions, and shall demonstrate compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The scheme shall include:

- a) Separate systems for the disposal of foul and surface water.
- b) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- c) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- d) Measures to ensure that the post-development surface water run-off rate will not exceed the pre-development green field run-off rate.

- e) Flood water exceedance routes, both on and off site.
- f) Details of water quality controls, where applicable.
- g) A timetable for implementation, including phasing as applicable.

The duly approved scheme shall be implemented before any of the dwellings hereby approved are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2 and the National Planning Policy Framework.

13. None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 12 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

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

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

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2, and the National Planning Policy Framework.

14. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (1<sup>st</sup> March to 31<sup>st</sup> 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 unless and until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

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

15. None of the dwellings hereby approved shall be occupied until a scheme for the incorporation of the following biodiversity enhancement measures into the development and a timetable for their

provision has been submitted to and approved in writing by the Local Planning Authority:

- a) The provision of bat bricks and/or tubes within the development.
- b) The provision of bat and bird boxes.

The biodiversity enhancement measures shall thereafter be implemented in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

16. The development hereby approved shall be carried out in full accordance with the reasonable avoidance measures for amphibians (including their timetable for implementation) detailed in paragraphs 6.2.1 and 6.2.4 of the document titled "Ecological Appraisal" by Envirotech (report reference 3193, version 2).

Reason: To ensure that adequate measures are put in place as part of the development in order to limit its potential to adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

17. No above ground works shall take place until a scheme for tree and hedgerow protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837:2012) to be formed around the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.
- b) Details of any excavation to take place within the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.
- c) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are shown to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1 and GD7.

18. If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to:
  - a. human health;
  - b. property (existing or proposed) including buildings, crops, livestock, pets,


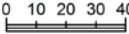
- woodland, and service lines and pipes;
  - c. adjoining land;
  - d. groundwaters and surface waters;
  - e. ecological systems; and
  - f. archaeological sites and ancient monuments.
- c) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings on the affected part(s) of the site are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 policy GD9 and the National Planning Policy Framework.





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Application No. 5/18/0872	Address 29 Mains Lane, Singleton	Grid Ref. E.3373 : N.4395	Scale 0 10 20 30 40 m 

**Item Number:** 2

**Committee Date:** 13 February 2019

<b>Application Reference:</b>	18/0929	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Richardson	<b>Agent :</b>	PLANNING PROBLEMS SOLVED
<b>Location:</b>	WEST VIEW FARM, MOORSIDE, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3XH		
<b>Proposal:</b>	CHANGE OF USE OF EXISTING AGRICULTURAL BUILDING TO GENERAL INDUSTRIAL USE (CLASS B2) INCLUDING ELEVATIONAL CHANGES TO AMEND EXISTING WINDOWS AND DOORS, INTRODUCTION OF ADDITIONAL WINDOWS AND DOORS, AND PART RENDERING OF BUILDING. FORMATION OF VEHICLE ACCESS TO SIDE OF DWELLING WITH 1.5M HIGH GATE		
<b>Ward:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Mark Evans
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8026799,-2.8568111,351m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application site is a farmhouse and collection of associated farm buildings located in a rural area to the north of Treales village and south of the M55. Agricultural activity ceased around 40 years and, since then, the site has been in use as a dwelling with domestic related storage in the outbuildings until it recently changed hands. This application proposes the change the use of the largest of the agricultural buildings to a Class B2 use that allows its use as a motor vehicle repair and metal fabrication business that is to be operated by the occupier of the farmhouse. There are also a series of physical changes to the doorways, rendering of the external face of the building and provision of parking areas associated with the proposed use.

With the site being located in the Countryside, the scope for development is limited to those elements listed in Policy GD4 of the Fylde Local Plan to 2032. These include the reuse of rural buildings that are substantial in construction. The submitted structural report confirms that this building is of substantial construction, with the application including a limited extent of changes to the building and the site as a whole. Accordingly is considered to comply with this policy requirement, and will also assist with the diversification of the rural economy which is also supported by Policy GD4 and the National Planning Policy Framework (NPPF).

The nature of the proposed use is one that can generate a range of amenity and other issues such as increased traffic generation and ecological disturbance but, having assessed the proposal, it is the opinion of consultees and officers that these are all either acceptable as proposed or can be addressed by condition. On this basis this aspect of the application is

recommended for approval.

The application also proposes the formation of a second vehicle access to the site to serve the residential dwelling and this is also an acceptable proposal that causes no conflict with the highway safety concerns or planning policy. As such the application is recommended for approval.

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

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

### **Site Description and Location**

The application site is a farmhouse and associated outbuildings that are located in a rural location designated as countryside to the north of Treales village. The site contains a two storey dwelling that fronts directly to Moorside and a series of single storey outbuildings to the side and rear of this dwelling that are a mixture of brick and render construction and are related to the former agricultural use of the site which has long since ceased. The building that is to be used for the proposed commercial use forms the northern boundary of the site and is single storey with a small central two storey element and appears to have initially been built as stables.

The surrounding area is rural in character with isolated dwellings. The land to all sides of this site is agricultural fields with the M55 motorway running to the rear of the site at a distance of approximately 400m to the north.

### **Details of Proposal**

The application has the following three main elements:

- a) The change of use of the agricultural building to the side of the farmhouse to a general industrial (Class B2) use associated with their use for vehicle repair use
- b) The external alterations of these buildings and hard surfacing of elements of the former farm yard area to support this use
- c) The formation of a separate vehicle access to Moorside which would be for the use of the dwelling, with the existing site access to be utilised by the commercial use.

The agricultural building that is to be used for vehicle repairs is primarily a single storey building in brick that has a length of 50m and a depth of 6m and ridge that is 4m along the majority of the length but has a central section that rises to 6m as a double height feature. The building is situated at right angles to the road and forms the northern boundary of the farmstead.

The submission divides the building into 3 elements: just over half the length is to be used as a 'maintenance, preparation and repair area', with the remainder split equally between a valeting area to the front, and a spray booth area towards the centre. It is not proposed that the building will be extended in size but a series of alterations are to be undertaken including the formation of a double garage style door opening towards the front serving the proposed valet element, and the bricking up of many of the other doors and windows to leave just a vehicle door in the central feature, a vehicle door in the rear gable and two personnel doors. The rear element has been partly rebuilt and fitted with a doorway to the gable that has a roller shutter door and provides the main entrance for

vehicles to the repair element of the site. The central vehicle door also has a roller shutter that is to provide a secondary access or exit point for vehicles with a spiral staircase in this area that serves the small office that has been provided in the upper floor. The front face of the building is to be rendered as a treatment to improve its insulation and to match the treatment applied to other buildings on the farmstead. The rear and side of the building face the road and are to be retained in brick.

Around the site, a new gate feature is proposed to be erected between the proposed commercial building and the shippon that is attached to the dwelling to provide security to the farm yard area, with this area extended to the rear to provide a parking area for staff and customer vehicles and a turning area to enable them to enter and leave the site in a forward gear. A fence is proposed around the rear of this area to provide additional security and a visual screen from views to the north and east where the M55 passes the site. A hedge is to be planted along the outside of this hedge to soften its impact.

The application also includes the provision of a driveway to serve the residential dwelling. At present the site is accessed only via an access between the shippon and proposed industrial building. As this is to serve the industrial use it is intended that a new access be formed direct to Moorside at the other side of the dwelling. This is in the approximate location of a previous access that was seemingly removed many years ago when alterations were made to the route of Moorside to accommodate the construction of the M55 motorway, and is now a fully hedged boundary, albeit a section of this has been removed since the submission of this application in preparation for the formation of this driveway. The access has a width of 4m and leads to a small hard surfaced parking area to the side of the dwelling, with a sliding timber gate provided to the entrance.

In addition to the plans the application is supported with a planning statement, a structural report on the building, and an ecology report. The conclusion to the planning statement is:

*"It is argued that a strong case has been made for the granting of planning permission for what would be a low scale single person operation, albeit with the possible employment of an apprentice in time once the business becomes more established. There are a number of specialisms in the uses that each require individual areas of space in the building, and this is a relevant material factor in the size of the building that is sought to be converted."*

*It is contended that it has been shown that the proposal accord with the development plan, and that this change of use is in accordance with the new approved Local Plan and national planning policy. This presumption in 'favour' ought to allow the Council make a favourable decision upon the application."*

#### **Relevant Planning History**

Application No.	Development	Decision	Date
88/1040	CHANGE OF USE; CONVERSION OF BARN & SHIPPON TO GRANNY FLAT & GAMES ROOM	Granted	22/02/1989
86/0692	PARKING OF ARTICULATED TRACTOR	Granted	28/01/1987
78/0755	CONVERSION OF CALF SHED TO BUNGALOW.	Refused	29/11/1978

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

None

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

**Treales, Roseacre & Wharles Parish Council** notified on 28 November 2018 and comment:

*“Following careful consideration of this application at their meeting on the 18 December 2018, the Parish Council resolved to Object to this planning application for the following reasons:*

- a) The application conflicts with policy GD4 (a) to (f) and does not comply with the “most appropriate development permissible in the countryside” as set out at paragraph 7.14 on page 75 of the Fylde Local Plan to 2032.*
- b) Policy EC1 and the attendant table on page 91 to 93 of the Fylde Local Plan to 2032, provides an extensive list of sites currently available and designated for use by industrial class B2 enterprises amongst others. The Parish Council recommends that the application should be refused because the proposed industrial use is not a suitable development in the countryside but is appropriate in one of the many designated and appropriate employment areas.*
- c) The development envisages the need to 7 parking bays to be provided to accommodate vehicles not actually undergoing work and this suggest that vehicular throughput will be greater than has been indicated. The parish Council are concerned that the increased number of vehicles accessing/egressing the site to and from Moorside will increase the risk of collision in this poorly maintained narrow country lane with poor site [sic.] lines.*

*The Parish Council notes that as application has been modified and now includes a reinstated access to the highway the Highways Authority will be consulted before this application is determined.”*

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

#### **National Grid (now cadent gas)**

Raise no objection to the application.

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

Raise no objection to the proposed use of the site for general industrial activity, and confirm that the site plan demonstrates that an appropriate level and arrangement of parking is provided for the use that is proposed. Whilst they suggest a condition is included to require the provision of on-site turning areas, this is clearly provided on the site layout and so this condition is superfluous.

