



# Agenda

## Planning Committee

Date:	Wednesday 9 August 2017 at 2:00pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Heather Speak, Ray Thomas.</p>

### Public Speaking at the Planning Committee (Item 4 refers)

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="#">26 July 2017</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
	<b>DECISION ITEMS:</b>	
4	<b>Planning Matters</b>	3 - 62
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5	<b>List of Appeals Decided</b>	63

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – 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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## 09 August 2017

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2	<a href="#">17/0296</a>	LAND ADJACENT KILNHOUSE LANE AND, QUEENSWAY, LYTHAM ST ANNES RESUBMISSION OF APPLICATION 16/0524 FOR OUTLINE APPLICATION FOR THE ERECTION OF 115 DWELLINGS WITH ALL MATTERS RESERVED	Refuse	28

### Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Fylde Local Plan to 2032 (Submission Version) December 2016
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2017
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at [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

## 09 August 2017

**Item Number:** 1

**Committee Date:** Wednesday, 9 August 2017

<b>Application Reference:</b>	15/0400	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Kensington Developments Ltd	<b>Agent :</b>	
<b>Location:</b>	LAND FORMING KENSINGTON DEVELOPMENTS SITE, QUEENSWAY, LYTHAM ST ANNES		
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 08/0058 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF A DEVELOPMENT FOR 889 DWELLINGS AND ASSOCIATED INFRASTRUCTURE		
<b>Parish:</b>	HEYHOUSES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	113	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7662378,-3.0054025,1109m/data=!3m1!1e3?hl=en>

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

### Summary of Officer Recommendation

This application relates to a parcel of land to the north eastern edge of St Annes, south of Heyhouses Lane and wrapping around the settlement in a south easterly direction to Wildings Lane.

The site has the benefit of outline planning permission (08/0058) for up to 1150 dwellings. The vehicular access arrangements were approved at the outline stage via an arm off a new roundabout to the junction of Kilnhouse Lane/ Heyhouses Lane. The first Phase of development was granted reserved matters consent for 110 dwellings (13/0257) in April 2015 with site preparation works having recently commenced on site. This proposal is for the remaining reserved matters of layout, scale, appearance and landscaping associated with that outline permission.

The reserved matters submission provides for the construction of 889 dwellings, with a mix of bungalows, 2, 2 ½ and 3 storey properties. The proposal is considered to provide for an appropriate number of small bedroom dwellings and would respect the scale and appearance of the general vernacular in the locality, providing for an outward facing development which enhances the new settlement boundary. The Outline consent was conditioned to ensure that the reserved matters submission was in substantial accordance with the Illustrative Masterplan, and it is considered that the layout proposed accords with this plan. The design of the proposal with regards to scale, appearance and landscape is supported, in accordance

with the requirements of the adopted Fylde Borough Local Plan (FBLP) and Submission Version of the Fylde Local Plan to 2032 (SV).

Highway comments are outstanding and will be reported to Members by update if received. Notwithstanding, it is recognised that their comments relate only to the internal layout of the development and that matters relating to access and network capacity have been previously assessed to be acceptable by the outline consent.

A Habitat Risk Assessment will be required prior to determination of the application.

Accordingly Members of the Planning Committee are recommended to approve the proposal and grant authority to determine this application to the Head of Planning & Regeneration subject to receipt of the Highway Authority comment and completion of a Habitat Regulations Assessment, and, that any planning permission granted be subject to any necessary revision resultant of the Highway Authority comment and Habitat Regulation Assessment, and, the following conditions or any amendment to those conditions or additional conditions considered necessary as a result of the Highway Authority comment and Habitat Regulations Assessment.

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

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

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

The application relates to an irregularly-shaped parcel of land, approximately 35 hectares in area, to the north eastern edge of St Annes wrapping around the settlement envelope in a south easterly direction to Wildings Lane. The site is relatively flat former agricultural land, comprising low lying marshland drained by a number of intersecting ditches. The site is bound by housing to the north and west on Heyhouses Lane, and open fields to the south and east. Further afield, Blackpool Airport is located beyond housing/ industrial premises to the north.

The site has the benefit of outline planning consent for up 1150 dwellings (08/0058), the first Phase of which was granted reserved matters consent for 110 dwellings (13/0257) in April 2015 with works having recently commenced on site.

The land falls within the Countryside Area as defined by the adopted Fylde Borough Local Plan, though is designated as a Housing Allocation in the submission version of the Fylde Local Plan to 2032.

#### **Details of Proposal**

This is a reserved matters application following approval of outline planning permission 08/0058 which comprised of a wider masterplan with the access arrangements approved at that time. The current application relates to the remaining phases of the development for a total of 889 dwellings, seeking matters relating scale, layout, appearance and landscaping.

The application proposes a combination of housing types ranging from apartments, detached, semi-detached and mews styled properties located within 8 development parcels across the site.

The layout focuses development to the east of a new Bypass road that links the junction of Heyhouses Lane/ Kilnhouse Lane to the Moss Road. Housing will be sited either side of a landscaped central access road and incorporates the new school site and nature park. Revision has been received which provides for a 25m landscape strip to the north with the siting of dwellings to this area of the site having a front facing aspect to Heyhouses Lane. Dwellings are also sited to provide a front facing aspect to the countryside edge with tree lined streets, Swales have been incorporated into the landscaping arrangement within the street scene. Large amounts of open space have been provided through provision of the nature park, and an equipped play area is indicated on the school grounds for general use by residents.

The dwellings are in a mix of types within the accommodation schedule:

- 3 x 5 bedroom dwellings.
- 361 x 4 bedroom dwellings.
- 249 x 3 bedroom dwellings.
- 129 x 2 bedroom dwellings.
- 147 x 2 bedroom apartments.

The dwellings proposed are a mix of scales ranging from true bungalows to 3 storey properties. Dwellings are of traditional form, constructed of brick or render beneath a dual pitch or hipped tile roof, some have front gable detail, front porches with more bespoke properties having corner bay windows.

The proposals for consideration are a relatively recent revision to the original proposal and have been the subject of further neighbour and consultee consultations.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0511	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS 10, 11, 13, 14, 15, 17, 23, 24, 26, 27 AND 29 ON PLANNING PERMISSION 08/0058 RELATING TO LANDSCAPING, SOIL CONSERVATION, DRAINAGE, FLOOD STORAGE, MOVEMENT STRATEGY, SITE PREPARATION, CONSTRUCTION MANAGEMENT PLAN AND RENEWABLE ENERGY PRODUCTION.	Advice Issued	29/09/2016
16/0513	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 13 ON PLANNING PERMISSION 13/0257 PHASE ONE CONSTRUCTION PLAN, RECYCLED AGGREGATES REPORT, SITE PREPARATION PLAN.	Advice Issued	22/09/2016
13/0767	APPLICATION FOR REMOVAL OF THE AFFORDABLE HOUSING REQUIREMENT FOR THE FIRST 300 DWELLINGS ON THE SITE WITH A REQUIREMENT TO UNDERTAKE VIABILITY REAPPRAISAL BEFORE 300TH, 600TH, 900TH AND 1150TH OCCUPATIONS TO ALLOW POTENTIAL FOR THE FUTURE AFFORDABLE HOUSING CONTRIBUTION TO BE ASSESSED	Granted	24/12/2013
13/0528	APPLICATION FOR THE MODIFICATION OR DISCHARGE OF PLANNING OBLIGATIONS :	Returned Invalid Application	27/05/2014

13/0257	REMOVAL OF AFFORDABLE HOUSING REQUIREMENT ON 08/0058 APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR CONSTRUCTION OF 110 DWELLINGS AND ASSOCIATED WORKS FORMING PHASE 1 OF DEVELOPMENT APPROVED UNDER OUTLINE PLANNING PERMISSION 08/0058.	Granted	02/04/2015
13/0259	APPLICATION FOR SITE AND ECOLOGY PREPARATION WORKS ASSOCIATED WITH ENABLING THE FUTURE CONSTRUCTION OF THE QUEENSWAY ROUNDABOUT, PHASE ONE OF THE TR5 BYPASS, AND PHASE ONE OF THE QUEENSWAY RESIDENTIAL DEVELOPMENT. THE SCOPE OF THE WORKS TO INCLUDE THE FORMATION OF A TEMPORARY ACCESS TO QUEENSWAY, THE ERECTION OF 2M HIGH HOARDINGS TO QUEENSWAY FRONTAGE, THE PROVISION OF A TEMPORARY SITE COMPOUND, REMOVAL AND STORAGE OF TOPSOIL, AND SURCHARGING OF SITE.	Withdrawn by Applicant	13/08/2015
13/0261	PROPOSED CHANGE OF USE AND CREATION OF AN ORNAMENTAL GARDEN	Withdrawn by Applicant	21/10/2013
13/0275	APPLICATION TO DISCHARGE CONDITIONS 4, 7, 8, 9, & 16 OF OUTLINE PLANNING PERMISSION 08/0058 FOR ERECTION OF 1,150 DWELLINGS, PROVISION OF A SCHOOL SITE, AND PARKLAND	Advice Issued	
08/0058	THE DEVELOPMENT OF 1150 DWELLINGS, PROVISION OF A 1.1HA SCHOOL SITE AND A 34HA PARKLAND.	Withdrawn - Appeal against non-determine	29/04/2009
06/0706	TEMPORARY STORAGE OF PRE LOADING STONE AND SOIL IN CONNECTION WITH APPROVED LYTHAM ST ANNES LINK ROAD	Granted	19/10/2006
03/0140	TEMPORARY STORAGE OF PRE LOADING STONE AND SOIL IN CONNECTION WITH LYTHAM ST ANNES LINK ROAD.	Granted	28/03/2003
01/0049	O/L FOR RESIDENTIAL DEVELOPMENT - 350 NO. DWELLINGS & SCHOOL	Withdrawn Called In: Secretary of State	17/09/2002