They also raise no objection to the formation of a new access point to Moorside. They highlight that the verge area that this crosses is part of the adopted highway and so refer to the legislative requirement to enter into a legal agreement with LCC regarding then formation of this access which can be added as a standard note to any planning permission.

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

The council’s ecology consultant has reviewed the submitted ecology information. In their initial comments they confirmed that they were satisfied that the scheme would not cause any undue risk of harm to protected species and suggested a series of conditions and informatives to support that position. The exception to this was a

concern was raised over the potential for a pond that is to the rear of the site to support a Great Crested Newt population. The applicant provided additional information on the use of this pond which has addressed the consultee's concerns. Further details of this are provided in the comments section of this report.

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

Raise no objection to the development as there are no issues regarding the potential for noise disturbance subject to a condition that limits the operators of the commercial element to those with a familial connection to the occupation of the dwelling.

#### **Natural England**

Confirm that they have no comments to make on the application, but suggest that the LPA secures specialist ecology advice on the implications of the development

#### **Neighbour Observations**

<b>Neighbours notified:</b>	28 November 2018
<b>Site Notice Date:</b>	30 November 2018
<b>Press Notice Date:</b>	N/A
<b>Number of Responses</b>	None

#### **Relevant Planning Policy**

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC2	Employment Opportunities

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

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

##### **Site Constraints**

Pipelines

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

##### **Local Plan Allocation**

The application site is located in the Countryside as allocated under Policy GD4 of the Fylde Local Plan to 2032 as recently adopted. This policy is restrictive of new development in rural areas unless it meets one of a number of exceptions. One of these is *'b) the re-use or rehabilitation of existing permanent and substantial buildings'* and it is this form of development that is proposed in this application. This report will therefore assess the ability of the building to be converted and the planning implications of that conversion to the proposed general industrial use.

With the proposal relating to an employment use it is to be assessed against the requirements of Policy EC2 which is very supportive of such proposals stating: *"The sustainable growth and expansion of all types of business is supported where this is in accordance with other policies in the Local Plan"*. Policy EC2 also includes criteria against which proposals are to be assessed and which require that the accommodation is flexible and suitable to meet changing future employment needs and that development is made accessible for local people.

Finally the design and general 'development management' implications of the application are to be assessed against Policy GD7.

#### Principle of Commercial Use

The site is located in the countryside where Policy GD4 of the Fylde Local Plan to 2032 applies, and which seeks to control the nature and extent of development in these areas to retain their rural character. This is achieved through that policy limiting the forms of development to 6 elements. Element b) of this policy includes *"the re-use of rehabilitation of existing permanent and substantial buildings"*.

The application buildings are substantial brick built structures that are in a sound condition as is confirmed by the submitted Structural Report provided with the application and based on a survey conducted in September 2018. This confirms that the buildings that are the subject of this application are in a 'reasonable state', and whilst some defects are identified such as works needed to the roof structure, with some woodworm infestation, and with some treatments needed to the brick and rendered elevations, these are not of such significance that the building is not capable of conversion to the industrial use that is proposed in this application. Indeed at officer site visit the use was already operational in the rear part of the building. Works to that part of the structure are on-going and will certainly be required to facilitate the use that is proposed in the remainder of the building, but these will not amount to a significant amount of rebuilding and so will enable the works to be considered as a 'conversion' of the building. This is an area that needs to be secured by the imposition of a condition to ensure that the extent of the conversion works are clear, but will enable this historic rural building to be retained in a productive use that accords with element b) of Policy GD4.

The Parish Council refer to the scheme as being in conflict with all elements of Policy GD4, but given the commentary above it is not officer opinion that this is the case. They also highlight the availability of land and sites that are designated for employment use across the borough in the Fylde Local Plan to 2032 and indicate that this use would be most appropriately located on those areas. They are correct to highlight that the proposed use could be accommodated on the many sites that are identified as being suitable for Class B2 uses in the Local Plan. However, that is not to say that these allocations are the only locations where this use can be located and so with this scheme being in accordance with GD4 element b) it is in compliance with Policy EC2 also as that states: *"The sustainable growth and expansion of all types of business is supported where this is in accordance with other policies in the Local Plan."* This is also in accordance with the NPPF objective of supporting the diversification of the rural economy as set out in para 83 which states: *"Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings ....."*

Accordingly there is strong national guidance and local plan policy support for proposals which provide for the conversion of substantial rural buildings to a sustainable employment use. This scheme is such a proposal and so is acceptable in principle.

The details of the application raise a series of further issues which need to be assessed and so are

covered in the remainder of this report.

#### Physical Alterations to Buildings / Site

In addition to the works necessary to allow the building to be converted to commercial use, a series of works are also proposed to facilitate the particular use sought. These include the provision of new doors, windows and a gate, but are relatively modest and relate to the revision to openings in the elevations rather than any significant structural works or extensions to the building. As such the result of the development proposed will be to retain a building that was constructed to form part of the agricultural enterprise at this site many years ago in an alternative productive employment use.

The buildings are not listed and are not located in a conservation area. However, it remains important that the works to them respect their historic nature and the surrounding rural characteristics. At initial officer site visit it was clear that some unsympathetic preparatory works had been undertaken with a pair of industrial roller shutter doors added to the building. One of these is to the central gable feature and on its own it is an unattractive feature due to the galvanised finish and the large external shutter box. However a spiral staircase and landing has been formed over this feature to provide access to the two storey element of the building. This successfully masks the shutter box and reduces the views available of the shutters themselves. This staircase adds a design interest to the building and allows the first floor element to be used as an office/canteen facility for the business so is logistically beneficial and makes a good use of this part of the building. The other roller shutter is to the gable that is not visible from Moorside and only visible in distant and fleeting views from the M55 motorway. This door is to a more recent element of the building and is therefore considered to be less harmful and acceptable in its context, particularly given the proposed erection of a timber fence and hedge which will reduce the distant views that are available anyway.

The scheme includes some repair to the existing hard standing areas that formed the farmyard to the enterprise, and an extension of this area to provide improved vehicle turning facilities and additional parking areas. This is undertaken within the general confines of the site without any encroachment into the countryside beyond. The application includes a proposal to erect a fence to screen this area from M55 views and to plant a native species hedge around that fence to bolster that and add a rural treatment to it that will become established over time. With this treatment it is considered that the extended hardstanding area and the parking as it will attract are acceptable.

#### Visual Impact

The actual works to the building to enable their commercial use are limited, and that commercial use will ensure that the buildings survive as remnants of the historic agricultural basis of the borough's rural economy. This is itself a benefit and as the remnants of this activity are welcome features in the rural landscape. The dwelling and other residential buildings screen views of the front of the commercial building from off-site leaving only the side elevation facing Moorside and its rear elevation visible from that road. These are to be retained in brick and are unaltered from their current appearance. As this building runs for almost the full depth of the site it will screen the parking and other commercial activities that could take place outside the building from public view thereby removing any possible visual impact in near public views.

The scheme includes a mixture of fencing and hedging as screening to soften the edges of the development and reduce views of the inevitable car parking and other industrial activities that will occur as a consequence of the use from the M55 to the rear. This will ensure that the development has an overall acceptable visual impact on the rural area in the near and far views that are available and can be secured by condition.



#### Highway Safety of Commercial Use

The property currently has a single access to Moorside which is located adjacent to the building that is to be converted to employment use and a shippon that is attached to the farmhouse and was in use for some domestic and other general storage at officer site visit. This access point offers good visibility in both directions and benefits from a recessed position from the edge of the carriageway which makes it particularly evident to any road user when a vehicle is exiting the site. As such there are no concerns with the quality of the access to the site to Moorside.

The proposed use will involve an increase in the number of vehicles that access the site over those which will have visited over the time it has been entirely used for residential purposes through customer vehicles and deliveries. Moorside is a typical rural road in Fylde that has no lighting, no pavements and no drainage. It is lightly trafficked as it does not provide a 'short cut' route to any particular destination and so it is not considered that the change in the scale and nature of its vehicle use that will occur as a result of the proposed change if use in this application can have any material change in its overall character or safety, and certainly would not result in a 'severe' impact on safety as is necessary for the use to be contrary to guidance in para 109 of NPPF18. The highway authority recognise this position and do not raise any objections to the development.

It is noted that the Parish Council express reservations on this point, but as a comfort to them the application is clear that the site is not to be used as an MOT station or general car repair business, which is a use that could attract a higher number of visitors, given the generally high turnover of cars being tested and the size of the site. In the event that planning permission is granted, a condition is proposed that would limit the nature of the proposed operation.

#### Highway Safety of new Access

The application also includes the formation of a second vehicle access to the site which is to be located to the opposite side of the farmhouse and is intended to serve the residential needs of that property and so separate them from the vehicle movements associated with the employment use.

It is understood that an access point previously existed in this location, and some photographic evidence has been proved to support this. However, from site visit it is clear that there is a native hedge that runs across the previous access point and so demonstrates that this has not been in place for many years. Notwithstanding that, the access offers good visibility in both directions as a consequence of the set back from the highway and the geometry of the road. As a single dwelling the level of vehicle movements will be limited and will not have any material impact on the level of use of the road or its safety. It is noted that this is also an aspect that the highway authority have no objection to and so it is considered to be acceptable.

#### Residential and General Amenity

The establishment of a Class B2 employment use has the potential to lead to disturbance to residential amenity as a consequence of the noise, dust, fumes, etc. that can be generated by activities that fall within that class. These can also be harmful to the character of the area when, as is the case here, the application site is located in a relatively tranquil rural area.

The nearest residential dwelling to the site is the farmhouse itself, which would be immediately adjacent to the proposed Class B2 use. At this distance the potential for nuisance to be caused is so great that the use could not be permitted if this dwelling was not associated with the use. In this case the use is to be operated by those who occupy the dwelling, with all elements of the use being located within the single red edge for this application. On this basis the risk of disturbance is reduced to an acceptable level, with a condition necessary to ensure that the Class B2 use continues

to be operated by those resident at the dwelling

The next nearest dwellings are Cross House and Rhododendron Cottage on Cross Lane and Ash Tree Farm on Moorside which are 200-250m to the south of the Class B2 building, and a cluster of dwellings at the junction of Moorside with White Carr Lane which are 250m to the north. These are considered to be sufficiently separated from the site to ensure that they will not suffer undue disturbance subject to controls being imposed to limit the extent of external works to normal daytime working hours.