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

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
08/0058	THE DEVELOPMENT OF 1150 DWELLINGS, PROVISION OF A 1.1HA SCHOOL SITE AND A 34HA PARKLAND.	Allowed	21/06/2012
01/0049	O/L FOR RESIDENTIAL DEVELOPMENT - 350 NO. DWELLINGS & SCHOOL	Dismiss	30/06/2005

## **Parish/Town Council Observations**

**St Anne's on the Sea Town Council** were notified of the revised plans on receipt in July 2017 and comment:

1. The application is contrary to the Neighbourhood Development Plan as it does not meet the criteria of "Garden Town by the Sea".
2. The application does not demonstrate any regard to the design guide in the supporting information contrary to Policy DH1.
3. It is contrary to Policy HOU4 because no consideration has been provided to take into account renewable energy generation, water recycling / solar gain.
4. Contrary to TR4 the application conflicts with the Development Plan and no consideration has been given to linking with the existing layout (footpath / cycle routes / bridleways).
5. Discrepancy between application and documents lodged in respect of housing number 15/0400 with 892 dwellings and Application 08/0058 with 927 dwellings?

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

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

No objections in principle, however the applicant will need to complete or demonstrate the following:

The development will create an increase in traffic to the Queensway road network and also introduces a new road through the Moss. The applicant shall ensure that an air quality impact assessment is developed that examines these criteria and the potential effect on the dwelling occupiers.

A noise impact assessment shall also be produced specifically modelling the noise from road traffic and to some extent air traffic on the dwelling occupiers. Properties may have to be modified if noise levels are predicted to have an "observable level" on occupiers.

### **Waste Management**

- The houses should have sufficient space to accommodate the refuse and recycling requirements – e.g. 4 wheeled bins, 1 x grey 240 ltr bin, 1 x green 240 ltr bin, 1 x blue 180 ltr bin and 1 x brown 180 ltr bin
- Multiple occupancy buildings (MOBs) may be suitable for alternative arrangements, e.g. bulk bins for refuse but will still have to have 180 ltr blue and brown bins for the recycling and may require multiple sets.
- The roads must be sufficient width and surfacing to support refuse and recycling vehicles.
- The kerbs (including by MOBs) must dropped and be of a sufficient slope, e.g. not too steep to allow easy manoeuvring of containers for collection.

### **Strategic Housing**

No comments received.

### **Regeneration Team (Landscape, Urban Design, Trees)**

These comments are based on the information contained on the submitted Landscape Masterplan (Richard Eaves drawing number 4113-01).

The Landscape Masterplan does not contain sufficient detail for the Officers to make specific comments on the soft landscape and tree planting proposed for the site. The



exact location of each tree species shown in the schedule needs to be identified for us to comment on the suitability of the location and the species. In addition, there are no hedgerows or planted areas indicated on the submitted plan and therefore, more detailed layouts should be provided at a larger scale which detail the proposals for each phase of the project more clearly.

A hierarchy of tree planting should be considered which incorporates avenues of larger, columnar trees along main boulevards and smaller trees along side roads. Trees located within gardens should be of an appropriate size and species for their location. Large trees should be underground guyed.

With regard to proposed species, *Prunus serrula* would not be an acceptable species to include. *Prunus laurocerasus* should be replaced with *Taxus baccata* and the swales should be planted with herbaceous perennials. Herbaceous planting should be included within all soft landscaped areas, in addition to shrub planting, to provide seasonal interest.

1.8m high brick walls, possibly incorporating traditional Fylde pebble decoration, should be used instead of brick pier/close board fencing or close board fencing where boundaries are highly visible in the street scene. In particular, at the end of a vista or on a corner plot.

A road hierarchy should be developed through the use of free-draining, colour-coded surfacing materials, for example:

Main distributor roads - hot rolled asphalt with buff chippings

Side roads - hot rolled asphalt with red chippings

Cul-de-sacs and speed tables at junctions – permeable block paving system

Parking courts/semi-private drives – cellular gravel system

Driveways – permeable block paving system

There are key areas, such as the area adjacent to Tudor Gate, where tree/landscape planting along the site boundary is key to safeguarding views and residents' privacy. It is essential that provision is made for these strategic areas to be maintained by a long term and legally binding site management strategy. An ongoing landscape maintenance and management plan should be agreed for a minimum of 10 years.

Hard landscape areas adjacent to the TPO woodland blocks shall be kept to a minimum and constructed using no-dig construction methodology. Cellular gravel systems would be appropriate in these areas.

The transition of the existing TPO woodland area to the open space buffer on Heyhouses Lane should be softened with new tree planting to avoid an abrupt boundary.

There appears to be no provision for useable public open space within the site. Whilst the areas set aside for swales provide a valuable green infrastructure, they do not provide meaningful play space and this should be included in at least one location.

The pond located to the north of the site is quite large and takes up a lot of space. This is an attractive feature and could provide additional benefits and a recreation opportunity as a fishing pond, in which case pegs should be provided.

The provision of allotments for residents living in apartments should be considered.

As discussed on a number of occasions, the road layout should be as visually insignificant as possible, especially when serving streets lower down the hierarchy, where landscaping should be used to informalise the layout. There are some good examples of this within the now maturing Cypress Point development. In that case standard footways were omitted and there is no record or evidence that this treatment has produced an 'unsafe' environment where pedestrians and vehicles are in conflict. To the contrary, a more straight alignment with a formal structure tends to create a visually dominant highway, which not only stifles more imaginative layouts and produces a drab monotone appearance, but also tends to result in a highway dominant environment. This would be contrary to the principles of Manual for Streets. As a consequence, we should aim to press strongly for highway minimisation, removing formality and footways wherever possible. There is a strong urban design/placemaking justification for this approach.

The set back of the dwellings to the principal exposed frontage will result in an improved relationship with the road frontage and a much improved vista on the principal approach of Queensway. The intervening space should be soft landscaped and tree planted with appropriate species to soften the built edge. Also, the grouping and elevations to this frontage is critical and as a result, house types that will form a coherent grouping in terms of scale, proportion and materials. What should be avoided is a random selection of house types with varying forms and styles that actually have very little in common (the 'show area' approach where everything that might be available on the site is randomly included). A variety of materials should preferably give way to a restricted palette and a singular roofing material. Note should also be made of the now **adopted Neighbourhood Plan** which looks to introduce more distinctiveness into layouts and overall design. The D and A Statement should deal with this issue.

It should be noted that there are a number of side elevations of dwellings that face onto junctions or are otherwise prominent. Care should be taken to ensure that these elevations are designed such that they are quasi – frontages.

The alignment of the properties to the street pattern is much improved following earlier discussions with the developer. The creation of 'nodal' points is also improved and should be supported by house designs and materials etc, to enhance legibility within the layout.

Is there any indication when the 'nature park' will be implemented and what it will be as there seems to be a potential shortage of actual parkland, for informal recreational purposes, which was envisaged?

### **Environment Agency**

The dwellings are located within the part of site which lies within Flood Zone 1 and this application relates to the management of surface water.

We have discussed this application with the Local Lead Flood Authority team at Lancashire County Council (LCC). We have agreed that although the Environment Agency commented on the original application it will be in the best interests of all parties for LCC to lead on the surface water management issues for this application, with our support

where necessary. The development of the site is likely to be phased over a number of years and LCC will be best placed to comment on any plans over this period.

#### **Blackpool Airport**

No comments received.

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

The drainage plans submitted as part of this application Ref 3794/502 rev B & 3794/503 rev B appear to be in line with the drainage conditions set out in the outline approval in that foul will drain to the public sewer and surface water will drain to watercourses at existing greenfield runoff rates and as such United Utilities have no further comment to make.

Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

A large diameter trunk main crosses the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. You will need an access strip of no less than 10 metres, measuring at least 5 metres either side of the centre line of the pipe.

The applicant must comply with our standard conditions, a copy of which is enclosed, for work carried out on, or when crossing aqueducts and easements. This should be taken into account in the final site layout, or a diversion will be necessary, which will be at the applicant's expense.

Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense. Under the Water Industry Act 1991, Sections 158 & 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

#### **Electricity North West**

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to

inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

**Blackpool Borough Council**

No comments received.

**Natural England**

No comments received.

**Royal Society Protection of Birds**

No comments received.

**National Air Traffic Services**

The technical assessment for the co-located Secondary Radar (SSR) shows significant potential for the development to cause reflections and give rise to duplicate radar plots on the air traffic controllers' display. Analysis of the radar configuration shows that there are existing obstructions further away than the proposed development, currently causing reflections. As such, this impact could be mitigated by a further configuration of the radar parameters. In order to do so however, more accurate details of the proposal would be required.