With regards to the character of the wider area, the proposed use does have the potential to create noise, but given the controls suggested above and the influence of the M55 motorway, which is a notable noise source in the area, it is not considered that the activities will cause any particular change in character.

Taking these matters together there are no undue concerns that the use proposed will cause a loss of residential or general amenity that could be considered to be contrary to the guidance in para 180 of NPPF.

#### Ecological Matters

The application is supported with an ecological report that assesses the likelihood of the development impacting on any protected species or habitat. With this site being located in a rural location there are a range of species that could be impacted and this report has been assessed by the council's specialist advisers on this point. The summary of the position with the various species is summarised here:

- Bats – A licenced bat surveyor has assessed the buildings and other habitat within the site for its suitability for bat use, examined if there is any evidence of bat use and has undertaken an emergence survey. This concludes that the application building is not suitable for bat activity having either 'low' or 'very low' roosting potential. The emergence survey identified bat activity within and around the site but did not attribute it to the application building. The submitted report concludes that the development creates little risk to roosting bats. The council's ecology consultant concurs with this position and it is suggested that an informative is appropriate to remind the developer of their legal obligations regarding this species.
- Birds – The applicant's ecology surveyor assessed the site for the presence of barn owls and concludes that they do not use the site for nesting or breeding. They also confirm that the site contains swallow nests that may be active and so the applicant's surveyor suggests that additional nesting opportunities be provided for this species as they are clearly attracted to the site. He also suggests that the works should avoid the bird breeding season to ensure that the disturbance to Swallows and other breeding birds is minimised. The council's ecology consultant concurs with these views and suggests that conditions are appropriate to improve the native planting around the site for general bird nesting and to specifically include additional Swallow nesting opportunities.
- Great Crested Newts – The initially submitted information provided limited information about Great Crested Newts. The ecology consultant highlighted this as a failing with the submission and so additional details were provided. This specifically relates to a point that is located close to the south of the site and could provide for a breeding site. The developer's agent has provided further information that confirms this pond is used for irrigating fields and has a series of pump structures around it. The ecologist accepts that this will reduce the probability of Newt use and so is satisfied that an informative is an appropriate measure to remind the

developer of their obligations regarding this species.

- Mammals – The applicant's survey indicates that hedgehogs are likely to be active in the area and so he makes suggestions regarding the timing of works and the need to bring an ecologist on site to observe works to remove vegetation to ensure that there is no hedgehogs present.
- Biodiversity – The applicant's survey highlights the importance of planting native species around the site to enhance the biodiversity available on the site, and to ensure that the fences are designed to allow animals to commute through the area. These recommendations are supported by the council's ecology consultee and can be secured by conditions, with the plans having been revised to increase the extent of hedge cover to the motorway facing boundary.

The summary of this position is that the site has the potential to support bats and Great Crested Newts, and to be used for foraging by a range of other species. These are all areas that need to be considered in the development of the site, but are not of such significance that they could lead to a need for the development proposals to be revised. The council's ecology consultant has no objection to the application and so it is officer view that the application accords with the requirements of Policy ENV2 in that regard with a series of conditions necessary to ensure that the species are appropriately protected and that biodiversity in the area is enhanced as the site is developed.

#### Other Matters

A gas pipeline runs to the rear (east) of the site and travels in a north-south direction linking the borough with Carnforth. The application buildings are at the outer edge of the outer consultation distance (300m) for this pipeline and so it has been necessary to consult with Cadent Gas as the responsible authority for the assessment of the safety implications of works in the vicinity of such pipelines. They confirm a lack of objection to the proposal.

The nature of the use creates a potential that waste materials (paints, thinners, oils, sealants, etc.) could be generated which have the potential for pollution. There is environmental protection legislation that controls how these are to be stored and disposed of, but given the rural nature of the site it is appropriate that details of these are secured as part of the planning decision to ensure that the risk of pollution is minimised. A condition relating to this is therefore considered appropriate.

#### Conclusions

The application site is a farmhouse and collection of associated farm buildings located in a rural area to the north of Treales village and south of the M55. The agricultural activity ceased around 40 years and the property has been in use as a dwelling with domestic related storage in the outbuildings since that time. The proposal is to change the use of the largest of the agricultural buildings to a Class B2 use that allows its use for a motor vehicle repair and metal fabrication business that is to be operated by the occupier of the farmhouse. There are also a series of physical changes to the doorways, rendering of the external face of the building and provision of parking areas associated with the use proposed.

With the site being located in the Countryside, the scope for development is limited to those elements listed in Policy GD4 of the Fylde Local Plan to 2032. These include the reuse of rural buildings that are substantial in construction. The submitted structural report confirms that this building is of substantial construction, with the application including a limited extent of changes to the building and the site as a whole. Accordingly the proposed use is considered to comply with this policy requirement, and will also assist with the diversification of the rural economy which is

also supported by Policy GD4 and the NPPF.

The nature of the proposed use is one that can generate a range of amenity and other issues such as increased traffic generation and ecological disturbance, but having assessed these it is consultee and officer opinion that these are all either acceptable as proposed or can be controlled by the imposition of appropriate conditions. On this basis this element of the application is considered to be acceptable.

The application also proposes the formation of a second vehicle access to the site to serve the residential dwelling and this is also an acceptable proposal that causes no conflict with the highway safety concerns or planning policy. As such the application is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

#### Approved plans:

- Location Plan - Drawing NR/JC/WVF/01
- Site Layout as Proposed - Drawing NR/JC/WVF/02
- Extent of Commercial Site Layout as Proposed - Drawing NR/JC/WVF/06
- Internal Uses - Drawing NR/JC/WVF/03
- Proposed Access Arrangements - Drawing NR/JC/WVF/05
- Proposed Plans of Outbuilding - DMH Drawing 2018-1496-04b
- Proposed Elevations of Outbuilding - DMH Drawing 2018-1496-05b

#### Supporting Reports:

- Supporting Planning Statement
- Landscaping Statement
- Structural Survey

Reason: To provide clarity to the permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or the Town and Country Planning (Use Classes) Order 1987 (as amended) or any equivalent Order(s) following the revocation and re-enactment thereof (with or without modification), the use hereby approved shall be restricted to the metal fabrication, light machining, alloy wheel refurbishment and small-scale general vehicle maintenance / servicing / repairs only. The aforementioned uses shall only be undertaken in the area hatched in purple on the Commercial Use Plan listed in condition 2 of this planning permission. The remainder of the site shall be utilised for residential purposes and shall not be used for any commercial activity.

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from

the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Policy GD4 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

4. The commercial use hereby approved shall only be undertaken by those resident at West View Farm, and their employees only.

Reason: To maintain a link between the operators of the commercial activity at the site and the residential dwelling in order to preserve the amenity of the occupiers of that dwelling given its close proximity to the commercial use and the potential for that use to generate undue noise and other nuisances. This is to ensure compliance with para 180 of the National Planning Policy Framework.

5. Notwithstanding the requirements of condition 3 of this permission, the lawful industrial activities specified in that condition that are to be undertaken outside of the hours of 8.00 to 18.00 shall only be undertaken within the building and with all external doors closed.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the National Planning Policy Framework.

6. That the use of the building hereby approved shall not include use as an MOT testing station.

Reason: To limit the number of vehicle movements to the site and to restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Policy GD4 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

7. That the extent of the physical works authorised by this planning permission shall extend only to the conversion of the stable building as indicated on the elevations and structural report listed in condition 2 of this planning permission.

Reason: To ensure that the building is converted to the use approved rather than be subject to any demolition and rebuilding in the interests of retaining its rural character as required by Policy GD4 of the Fylde Local Plan to 2032.

8. Prior to the commencement of any conversion works to the stable building hereby approved a schedule of the materials to be used in the conversion works including garage doors, personnel doors, window details, any replacement roof treatment, any replacement brick work and the colour & texture of rendered areas shall be submitted to and approved in writing by the Local Planning Authority. Only these approved materials shall be utilised in the conversion works hereby approved.

Reason: To ensure that the development is undertaken on a manner that reflects the character of the building and its location in a rural area as required by Policy GD4 and GD7 of the Fylde Local Plan to 2032.

9. Within three months of the commencement of the use hereby approved the northern boundary of the site to the rear of the building shall be improved with the erection of a 2m high timber fence and a native species hedge planted as shown on the site plan approved under condition 2 of this planning permission. The native species hedge shall consist of the species indicated in the

scheme approved under condition 2 of this planning permission, with the hedge maintained and the fence retained at all times thereafter.

Reason: To provide an appropriate visual screen for the parking areas of the site from the views that available from the north so as to assist in assimilating the development into the rural landscape as required by Policy GD4 and ENV1 of the Fylde Local Plan to 2032.

10. Within three months of the commencement of the use hereby approved the parking, servicing and manoeuvring areas (the layout of which is shown on the approved site layout plan listed in condition 2 of this permission) shall be constructed and marked out in accordance with that approved scheme and shall be retained as such thereafter.

Reason: In order that adequate provision is made for vehicle parking, servicing and manoeuvring, and to ensure appropriate surface treatment of hardstanding areas and that satisfactory provisions are made for the disposal of surface water in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

11. Notwithstanding any details contained within the application, a scheme for the installation of any additional external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the type of lighting proposed, its intended position, the expected level of illuminance, and the methods to be used to ensure that off-site spillage is minimised.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Policy GD4 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

12. In the event that the presence of bats is identified or suspected during works, works must cease and a licensed bat surveyor contacted immediately for advice. Thereafter a Method Statement shall be submitted to and agreed in writing by the Local Planning Authority to ensure that the risk of disturbance to this protected species is minimised. The remaining development shall only be undertaken in accordance with the recommendations in this Method Statement.

Reason: In order not to disturb or deter the occupation by bats as the species is protected by the Wildlife and Countryside Act 1981, and so to comply with Policy ENV2 of the Fylde Local Plan to 2032.

13. Prior to the commencement of development a scheme shall be submitted to and approved in writing by Fylde Borough Council that details the location, design, number and phasing of the implementation of replacement Swallow nesting opportunities at the site. The approved details shall be implemented in full.

Reason: To ensure the maintenance of appropriate level and quality of nesting opportunities for birds within the site in accordance with Policy ENV2 of the Fylde Local Plan to 2032.

14. 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 Policy ENV2 of the Fylde Local Plan to 2032, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

15. Notwithstanding the details on the approved plans, prior to the installation of any gates on either access to Moorside the details of the height, width, design, materials, colour and opening style of these gates shall be submitted to and approved in writing by the local planning authority. Only the approved gates shall be installed thereafter.

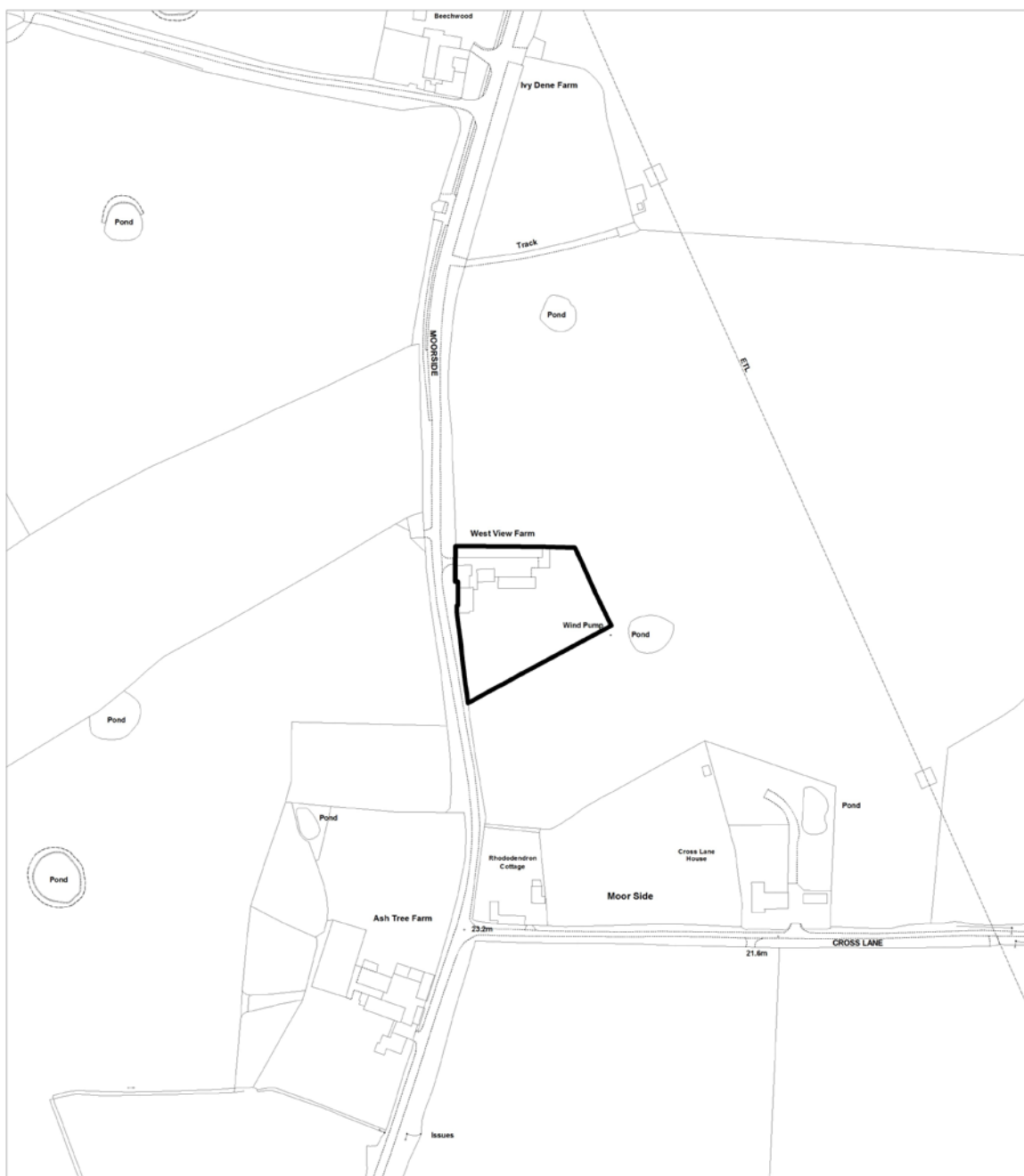
Reason: To ensure that this element of the development has an appropriate visual appearance given its prominence from that road, and that the operation ensures that highway safety is maintained. This is to accord with Policy GD7 of the Fylde Local Plan to 2032.


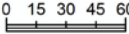
16. Prior to the commencement of the commercial use hereby approved a scheme for the disposal of surface water and any foul or waste water from the area of the site where that use is to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the use commencing and maintained and managed as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water and prevention of pollution in accordance with the requirements of Policy CL1 of the Fylde Local Plan to 2032.

17. Prior to the commencement of the commercial use hereby approved a scheme for containment, and subsequent disposal, of any potential contaminants / pollutants involved as a part of that use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also identify any chemicals, paints or substances involved as a part of the application uses, detailing their safe storage arrangements within the application building and shall be reviewed in the event that additional substances are to be used in the future. The scheme shall be implemented prior to the use commencing and maintained and managed as such thereafter.

Reason: To ensure safe management of substances used in the application processes, the safeguarding of them during their use, and their appropriate disposal after use to assist in the prevention of pollution in accordance with the requirements of Policy CL1 of the Fylde Local Plan to 2032.



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Application No. 5/18/0929	Address West View Farm, Moorside, Treales	Grid Ref. E.3436 : N.4343	Scale 0 15 30 45 60 m 



**Item Number:** 3

**Committee Date:** 13 February 2019

<b>Application Reference:</b>	18/0945	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	The Manse Nursing Home	<b>Agent :</b>	Richard Ansell Ltd
<b>Location:</b>	THE MANSE NURSING HOME, KIRKGATE, KIRKHAM, PRESTON, PR4 2UJ		
<b>Proposal:</b>	THREE STOREY EXTENSION TO FORM A TWENTY THREE BEDROOM ANNEX TO REAR FOLLOWING DEMOLITION OF 70 MARSDEN STREET WITH WIDENED FOOTPATH TO MARSDEN STREET		
<b>Ward:</b>	KIRKHAM SOUTH	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7816404,-2.8719032,175m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This application relates to the expansion of an existing care home that is located in a generally residential area just outside the town centre of Kirkham. The application seeks planning permission for the demolition of a dwelling, No.70 Marsden Street, and the construction of a three storey 23 bedroom annex extension to The Manse nursing home that would bring the total number of bedrooms to 67.

The proposed development is identical in all respects to that previously approved under permission ref. 15/0812, and later amended by 17/0295 (a variation of condition to increase the number of additional rooms to 23). The extension is not considered to have unacceptable and/or inappropriate impacts on either nearby residents or the character and appearance of the wider area.

On-site parking accords with the standards set out by Lancashire County Council, and LCC Highways have raised no objections to the application. Overall the proposal is considered to accord with the aims of policies GD7 and INF1 of the adopted Fylde Local Plan to 2032. The application is therefore recommended for approval.

**Reason for Reporting to Committee**

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

**Site Description and Location**

The application site is a dwelling at 70 Marsden Street which stands adjacent to The Manse Nursing Home, Marsden Street, Kirkham. The premises are located at the junction of Kirkgate and Marsden

Street to the south side of Kirkham Town Centre. The Manse is an existing care home, originally a Clergyman's home within a walled gardens. The original property has been greatly extended on several previous occasions over the years to provide the current level of accommodation for residents in need of nursing care.

### **Details of Proposal**

This application seeks planning permission for the demolition of a dwelling, No.70 Marsden Street, and the construction of a three storey 23 bedroom annex extension to the Manse nursing home, to would bring the total number of bedrooms to 67. The extension is proposed to help the facility accommodate an increased demand for palliative care and specialised nursing. It would be located at the eastern end of the existing building, and built over the curtilage of the demolished dwelling.

The proposed development is identical in all respects to that previously approved under permission ref. 15/0812, and later amended by 17/0295 (a variation of condition to increase the number of additional rooms to 23No.). It is a three storey building which forms a new wing to the building with bedrooms and lounges on either side of a central access corridor. It is to be built in brick with a ridged roof and occupies the majority of the land associated with the dwelling other than there is an increased width of footway provided around the site.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0295	VARIATION OF CONDITION 3 (APPROVED PLANS) OF PLANNING PERMISSION 15/0812 TO FACILITATE MINOR MATERIAL AMENDMENT TO PERMISSION INVOLVING ALTERATIONS TO WINDOWS ON GROUND FLOOR AND ALTERATIONS TO DORMER ROOF TO ALLOW 5 ADDITIONAL BEDROOMS TO BE FORMED IN EXTENSION	Granted	26/05/2017
16/0886	FIRST FLOOR EXTENSION OVER EXISTING LAUNDRY TO NORTH ELEVATION TO FORM A BEDROOM	Granted	16/12/2016
15/0812	THREE STOREY EXTENSION TO FORM AN EIGHTEEN BEDROOM ANNEX TO REAR FOLLOWING DEMOLITION OF 70 MARSDEN STREET WITH WIDENED FOOTPATH TO MARSDEN STREET	Granted	01/02/2016
14/0283	PROPOSED FIRST FLOOR EXTENSION TO REAR TO PROVIDE ADDITIONAL BEDROOMS AND STORE	Granted	20/05/2014
13/0269	FIRST FLOOR DORMER EXTENSION TO FORM EXTENDED STAFFROOM	Granted	20/06/2013
09/0628	ERECTION OF SINGLE STOREY EXTENSION	Granted	23/10/2009
07/1166	TWO STOREY EXTENSION TO FORM EXTRA BEDROOMS.	Granted	20/02/2008
90/0019	DORMER EXTENSION AT SIDE	Granted	25/04/1990
88/0889	EXTENSIONS TO FORM 15 ADDITIONAL BEDROOMS & ANCILLARY ROOMS	Refused	25/01/1989
88/0319	RESERVED MATTERS; DETAILS OF CONVERSION TO REST HOME	Granted	15/06/1988
87/0517	OUTLINE; C/U AND EXTENSIONS TO FORM REST	Granted	02/12/1987

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
88/0889	EXTENSIONS TO FORM 15 ADDITIONAL BEDROOMS & ANCILLARY ROOMS	Allowed	23/10/1989

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

**Kirkham Town Council** notified on 06 December 2018 and comment: "*Kirkham Town Council object to this application as there is no provision for car parking. The Town Centre car parks are overfull and residential properties cannot be dependent on them. The proposed extension is over intensive and will overlook the properties on Chestnut Close.*"

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

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

They have commented on the application as follows:

*LCC Highways does not have any objections regarding the proposed three storey extension to form a twenty three bedroom annex to rear following demolition of 70 Marsden Street with widened footpath to Marsden Street and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.*

*The development proposal to provide an additional 23 bedrooms to an existing nursing home will result in additional vehicle and pedestrian movements, however, these are not anticipated to be significant and in highway impact terms the principle of the development is acceptable.*

*The development proposal also includes an improvement to the existing footway to the north and west of the development site on Marsden Street, the existing footway at this location is substandard in width. The proposal to provide a standard width footway, of 2m, along the sit frontage is therefore welcomed.*

A series of standard conditions are then proposed.