Accordingly, NATS is satisfied that it can conditionally withdraw its objection to the development, subject to the imposition of the planning condition and informative quoted overleaf. This planning condition essentially protects its operation by requiring the developers to engage with NATS and provide further details on the development, or to agree to mitigation measures.

The impact on the radar can be addressed by modifying its configuration and while the exact technical details of the configuration may not be known at this time, NATS is satisfied that the configuration work is a standard activity that can be carried out and that it will be possible to mitigate the development and hence discharge the condition.

As such, there is no risk that the development cannot proceed as designed, but there are two possible outcomes and opportunities for the developer to allow this:

- 1) provision of further details/liaison with NATS in respect of modifications to minimise the impact (leading to the discharging of the condition)
- 2) entering into an agreement with NATS in order to deliver the re-configuration work of the radar (again leading to discharging of the condition)

**Lancashire CC Flood Risk Management Team**

The LLFA acknowledges that the Environment Agency has previously provided comments in relation to the surface water drainage of this development proposal. Now that this remit has transferred to the LLFA, it was considered to be more appropriate for the LLFA to agree, or otherwise, the reserved matters and subsequent discharges for this application giving the likelihood of a phased delivery over a number of years.

The LLFA has reviewed 'Proposed Overall Storm Water Drainage Strategy Drawing No: 3794/503, Rev B' submitted in support of this application. The LLFA has no objections to

the proposals outlined in this Strategy, but expects to see the submission of further detailed information in any subsequent applications to discharge the conditions relating to flood and water management and surface water drainage.

**Lancashire County Council - Highway Authority**

No comments received.

**LCC Education**

No comments received.

**Lancashire Constabulary**

No objections, suggestions have been made to reduce the opportunity for crime and disorder in the scheme.

**Lancashire Archaeology**

The original application was accompanied by an Environmental Statement which concluded that there was some archaeological potential on the proposed development site and described a scheme of pre-development investigations intended to mitigate that impact. LCC Archaeology Service agreed with these conclusions and requested a relevant condition be attached to the approval, but this was not undertaken. As such a condition was requested to be attached to this current proposal if approved.

In light of the above requirement for a condition by LCC, the applicant provided a Written Scheme of Investigation (WSI). LCC comment that this document refers to considerably less investigative work than stated in the original Environmental Statement.

**Neighbour Observations**

<b>Neighbours notified:</b>	22 June 2015
<b>Amended plans notified:</b>	17 July 2017
<b>Site Notice Date:</b>	10 July 2015 & 18th July 2017
<b>Press Notice Date:</b>	25 June 2015
<b>Number of Responses</b>	<b>23 to the original development, 3 to the revised proposal.</b>
<b>Summary of Comments</b>	

- The site should be left as green belt area.
- Character of St Annes being a Garden Town by the Sea' would be spoilt.
- Site provides a natural boundary dividing Lytham St Annes from surrounding areas.
- Plenty of brownfield sites.
- The planned size, scale, appearance and landscaping is of great concern. A metropolis of properties that are 'pastiche' (mock Georgian) in design will look an 'eyesore'. In the 21st century, there are many choices of modern architectural design which would sit more comfortably within this landscape.
- Loss of trees.
- Bird and wildlife value.
- Ecological importance of a ditch adjacent to wildings lane for water voles, toads and newts.
- Area is a BHS due to the presence of Tree Sparrows.
- Exacerbation of existing congestion and highway safety problems from increased vehicles on the roads resultant from the development.
- 927 houses with a potential for 2000 extra cars in the area.
- The link road should be built before any development on this site goes ahead.

- Closure of the Moss Road has contributed to increased traffic problems on Kilnhouse Lane and Heyhouses Lane. Work on this junction and construction traffic would make matters worse.
- Inadequate access for emergency services
- Existing parking problems made worse.
- Lack of and strain on employment opportunities, school, doctors and dentist places.
- Damage during construction.
- Loss of privacy to rear gardens and living accommodation.
- Existing road noise from large number of vehicles impacting on amenity.
- The site is a natural flood plain, development would put surrounding area and homes a risk of flooding.
- Subsidence of new properties.
- There is a water main running across the site which has easements which must be considered in the planning assessment.
- An unmarked track adjacent to 3 Heyhouses Lane should not be used for construction purposes, since this is on a blind bend.
- Concerns over vehicular access from Wildings Lane including highway safety, and conflict between shared use of the Lane by dog walkers, horse riders.
- Problems encountered for housing very close to an airport flight path.
- Has Fylde Council checked to see whether all giant hog weed has been removed from the site?