### **Neighbour Observations**

<b>Neighbours notified:</b>	06 December 2018
<b>Site Notice Date:</b>	20 December 2018
<b>Number of Responses</b>	None

### **Relevant Planning Policy**

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

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

**Other Relevant Policy:**

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

**Environmental Impact Assessment**

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

**Comment and Analysis**

The principal issues to consider in the determination of this application are the design and appearance of the extended building, the potential impacts on neighbour amenity, and impacts on the highway network.

**Neighbour amenity**

The only properties potentially affected by the proposal are Flats 1 and 2 of Britannia Court, which are located on the opposite side of Marsden Street directly opposite the driveway of No.70 Marsden Street. The proposed extension would be sited at a slightly obtuse angle relative to these flats, with a separation distance of approximately 22 metres between them. This spatial relationship together with the 22 metre separation distance are typical for built development within urban areas and it is not considered that the residential amenity of these two flats would be unduly compromised by the development.

The Town Council's comments refer to the potential for overlooking of properties on Chestnut Close. This is a terrace of properties that is located to the south of the existing Manse Home and are well separated from the proposed application site with the burial ground between that site and these properties. At the closest separation the end terrace dwelling is over 32m from the corner of the proposed extension.

As such the proposed extension will not lead to any undue overlooking or loss of privacy to neighbouring properties and complies with the requirements of Policy GD7 in that regard.

**Design, scale and appearance**

Although the scale of the extension is such that it would represent a substantial addition to the existing care home, its design integrates well within the existing nursing home development. The site is neighboured by many buildings in commercial use and the general surrounding area is not one of any special architectural significance with a range of building scales and designs. Within this context and setting the proposed extension is not considered to be detrimental to the appearance and character of either the existing nursing home or the wider streetscapes of the area, and accords with this aspect of Policy GD7 also.

**Access and parking**

One of the grounds for objection raised by Kirkham Town Council relates to the potential impacts on parking within the area.

The formation of 23 additional bedrooms would bring the total number of patient bedrooms to 67 which has the potential to impact on the level of car parking provision required within the site. The nursing home has provision for 15 parking spaces (4 of which are for staff) within the site. County

parking standards for care homes requires 1 parking space per 5 residents, which in this instance would calculate out to be 14 parking spaces. The parking standards allow a 15% to 35% reduction in this number if the site is located in a highly accessible location. In this instance the nursing home is located in a highly accessible area just outside Kirkham Town Centre, with good access to all essential community services and public transport links. With this in mind it is considered that the existing on-site parking arrangements are adequate to meet the reasonable needs of the nursing home. LCC Highways have been consulted on the application and they have raised no objections and opine that whilst the development would result in additional vehicle and pedestrian movements these are not anticipated to be significant and not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They are also supportive of the improvements to the footpath around the site to improve it to a standard width that is an element of the application.

### **Conclusions**

The proposed extension to the nursing home is not considered to have unacceptable and/or inappropriate impacts on either nearby residents or the character and appearance of the wider area. On-site parking accords with the standards set out by Lancashire County Council and so overall the proposed development is considered to accord with the aims of policies GD7 and INF1 of the adopted Fylde Local Plan to 2032. The application is therefore 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 - Dwg No. Manse01
- Proposed Elevations - Dwg No. Manse05 Rev A, dated April 2017
- Proposed Site/Roof Plan - Dwg No. Manse06 Rev A, dated April 2017
- Proposed Site & OS Data - Dwg No. Manse04 Rev A, dated April 2017
- Proposed Lower Ground Floor Plans - Dwg No. Manse07 Rev A, dated April 2017
- Proposed Ground Floor Plans - Dwg No. Manse08 Rev A, dated April 2017
- Proposed First Floor Plans - Dwg No. Manse09 Rev A, dated April 2017
- Proposed Second Floor Plans - Dwg No. Manse10 Rev A, dated April 2017
- Footpath Layout Plans - Dwg No. Manse 11

#### **Supporting Reports:**

- Design and Access Statement produced by Richard Ansell Ltd

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the submitted application approved drawings.

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


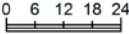
4. No part of the development hereby approved shall commence until a scheme for improvements to the public footpath shown on the approved Footpath Layout Plan (dwg no. Manse 11 Rev A) has been submitted to, and approved by, the Local Planning Authority. The approved works shall be completed in accordance with this scheme prior to the first use of the extended accommodation hereby approved.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site, and that this highway improvements is appropriately implemented in accordance with Policy INF1 of the Fylde Local Plan to 2032.

5. Prior to the first use of the extension hereby approved, the boundary treatment of the extended site to Marsden Street shall be constructed as a railing in accordance with the detail shown on the approved Proposed Elevations (dwg no. Manse 06 Rev A).

Reason To provide an appropriate boundary to the site in the interests of the character of the area as required by Policy GD7 of the Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0945	Address The Manse Nursing Home, Kirkgate, Kirkham	Grid Ref. E.3425 : N.4320	Scale 0 6 12 18 24 m 

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT DIRECTORATE	PLANNING COMMITTEE	13 FEBRUARY 2019	5
<b>FUTURE HIGH STREET FUND – PROPOSED EXPRESSION OF INTEREST</b>			

### PUBLIC ITEM

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

### SUMMARY

The Ministry of Housing, Communities and Local Government have recently issued a call for proposals from those local authorities interested in developing bids for funding from the Future High Street Fund. In each of the bidding rounds, bids are limited to one per local authority area. As there are three separate town centres in the borough, Members are asked to identify their priority for the submission of a bid in the initial 2019 bidding round.

Details of how these bids are to be assessed have yet to be announced. Any information that is published ahead of the committee meeting will be provided to members as an update in order to assist in the selection of an appropriate centre.

### RECOMMENDATIONS

1. That Members determine which, if any, of the three town centres within the borough (St Annes, Lytham or Kirkham) should be put forward as potential bids for the 2019 round of the Future High Street Fund.
2. That officers be authorised to develop an expression of interest for the identified town centre.
3. That officers be authorised to seek partners and opportunities to co-fund the selected project.

### SUMMARY OF PREVIOUS DECISIONS

On 27 June 2012, Cabinet considered a report relating to an announcement by the Minister of State for Housing and Local Government that Fylde Borough Council would receive £100,000 through an initiative known as the High Street Innovation Fund (HSIF).

#### Cabinet RESOLVED:

1. To approve the use of HSIF for the purposes of supporting and enhancing the economic prosperity of all businesses in the borough but with a particular emphasis on the town centres of the Borough.
2. To approve the Business Support option and commence detailed considerations involved such as timescales, scoping and criteria.
3. To report back to Cabinet in due course with the details of the selected initiative for final agreement and implementation.
4. To introduce a monitoring framework to assess progress on a regular basis.



CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

1. The enhancement and improvement of the borough's town and village centres is a key objective of the Council's Corporate Plan. Accordingly, a number of initiatives have been implemented over the years in order to help maintain the vitality and viability of those centres.
2. Nationally there have been rapid changes in consumer patterns over recent years with spending increasingly moving on line. The speed of this change has meant that many high streets have not had sufficient time to adapt to meet these challenges with many places across the country struggling to transform in response to these structural changes.
3. In response to these changes, as part of the 2018 Budget, the Government set out a 'Plan for the High Street', which includes support for the transformation of the high street by creating a £675 million Future High Streets Fund intended to help local areas make their high streets and town centres fit for the future.
4. The Ministry of Housing, Communities and Local Government has now issued a "Call for Proposals" which seeks expressions of interest from local authorities. Full details of the Fund are available at: <https://www.gov.uk/government/publications/future-high-streets-fund-call-for-proposals>
5. The Fund is intended to help local areas to respond and adapt to these economic changes through offering support in preparing long-term strategies for high streets and town centres (including funding a new High Streets Taskforce to provide expertise and hands-on support to local areas); and to co-fund with local area's projects including:
  - investment in physical infrastructure, including improving public and other transport access, improving flow and circulation within a town/city centre, congestion-relieving infrastructure, other investment in physical infrastructure needed to support new housing and workspace development and existing local communities, and the regeneration of heritage high streets; and
  - investment in land assembly, including to support the densification of residential and workspace around high streets in place of under-used retail units.
6. The Future High Streets Fund is particularly seeking projects that will deliver the regeneration of town centres through innovative proposals around transport, housing delivery and public services. The overall objective of the Fund is to renew and reshape town centres and high streets in a way that improves experience, drives growth and ensures future sustainability.
7. In the first phase of the programme, Government are looking for local authorities to define the specific challenges faced by their high streets, to set out their overarching strategic ambition for what the high street or town centre should become and what needs to be done to make this possible. They expect any identified need for investment to fall under the following themes:
  - Investment in physical infrastructure
  - Acquisition and assembly of land including to support new housing, workspaces and public realm
  - Improvements to transport access, traffic flow and circulation in the area
  - Supporting change of use including (where appropriate) housing delivery and densification
  - Supporting adaptation of the high street in response to changing technology

8. It is intended that there will be two rounds of the Future High Streets Fund. The first-round application phase aims to co-fund projects and places that have already started to formulate a vision for the future of their town centres. The date of the second round will be confirmed in due course, but it will not open before 2020.
9. The Fund is intended to operate via a full competition over two phases, with the first acting as a light-touch process in order to reduce the burden on places and minimise wasted resource. The launch of Phase 1 invites local authorities to come forward with Expressions of Interest setting out their challenges and strategic approach.
10. During Phase 2 shortlisted places will receive some revenue funding to support the development of their high street strategies and the business cases for their proposed projects. The High Streets Task Force, once established, will provide support to places in developing their cases. Places will also receive some support from within the Ministry of Housing, Communities and Local Government. It is expected that the full business case development phase will take 6 to 12 months, with some places taking less time and receiving decisions on capital funding at an earlier stage.
11. The timetable for the bidding is as follows:
  - December 2018: Phase 1 opens and Expressions of Interest invited
  - 22 March 2019: deadline for Expressions of Interest
  - Summer 2019: announcement on places moving to Phase 2
  - Late 2019: first round of final business cases to be submitted
  - Spring 2020: all remaining final business cases to be submitted
  - Not before 2020: Second round of applications opens
12. As stated above, Government expect projects to be co-funded by public and private sector additions and this will be taken into consideration as part of the assessment of projects. This co-funding could either be public (e.g. from local areas' own budgets) or private finance (e.g. co-financing housing infrastructure).
13. The prospectus makes it clear that bids covering town centre areas that are not facing significant challenges will not be accepted. It is expected that the places that come forward with proposals will cover high streets or town centres as defined as areas that exhibit high levels of social and economic activity, that contain a variety of uses and functions and that act as important service centres for extensive catchment populations. It is also expected that the Expressions of Interest that come forward will include proof of engagement with, and support from, a number of stakeholders including Mayoral and non-Mayoral Combined Authorities, Local Enterprise Partnerships, other tiers of local government in the area, Business Improvement Districts, the private sector and community groups
14. Government expect bidding local authorities to put forward **a single, transformative submission covering one high street or town centre in their area**. It is expected that any identified need for investment to fall under the following themes:
  - Investment in physical infrastructure
  - Acquisition and assembly of land including making improvements to the public realm
  - Improvements to transport access, traffic flow and circulation in the area
  - Supporting change of use including (where appropriate) housing delivery and densification
  - Supporting adaptation of the high street in response to changing technology
15. Funding will not be provided for surface-level projects that only make a difference to the appearance, rather than the use, of the area or those that would not have a long-term impact.
16. Government had previously advised that the scoring criteria to be used in the assessment of bids would be published by end of January 2019. However, at the time of writing this report, the details had still to be published. Without this information, it is not possible to establish the likelihood of success of any bid that may be submitted, but given the emphasis that is set out in the call for proposals, it is clear that Government are expecting bids only from those centres that are facing significant challenges.

17. If the initial bid is successful, a further report will be presented to Committee that outlines the nature of the bid and the partners that have been identified to assist in delivering the bid. The success of any bid put forward for the first round will also help inform whether a further bid should be entered into round 2.

IMPLICATIONS	
Finance	There are no direct financial implications at this stage in submitting an expression of interest. If the initial bid is successful, a further report will be presented to Committee that outlines the nature of the bid and the partners that have been identified to assist in delivering the bid.
Legal	There are no direct legal issues raised by the report, but if the bid is successful, the council will need to adhere to any terms and conditions attached to the award.
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Mark Evans	marke@fylde.gov.uk & Tel 01253 658460	February 2019

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	13 FEBRUARY 2019	6
LIST OF APPEALS DECIDED			

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 3/1/19 and 1/2/19.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

Appeal decisions received between 3/1/19 and 1/2/19.

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on any appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## LIST OF APPEALS DECIDED

The council received decisions on the following appeals between 3 January 2019 and 1 February 2019. The decision letters are attached as appendices to this report.

Rec No: 1

01 November 2018 18/0284

84 CLIFTON STREET, LYTHAM ST ANNES, FY8 5EJ

RETROSPECTIVE APPLICATION FOR FORMATION OF CANOPY TO CLIFTON SQUARE ELEVATION WITH PERMANENTLY GLAZED ROOF AND BALUSTRADE AROUND, AND RETRACTABLE GLAZED SCREENS TO FRONT AND SIDES

Enforcement

Written Reps

Case Officer: AS

Fylde Dec. Level DEL

Appeal Decision: Dismiss: 14 January 2019

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Rec No: 2

28 September 2018 16/0621

MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM

APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0655 RELATING TO CONDITION 11- MAINTENANCE OF THE COMMUNAL AREAS, CONDITION 33- CAR PARK MANAGEMENT PLAN, CONDITION 34 - AFC FYLDE EVENT MANAGEMENT PLAN, CONDITION 34 - TRAFFIC MANAGEMENT PLAN AND CONDITION 46 - HOURS OF OPERATION

Written

Representations

Case Officer: AS

Fylde Dec. Level COMM

Appeal Decision: Part allowed: 04 January 2019

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## Appeal Decisions

Site visit made on 18 December 2018

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 January 2019**

### **Appeal A Ref: APP/M2325/C/18/3206089**

**Land at 84 Clifton Street, Lytham St Annes, Lancashire as shown edged red on the plan attached to the notice**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Charles Furnell against an enforcement notice issued by Fylde Borough Council.
- The enforcement notice was issued on 31 May 2018.
- The breach of planning control as alleged in the notice is a glazed extension creating an enclosed area forward of the elevation of the building facing Clifton Square.
- The requirements of the notice are either (a) remove the unauthorised structure described in section 3 of this notice and reinstate the resultant opening in the Clifton Square elevation with a series of timber framed vertically proportioned windows to reflect the original windows on the Clifton Street elevation of the building or (b) make alterations to the unauthorised structure so all remaining elements of it comply in all respects with planning permission 17/0971 granted by the Council on 7 February 2018.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

### **Appeal B Ref: APP/M2325/W/18/3206090**

**84 Clifton Street, Lytham St Annes FY8 5EN**

- 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 Charles Furnell against the decision of Fylde Borough Council.
- The application Ref 18/0284, dated 5 April 2018, was refused by notice dated 31 May 2018.
- The development proposed is the formation of a canopy to the Clifton Square elevation with a permanently glazed roof and balustrade around and retractable glazed screens to the front and sides.

## Decisions

### **Appeal A Ref: APP/M2325/C/18/3206089**

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Appeal B Ref: APP/M2325/W/18/3206090**

2. The appeal is dismissed.

## **Procedural Matters**

3. In respect of Appeal B, I have used the description of development from the Council's decision notice and the appellant's appeal form as this more accurately describes the planning application development.
4. Following the issue of the enforcement notice (Appeal A) and the refusal of planning permission (Appeal B), the Fylde Local Plan to 2032 (LP) has been adopted. The LP replaces the Fylde Borough Local Plan (As altered October 2005). Hence, Policy EP03 of the Fylde Borough Local Plan (as altered October 2005) is no longer relevant for the purposes of determining the appeals.
5. In respect of the main planning issue, the relevant policies in the LP are policies ENV 5 (Historic Environment), GD1 (Settlement Boundaries) and GD7 (Achieving Good Design in Development). I do not consider that Policy EC5 (Vibrant Town, District and Local Centres) of the LP is directly relevant to the main issue.
6. In addition to the above, in September 2018 the Council adopted the Supplementary Planning Document: Canopies and Glazed Extensions on Commercial Forecourts - A Design Note (SPD). I have taken this SPD into account as part of the determination of this appeal.
7. The National Planning Policy Framework was revised on 24 July 2018 (the Framework) and this post-dates the enforcement notice and the refusal of planning permission. I have taken the Framework into account as part of the consideration of the appeals.

## **Ground (a) appeal and the Section 78 appeal**

8. The appeal property is being used as a bar/restaurant and is called The Deacon. It was originally used as a bank and is an imposing and prominent traditional building located on the corner of Clifton Square and Clifton Street. It is a locally listed heritage asset and falls within the Lytham Town Centre Conservation Area (CA).
9. In respect of the enforcement notice, the appellant has appealed on ground (a) of s174 of the Town and Country Planning Act 1990 (as amended) which is that planning permission ought to be granted in respect of any breach of planning control which may be constituted by the matters stated in the notice. The breach of planning control is a glazed extension creating an enclosed area forward of the elevation of the building facing Clifton Square. Planning permission was sought for the same development in April 2018 and the reasons for refusal of the planning application essentially correspond with the reasons for issuing the enforcement notice. Hence, the main issue in respect of both Appeal A and Appeal B is whether or not the development preserves or enhances the character or appearance of the CA.
10. As part of my site visit, I was able to walk the CA and in particular to consider the development which is the subject of the appeals in the context of the character and appearance of the CA. This part of the CA includes a number of traditional buildings which differ in terms of the use of materials, but where there is generally a uniformity of height. Whilst there are some more modern buildings within the CA, there are nonetheless a number of older and more traditional buildings many of which include attractive decorative design

features including the use of pitched roofs and flat front elevations which meet the more simple main roofs.

11. Clifton Square is a busy and vibrant area and would probably be best described as being in the heart of the town centre. Whilst there are a few exceptions, as referred to by the appellant, in the main the canopies to the front of the commercial properties are open sided and have light-weight and thin frames some of which include traditional decorative brackets. Overall, this ensures that most of the canopies appear subservient in scale to the more imposing and characterful buildings behind. The aforementioned attributes add positively to the overall character and appearance of the CA as a whole.
12. I note that there is an extant planning permission in place for a canopy to be attached to the appeal building<sup>1</sup>. This is a material consideration of considerable weight in decision making terms. However, unlike the extant planning permission, the appeal development includes glazed sides (including the use of motorised glazed retractable screens) and hence parts of the frame appear bulkier/wider and there is an absence of ironwork decorative features.
13. I can fully understand why the appellant has opted for an extension which can be fully enclosed. This means that the space can be used at all times for dining purposes, particularly when there is inclement weather. I am also aware of the appellant's comment about licensing restrictions which he says does not allow the use of outdoor areas after 22.00hrs. I do not doubt that more frequent use of the extension for dining purposes would have the potential to generate additional income for the business and hence that there would be some economic and employment benefits if the development were to be allowed. In considering this matter, I note the information provided in the appellant's appeal statement (i.e. appendix 4: Economic Benefits Infographic) which details how The Deacon contributes to the local area in employment, investment and local business rate terms.
14. However, and notwithstanding the above contributions, I have not actually been provided with any objective or persuasive evidence from the appellant that the implementation of the more sympathetic and acceptable extant planning permission would render the business unviable in financial terms. I note the comment made by the appellant that without the unauthorised development the "*business would likely be unable to continue*", but this comment is not reasonably substantiated.
15. The above identified public benefits have to be weighed against the impact of the appeal development upon the host property as well as the wider CA. The appeal development does not look like a canopy. Instead it looks like a substantial and solid extension due to its glazed sides. Owing to its thick frame, and more enclosed appearance, it has the effect of significantly detracting from the more open and light weight appearance of most of the other canopies in the area. Furthermore, it appears dominant and bulky when read against the more traditional building behind and detracts significantly from the open appearance of the vibrant Clifton Square.