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP21	Archaeology
EP19	Protected species
EP22	Protection of agricultural land
EP30	Development within floodplains

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

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency

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

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

The outline application 08/0058 was EIA development and was supported with an Environmental Statement which was revised during the consideration of that planning application. As per PPG guidance for Environmental Impact Assessment, it is considered that this EIA took account of all the potential environmental effects of the development and relevant conditions were applied to the outline consent by the Inspector.

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

**Comment and Analysis**

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

- Principle of development.
- Design and Layout.
- Impact on residential amenity.
- Highways issues.
- Ecology.

**Principle of Development**

Although the application site falls outside the defined settlement boundary and within a Countryside Area, the principle of the development has already been established under outline planning permission 08/0058 which was allowed at appeal. Accordingly, whilst the concerns for the principle of development from the Town Council and residents are noted, such matters are not to be revisited for assessment as part of this current application.

**Design and Layout**

Policy HL2 of the FBLP supports new housing development which would be in-keeping with the character of the locality in terms of scale, space around dwellings, materials and design, and retains features such as trees and hedges. Policy HL6 requires new housing schemes to respect the character of the area and provide an attractive, safe and crime free environment for residents. This reflects criteria contained within Policy GD7 of the SV, Policy H2 also requires the mix of dwellings to provide at least 50% 1, 2 or 3 bedroom properties, in rural villages 33% should also be 1-2 bedroom dwellings.

Policy DH1 of the Neighbourhood Plan requires all development to be of a high standard, appropriate and sympathetic to the character of the town and its neighbourhoods. Policy HOU4 states that design should be based upon principles of the Design Guide SPD importantly the West Coast Garden Neighbourhood, and encourages the use of renewable energy within residential developments. DH2 seeks to create distinct high quality access corridors and gateways to the town. DH4 specifies that garaging should be set back from the street frontage and be reflective of the house style. The Design Guide requirement for West Coast Garden Neighbourhoods refers to such things as well planned layouts with definition of blocks and routes for movement, green and tree lined streets, well designed groups of homes, mix of homes, linkage to pedestrian cycle networks. The Town Council has raised concern to design since it does not meet the criteria of Garden Town by the Sea, no reference is made to the Design Guide in supporting documentation and lack of renewables in the scheme.

Paragraph 56 of the NPPF attaches great importance to the design of the built environment and is a key aspect of sustainable development.

The application proposes 889 dwellings forming the remaining 8 phases of residential development to outline consent 08/0058 and seeks approval of all outstanding reserved matters. The masterplan submitted with 08/0058 was for illustrative purposes however condition 3 of that approval requires that the development is carried out in 'substantial' accordance with the layout shown on this plan.

The layout has similar characteristics to that of existing housing in the locality, providing for a central access road through the site in a north south direction with secondary access road off shoots, all housing has a front or side facing aspect to all roads. Similarly, a traditional form of layout is provided through provision of a back-to-back or side-on relationship with existing housing neighbouring the site to the west. Development is outward facing to all external vantage points including Heyhouses Lane to the north, countryside edge to the east, and, new school site and nature park, through provision of front facing properties. Property frontages will be open, having garden areas and set back from the road edge, properties fronting on to the main access road are set back behind grass verges and swales providing a sense of greened openness to the main streetscene of the development.

The revised proposals have removed the unsightly side elevation of dwellings and garaging from the north of the site adjacent to Heyhouses Lane, introducing a 25m landscape strip which provides for an open landscaped setting to one of the main arterial routes into St Annes and ensures that the development is inclusive to the existing community. The proposal is considered to reflect the Illustrative Masterplan where it was accepted that residential development would encroach into the countryside but concluded that the development itself would have limited visual harm to landscape character. The proposed layout is therefore considered to be acceptable.

The existing locality is comprised of a range of housing styles and designs, ranging from bungalows to two storey dwellings, with larger three storey properties towards St Anne's Road East; and also the commercial units to the edge of the settlement (Everest / Snowdon Road). The application proposes a variety of housing types with varying designs with scale of dwellings ranging from true bungalows to 3 storey dwellings. These 3 storey dwellings are largely located more centrally on the site and in the main avoid the western edge adjacent to existing houses on Heyhouses Lane as well as the eastern edge of the development.

With regard to house design, the dwellings are standard house types within the applicant's portfolio and so are not specifically designed to accord with the local vernacular. However, the properties



immediately adjacent to the application site also present a standardised design through a mix of construction materials including brick, render, and tile and mix of dual/ hipped roof design and have little architectural distinctness. As such the design approach taken is not a concern. The dwellings proposed are to be constructed of brick, render and tile, with a mix of hipped/ pitched roofs, front gable detail and porches incorporated in some designs and their appearance would be consistent with character features of existing dwellings in the locality. Dwellings also provide elements of dual aspect where necessary, particularly to prominent side elevations visible in the street. Garaging is of a similar construction to dwellings have pitched roofs, of brick construction and set back from the street.

Landscaping within the site includes open plan garden fronted dwellings, the main access roads are tree planted, some with landscaped swales and/ or grass verges. The revision provides for a landscaped edge to the north of the site which wraps about the site perimeter to the proposed bypass. The school playing field and nature park continue the soft edge of the residential development to the east of the site affording an attractive buffer to the countryside edge, whilst providing occupants with an informal leisure space. Provision has also been made for an equipped play area, located centrally on the site adjacent to the new school and within easy walk distances for occupants of the development. Dwellings in this locality have either a front facing or dual aspect and provides for a degree of natural surveillance of the play area and nature park. The proposed landscaping is considered acceptable.

There are a number of trees on the site which afford amenity value to the locality, though are not protected by Tree Preservation Order. Policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. Policy GD7 of the SV seeks to protect existing landscape features. EN4 requires provision of new trees and states development causing the loss of trees of value will be resisted. A number of existing trees on the site are to be felled as a result of the proposal, though it is acknowledged that these trees are in the developable area of the Illustrative Masterplan approved by the outline consent. These trees have no protection and are self-seeded, having limited visual benefit. Their loss is therefore acceptable, subject to replacement planting within the scheme. The submitted Landscape Masterplan details significant tree planting to street and landscaped areas, the recently implemented Nature Area also includes significant planting. There are Tree Preservation Order trees adjacent to the western boundary of the site and within proximity to dwellings. The relationship between these trees and proposed dwellings is satisfactory, the stand-off distances ensure satisfactory light levels to affected dwellings and safeguard the trees from felling requests.

The proposal is considered to reflect the Illustrative Masterplan where it was accepted that residential development would encroach into the countryside but concluded that the development itself would have limited visual harm to landscape character. Given the mix of building styles in the locality it is considered that the proposed dwellings are of an acceptable scale and appearance in this location. Details of materials would be conditioned accordingly.

Policy H2 of the SV requires new housing development of 10 units or more to provide at least 50% 1, 2 or 3 bedroom homes. The development is to deliver 892 dwellings, and provides for smaller 2-3 bedroom properties throughout the 8 phases of development. The average across the site is 58% (517 units) 2 or 3 bedroom properties and includes 16% (147 units) 2 bedroom apartments. Whilst 3 of the Phases are slightly below the requirement of policy H2, others exceed this threshold, and the average over the site is consistent with the policy requirement. On balance the mix of dwellings is supported, and would contribute toward meeting the demographic needs of the borough.

On this basis, despite the Town Council concerns for design, the proposed development would be of

an acceptable scale, layout and appearance, and includes the main principles of the Neighbourhood Plan Design Guide for 'West Coast Garden Neighbourhoods', in accordance with the Development Plan, Neighbourhood Plan and the NPPF.

#### Impact on Residential Amenity.

Policy HL2 of the FBLP and GD7 of the SV supports new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period. The SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is safeguarded. Importantly 21m should be provided where habitable room windows are to oppose each other, and 13.5m where habitable room windows are to oppose blank gables or gables with non-habitable room windows.

Existing neighbours which could be affected by the proposal adjoin the application site to the north and west on Heyhouses Lane. The submitted layout drawing indicates that separation distances from proposed dwellings to adjacent neighbouring properties comply with required separation distances. Revision has been received which has reduced the scale of properties to 2 storey adjacent to existing housing located to the south west of the site on Heyhouses Lane. Tree planting will also be used to filter and soften views of the development when viewed from existing housing. The layout of the housing provides an acceptable level of private amenity space for future occupiers and the separation distances and relationships between the buildings would provide an acceptable standard of amenity in terms of privacy, overlooking and overbearing impacts. Each dwelling proposed has an appropriate amount of external amenity space and off street parking, the amenity needs of prospective residents is catered for within the development.

It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for the duration of the build and is therefore acceptable. Conditions were attached to the outline consent to minimise amenity impact including agreement of hours of site works, wheel wash facilities, measures to control dust/ dirt and a strategy to inform neighbours of timing and duration of any required piling operations.

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

#### Highways

Policy HL2 of the FBLP supports new residential development provided satisfactory access and parking arrangements are secured, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy GD7 and T5 of the SV reiterate the above highway policy position.

Policy TR3 requires parking to be accommodated within curtilage, specifying a minimum size for garaging and requiring parking courts to have good surveillance. Policy TR4 of the Neighbourhood Plan states that new development should make provision to link into existing networks for pedestrians and cyclists.