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<sup>1</sup> Planning permission 17/0971 approved on 14 March 2018 for the erection of a glazed canopy to the Clifton Square elevation including a balustrade around and alteration of existing window openings to allow access to the extension/outdoor covered seating area



16. I acknowledge that parts of the original building can still be seen through the glazing, but this does not overcome my concerns relating to the thickness of the frame or its overall dominant appearance in the street-scene. Furthermore, enclosed front extensions are not prevalent in the CA as a whole: light weight and simple canopies are mainly seen in the locality.
17. I note that there is a front extension at No 7 Dicconson Terrace which is in close proximity to the site. However, this is unauthorised and an enforcement notice appeal<sup>2</sup> (ground (a)) has recently been dismissed for this harmful development. I do acknowledge the appellant's comment that unlike No 7 Dicconson Terrace, the appeal building is not Grade II listed. However, I have determined this appeal on its individual planning merits and in respect of the impact of the subject development upon the character and appearance of the CA.
18. For the collective reasons outlined above, I do not consider that the development preserves or enhances the CA as a whole. Whilst there would undoubtedly be some economic/employment benefits associated with the retention of the appeal development, this is not of sufficient magnitude to outweigh the identified harm caused to the character and appearance of the CA. The latter is a matter to which I afford considerable weight in decision making terms. Whilst the harm to the CA would be less than substantial in the context of paragraph 196 of the Framework, none of the identified public benefits outweigh the less than substantial harm to the CA.
19. I conclude that the development does not accord with the design and conservation aims of Policies GD1, GD7 and ENV 5 of the LP, the SPD and the Framework. In reaching this conclusion, I have also taken into account the comments made by Civic Voice and the occupier of No 9 Dicconson Terrace.
20. I note the supportive comments made by Councillor Raymond Thomas and his concerns about The Deacon going out of business and such an impact upon tourism and the local economy. However, I do not have any actual evidence that compliance with the requirements of the notice would result in The Deacon going out of business. Furthermore, and, in any event, the harm that has been caused to the CA by the breach of planning control is considerable. Therefore, the comments made by Councillor Raymond Thomas do not outweigh or alter my overall conclusion on the main issue.
21. For the reasons outlined above, the ground (a) appeal (Appeal A) fails and Appeal B shall be dismissed.

### **Ground (g) appeal**

22. The appeal made on ground (g) is that the period specified in the notice in accordance with s173(9) falls short of what should reasonably be allowed.
23. The notice gives the appellant a period of six months to comply with the requirements. The appellant says that a period of twelve months is needed as the extension is an "*established use and is being utilised daily*". I acknowledge that the extension is currently in use. However, the appellant has not actually provided any evidence to substantiate the view that more than six months is needed to comply with the requirements of the notice. On the evidence that is before me, I am satisfied that six months is an acceptable compliance period.

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<sup>2</sup> Appeal Ref APP/M2325/C/18/3203663

24. For the reasons outlined above, the ground (g) appeal fails.

### **Conclusions**

#### **Appeal A Ref: APP/M2325/C/18/3206089**

25. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

#### **Appeal B Ref: APP/M2325/W/18/3206090**

26. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*D Hartley*

INSPECTOR

# Appeal Decision

Site visit made on 12 November 2018

**by Beverley Doward BSc BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 January 2019**

**Appeal Ref: APP/M2325/W/18/3208986**

**Mill Farm Sports Village, Fleetwood Road, Medlar with Wesham, PR4 3HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
- The appeal is made by Mill Farm Ventures against the decision of Fylde Borough Council.
- The application Ref 16/0621, dated 15 August 2016, sought approval of details pursuant to conditions Nos 11, 33, 34 and 46 of a planning permission Ref 13/0655, granted on 17 February 2015.
- The application was refused by notice dated 29 May 2018.
- The development proposed is described as 'Hybrid Planning Application (Part Full/Part Outline) Full Planning application – 6,000 Capacity Football Stadium, 11,431m<sup>2</sup> Warehouse and Distribution Centre (Class B8), 1,518m<sup>2</sup> Neighbourhood Retail Store (Class A1), Internal Spine Road with access from A585 roundabout, associated parking, landscaping, drainage and infrastructure. Outline Planning Application (Access sought with other matters reserved) – 8 x Outdoor Floodlit All Weather Pitches, Changing Room Block, Petrol Filling Station, 785m<sup>2</sup> Non-Food Bulky Goods Retail Unit (Class A1), Hotel (Class C1), Pub/Restaurant (Class A4), Drive Thru Restaurant (Class A3/A5), 492 Space Overflow Car Park and the formation of a Surface Water Attenuation Pond.'
- The details for which approval is sought are: Maintenance of the Communal Areas (Condition 11); Car Park Management Plan (Condition 33); AFC Fylde Event Management Plan (Condition 34); Traffic Management Plan Mill Farm (Condition 34) and Hours of Operation of the Stadium (Condition 46).

## Decision

1. The appeal is dismissed insofar as it relates to the car parking management and event management arrangements. The details relating to the car parking management and event management arrangements submitted in pursuance of conditions nos 33 and 34 attached to planning permission Ref 13/0655 dated 17 February 2015 are refused.
2. The appeal is allowed insofar as it relates to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium. The details relating to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium submitted in pursuance of conditions nos 11 and 46 attached to the above referenced planning permission are approved.

## Application for costs

3. An application for costs was made by Mill Farm Ventures against Fylde Borough Council. This application is the subject of a separate decision.

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## Background and Procedural Matters

4. The planning permission detailed in the heading above is a hybrid permission that approves full permission for a sports stadium and outline permission for other leisure, retail and employment uses. It was granted on 17 February 2015 subject to conditions. Since the permission was granted almost all of the elements that it covers have been built out either under the original planning permission and subsequent reserved matters approvals or through separate permissions.
5. The appeal relates to the discharge of details associated with four 'pre-operation' conditions attached to the hybrid planning permission. The Council indicates that the stadium has been operational for over two years and so is in breach of the conditions, albeit that the application to discharge them was submitted shortly after the first matches were played at the stadium in August 2016.
6. The conditions relate to three distinct areas. The first is the maintenance agreements for the communal areas (condition 11), the second is the hours of operation of the various uses within the stadium (condition 46) and the third is the car parking management and event management arrangements including traffic management for the use of the stadium (conditions 33 and 34). The Council's refusal relates only to the details submitted in respect of car park management (condition 33) and event management arrangements including traffic management (condition 34). In its appeal statement the Council indicates that it is broadly satisfied with the details submitted in respect of the maintenance arrangements for the communal areas and the hours of operation of the various uses within the stadium (condition nos 11 and 46 respectively). From the evidence before me I see no reason to take an alternative view.
7. The Car Park Management Plan submitted with the application that led to this appeal was subject to various revisions during the Council's consideration of the application. The Council's decision was based on the version submitted in April 2018 titled Car Parking Management Strategy (CPMS). Accordingly, I have based my decision on the same version.
8. Since the Council's decision on the application subject to this appeal the Council adopted the Fylde Local Plan to 2032 (Local Plan). The Local Plan now forms part of the statutory development plan for the borough and supersedes the Fylde Borough Local Plan (As Altered) (2005). Accordingly, it is afforded full weight in the determination of this appeal.

## Main Issues

9. In the light of the above regarding the acceptability to the Council of the details relating to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium, the main issues in this appeal are the acceptability of the submitted details in relation to car parking management and event management arrangements with particular regard to the effect on highway safety and the living conditions of nearby residents.

## Reasons

10. The original hybrid application was approved with a total parking provision amounting to 1,050 spaces across the whole site to meet the needs of all elements of the development. The evidence indicates that this number of

spaces was based on an assumption of the end uses in some areas, given the outline nature of part of the application, with 683 of them being provided for the stadium in various locations. The overall parking provision included an overspill car park to the north-east of the site which was identified with potential to accommodate 492 football related parking spaces. However, the CPMS indicates that it was always envisaged that the need for the overspill parking would be investigated and where possible alternative arrangements would be implemented to ensure adequate parking was in place without the creation of a large overspill car park which would be used only infrequently. It also confirms that it is not the intention to implement the overspill car park at any time in the near future as it is considered that appropriate parking can be provided and managed without it.

11. The evidence indicates that, at the time of the consideration of the hybrid planning application, the level of parking for the stadium was based on the 6,000 capacity of the stadium, giving a parking ratio of 1 space per 8.8 spectators. The Council indicates that condition nos 33 and 34 relate to the primary activity at the stadium which is its use for staging football matches. The CPMS indicates that the stadium currently has a licensed capacity of 4,250, which is a consequence of it only accommodating spectators on 3 sides at present with the north stand not yet having been built. It also indicates that this is in excess of the average attendances in recent seasons which is currently around 2,000 spectators.
12. The approach adopted within the CPMS is underpinned by on-site parking provision calculated by applying a ratio of 1 space per 8.8 spectators to the current stadium capacity of 4,250 spectators, giving a requirement to deliver 483 on-site car parking spaces. Whilst I note that the appellant refers to the implications of applying the highway authority's previous parking standards of 1 space per 15 spectators as a comparison for calculating the required parking provision these standards are no longer in force. Therefore, they are not afforded any weight in my consideration of this appeal. I also note that whilst the Council has not yet produced the Supplementary Planning Document that will establish the local minimum standards to be applied in the borough, policy T5 of the Local Plan, which relates to parking standards, indicates that parking should, wherever possible, be provided on site to a level that ensures there is no detrimental effect on highway safety.
13. Evidence from the highway authority of surveys of parking levels both on and off-site on recent match days and on non-match days has been submitted with the Council's appeal statement in support of both its and the highway authority's contention that the approach adopted in the CPMS which is based on the above ratio of 1 space per 8.8 spectators is ineffective and does not provide an evidence based consideration for actual demand and resulting impacts. The surveys indicate that at two of the games there were sufficient on-site spaces to accommodate the demand for car parking, demonstrated by the number of vehicles parked both on and off-site. However, at one game (the Salford match which took place in September 2018) where the attendance was somewhat higher, albeit still less than the stadium's current capacity and less than 50% of the its potential capacity, car parking demand was significantly higher than the on-site provision of car parking spaces stated to be available in the CPMS.

14. I appreciate that the ratio of 1 space per 8.8 spectators was accepted by the Council and the highway authority at the time that the hybrid planning permission was being considered as the most reasonable estimate of the immediate and short term requirements of the stadium. However, it seems to me that, on the basis of the evidence from the surveys referred to above and irrespective of whether or not the actual and/or long term level of car parking available on-site is as presented in the CPMS, the overall level of on-site parking provision intended to be provided for in the CPMS is inadequate. Consequently, it is likely to result in delays on the highway network and lead to increased pressure for parking on surrounding streets to the detriment of both highway safety and the living conditions of nearby residents.
15. This is supported by the findings of the survey undertaken by the highway authority for the Salford match referred to above where all of the available on-site parking was used. Furthermore, whilst I appreciate that the provision of the overspill parking referred to above was not a requirement of the original planning permission by virtue of either a condition or a S106 obligation there is no substantive evidence to explain the position taken within the CPMS that there is now no intention to provide this. The evidence submitted by the Council by way of the surveys undertaken by the highway authority, would in my view appear to support the need for such parking provision.
16. I appreciate that the appellant cannot require all visitors to the site to park in designated on-site parking areas and that some off-site parking is inevitable. In relation to the management of such parking the CPMS indicates that traffic management measures such as the coning of local roads will be used. However, I am mindful that the appellant acknowledges the ineffectiveness of this in preventing off-site parking along some of the surrounding streets and that the evidence indicates that the coning of local roads is not legally enforceable unless the police take a view that any specific incident could be deemed to be presenting a risk to road safety.
17. There are no provisions within the CPMS to indicate that the traffic management measures/coning proposed would follow procedures agreed with either the highway authority or the police and that they would be undertaken by a suitably accredited and insured company. Accordingly, on the basis of the evidence before me I cannot be satisfied that the traffic management measures proposed in the CPMS namely the coning of local streets would be effective so as not to exacerbate parking stress within the vicinity and safeguard the living conditions of nearby residents in relation to congestion and car parking.
18. I note that the CPMS indicates that there is a commitment to ensuring that any material change in circumstances which would affect the demand for, or provision of on-site parking is matched by equivalent changes to ensure that appropriate parking levels are maintained. I also note that it sets out what such material change in circumstances would include namely a promotion or relegation of the football club; further development of any part of the site which currently functions as a match day car park; changes to the availability of those areas of car parking identified in the CPMS and any increase in ground capacity beyond 4,250. The CPMS also includes the provision for a bi-annual review commencing in June 2020 and includes a number of statements intended to allow its effectiveness to be monitored. However, in the light of my concerns above regarding the adequacy of the level of on-site parking provision proposed in the CPMS, I am not satisfied that the provisions referred to above



- provide an effective review mechanism in the event that demand for parking increases, for example due to increases in home attendance such as that experienced at the recent Salford match referred to above.
19. In addition to the CPMS an Event Management Plan (EMP) has been submitted. However, its content is somewhat limited in relation to managing the transport impacts of large events dealing instead mainly with the management of events in the interests of health and safety. In relation to transport and traffic management the EMP merely states that most people will arrive at the stadium on foot or drive and park nearby; that public transport is available and that there are a number of main arterial routes near to the stadium which are served by regular bus services and that Kirkham & Wesham railway station which provides a link between Blackpool North and Preston is nearby and that there are a number of on-site car parks at the stadium that can be used for event day parking. Furthermore, in the light of the evidence from the surveys undertaken by the highway authority regarding the blocking of the A585 roundabout at the Salford match it seems to me that the EMP is somewhat inadequate in its understanding and consideration of emergency access to and from the stadium.
  20. The hybrid planning permission (condition 34) requires that a fully detailed EMP shall be submitted and that the EMP shall include a detailed Traffic Management Plan (TMP). The submitted TMP provides little in the way of detail indicating only the situation of Mill Farm Sports Village, that local roads are maintained by the local council and highways department, that improvements have been made to the local highway infrastructure and that whilst it is not envisaged that the flow of traffic onto and off of the site would need to be managed during normal trading days the situation on match days will be monitored to ensure the free flow of traffic and that stewards in uniform will be deployed to assist in releasing traffic onto the nearby Fleetwood Road.
  21. The shortcomings of the EMP/TMP combined with my concerns detailed above in relation to the submitted CPMS mean that on the basis of the evidence before me I cannot be satisfied that the submitted details in relation to car parking management and event management arrangements are sufficient so as not to cause harm to both highway safety and the living conditions of nearby residents.
  22. The proposal would be contrary to policies T4, T5 and GD7 of the Local Plan. Taken together these policies seek to enhance sustainable transport choice, ensure that parking, should wherever possible, be provided on site to a level that makes sure there is no detrimental effect on highway safety and achieve good design in development particularly by ensuring that the development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users.
  23. It would also fail to comply with the National Planning Policy Framework which indicates that the potential impacts of development on transport networks should be addressed, appropriate opportunities for avoiding any adverse effects taken up and that developments should function well and add to the overall quality of the area not just for the short term but over the lifetime of the development.

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24. For the reasons given above and having regard to all other matters, I conclude that the appeal should be allowed insofar as it relates to the submitted details of the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium but dismissed in so far as it relates to the submitted details of car parking management and the event management arrangements.

*Beverley Doward*

INSPECTOR



## Costs Decision

Site visit made on 12 November 2018

**by Beverley Doward BSc BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 January 2019**

### **Costs application in relation to Appeal Ref: APP/M2325/W/18/3208986 Mill Farm Sports Village, Fleetwood Road, Medlar with Wesham, PR4 3HD**

- 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 Mill Farm Ventures for a full award of costs against Fylde Borough Council.
- The appeal was against the refusal of the Council to approve details pursuant to conditions Nos 11, 33, 34 and 46 of a planning permission Ref 13/0655, granted on 17 February 2015.

### **Decision**

1. The application for an award of costs is refused.

### **Procedural Matter**

2. The appealed application relates to the discharge of details associated with four conditions (nos 11, 33, 34 and 46) imposed on the planning permission Ref 13/0655, granted on 17 February 2015. However, the application for an award of costs refers only to the Council's decision in relation to conditions nos 33 and 34.

### **Reasons**

3. Parties in planning appeals and other planning proceedings normally meet their own expenses. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG also indicates that costs can only be awarded in relation to unnecessary or wasted costs at the appeal, although behaviour and actions at the time of the planning application may have a bearing on a costs application.
4. The applicant contends that the Council acted unreasonably in refusing to approve the details pursuant to the two conditions referred to above (nos 33 and 34). The applicant states that an important factor in reaching this view is that the application was recommended for approval by planning officers but that the recommendation was not followed by members of the Planning Committee and the Planning Committee subsequently refused the application.
5. Authorities are not bound to accept the recommendations of their Officers, but if their professional or technical advice is not followed, then reasonable planning grounds for taking a contrary decision need to be provided and supported by relevant evidence.

6. The Council did not accept the ratio of parking spaces to spectators to calculate the parking requirements set out in the Car Parking Management Strategy (CPMS) despite these having previously been accepted as the most reasonable estimate of the immediate and short term requirements of the stadium when granting the original planning permission. However, the Council's decision in this respect was informed by evidence provided by the highway authority regarding the inadequacy of the parking provision on the site after two full seasons of the stadium operating and the views of Wesham Town Council, Kirkam Town Council and local residents as to how this was impacting upon the living conditions of nearby residents in the local community. In my view this is a reasonable basis to determine the acceptability of the CPMS.
7. The applicant refers to the Council's reason for refusing to approve the details relating to condition 33 and suggests that, in referring to factors which it considers beyond its control such as the parking behaviour of visitors to the site, the absence of an on-site (overspill) car park which, although identified at the time of the original permission, was not required by either a condition or S106 obligation and the long term availability of some of the parking identified in the CPMS, the Council has acted unreasonably.
8. As I acknowledged in my decision on the appeal, the applicant cannot require all visitors to the site to park in designated on-site parking areas. However, on the basis of the evidence I found that I could not be satisfied that the traffic management measures proposed in the CPMS to address off-site parking were sufficient to safeguard the living conditions of nearby residents in relation to congestion and car parking. Furthermore, whilst there is no requirement by way of either a condition or a S106 obligation to provide the overspill parking referred to at the time of the original permission there is no substantive evidence to explain the position taken within the CPMS that there is now no intention to provide this. Accordingly, I am not persuaded that the Council acted unreasonably in referring to these matters in its reason for refusal.
9. The evidence indicates that the overall level of on-site parking provision intended to be provided for in the CPMS is inadequate irrespective of whether or not its availability can be guaranteed. Therefore, I am not persuaded that any reference in the Council's reason for refusal to the uncertainty of the long term availability of some of the parking identified in the CPMS has resulted in the applicant incurring any unnecessary or wasted expense in the appeal process.
10. The CPMS indicates that there is a commitment to ensuring that any material change in circumstances which would affect the demand for, or provision of on-site parking is matched by equivalent changes to ensure that appropriate parking levels are maintained. However, in the light of the evidence provided by the highway authority regarding the adequacy of the level of on-site parking provision proposed in the CPMS it seems to me that the Council were not unreasonable in questioning the robustness of the review mechanism which makes no provision for a review in the event that demand for parking increases for example due to increases in home attendance.
11. The consideration of matters such as highway safety and the effect of a proposal on the living conditions of neighbours often comes down to a finely balanced planning judgement. The decision of the Planning Committee was informed by the detailed objections to the application from the highway

authority as well as the views of the local Town Councils and local residents. Whilst this differed from the conclusion reached by Council planning officers, the decision was made on justified and reasonable planning issues. Therefore, having regard to all of the above I am not persuaded that the Council has behaved unreasonably such that the applicant has incurred unnecessary or wasted expense in the appeal process.

### **Conclusions**

12. The PPG indicates that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
13. For the reasons given above therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for an award of cost is refused.

*Beverley Doward*

INSPECTOR