The Outline consent approved the vehicular access to the site via an arm off a new roundabout junction at Kilnhouse Lane/ Heyhouses Lane and includes footpath linkages to the existing network as well as requirement for offsite highway works including provision of the roundabout, the

Heyhouses Bypass link to the Moss Road, junction and signalisation improvements in the area. Financial contributions toward provision of the M55 Link Road (Moss Road) are required by Legal Agreement. The outline planning consent considered the acceptability of this access arrangement, as well as the impact that additional vehicles resultant from the development would have on the road network. Such matters do not therefore require consideration during assessment of this current application, which must be relative to the layout of the site only.

The proposed road layout within the application site is of standard design, providing for a wider 8m boulevard road to the main access road, and reduced 5.5m carriageway to secondary roads. Footpaths are provided to the majority of roads, though some are only to one side of the carriageway with grass service verges used in compensation. Turning heads are provided to the end of each dead end road. Wildings Lane will be blocked up with the lane being closed to vehicular traffic where it meets the application site, a pedestrian link from the application site will however be provided via Wildings Lane enabling access to shops and services in the locality. The development will also connect to existing pedestrian linkages through housing on Heyhouses Lane and new provision is to be made north of the site to Heyhouses Lane also. It is envisaged that existing bus routes will be enlarged to encompass the development and there is opportunity for the development to link into cycle network on Queensway – indeed the Design and Access Statement makes reference to this as part of the Bypass proposals. Parking for each dwelling is a mix of garaging, driveway or parking court. The applicant has provided a statement indicating that 1529 spaces are proposed for the 892 dwellings, equating to 171% provision across the site. This will ensure that parking is provided within curtilage and not displaced to the road.

Unfortunately comments from LCC Highways have not been received at the time of writing this report. It is expected that they will be submitted prior to the Committee meeting and will be reported by Late Observations. In the event that a response is not received it is recommended to delegate the authority to determine the application to the Head of Planning and Regeneration to consider the Highway response.

### Ecology

Ecological matters associated to the sites development were considered during assessment of the Outline application, which required by condition mitigation for lost habitat, updated surveys for biodiversity features and method statements to safeguard water voles during construction of the development.

Prior to making a final decision on this application, it will also be necessary to carry out an assessment in line with The Conservation of Habitats and Species Regulations 2010. A Habitat Regulation Assessment was undertaken for the Outline consent and this requires updating, in particular to take account of the potential combined effects of other committed and proposed schemes in the wider locality since approval of the outline consent. This Assessment will require agreement with Natural England prior to issuing a final decision, and it is therefore recommended that authority to determine this application be delegated to the Head of Planning and Regeneration subject to carrying out this final assessment.

### Flood Risk and Drainage

Flood risk and drainage matters associated to the site's development were considered during assessment of the Outline approval, which required by condition agreement of the surface water drainage design, foul drainage to the existing public sewer, details of piling, measures to prevent the drying out of underlying peat, and, agreement of flood storage works and flood flow culverts. With

regards to this current application both the Flood Authority and United Utilities have not raised objection to the proposal, subject to discharge of conditions on the outline consent.

#### **Other Matters**

Lancashire Archaeology have commented that a written scheme of investigation should have been attached to the outline consent, and are requesting that it be applied to any subsequent reserved matters approval. The Inspector did not consider it necessary to apply the condition at outline stage. Notwithstanding, the applicant has confirmed that they are aware of and are working with consultants to resolve the matter.

Whilst raising no objection to the development, the Environmental Protection officer has requested air quality impact assessment and road/ air traffic noise assessment to inform mitigation for the development. The Inspector did not consider it necessary to apply the condition at outline stage. Furthermore, no such condition(s) were required by approval of the first phase of development.

United Utilities refer to the presence of a large diameter trunk main crossing the site and 10m easement requirement. The location of this main and easement is indicated on the revised Masterplan and is shown to avoid the siting of dwellings and ancillary structures within the development. Notwithstanding, reference is also made within United Utilities to the possibility of diversion required as a result of development if necessary.

#### **Conclusions**

The application relates to an irregularly-shaped parcel of land, approximately 35 hectares in area, to the north eastern edge of St Annes wrapping around the settlement envelope in a south easterly direction to Wildings Lane. The land falls within the Countryside Area as defined by the adopted Fylde Borough Local Plan, though is designated as a Housing Allocation in the submission version of the Fylde Local Plan.

The site has the benefit of outline planning consent for up 1150 dwellings (08/0058), the first Phase of which was granted reserved matters consent for 110 dwellings (13/0257) in April 2015 with works having recently commenced on site.

This proposal is for the outstanding reserved matters of the outline consent relating to layout, scale, appearance and landscaping associated with that outline permission. The access arrangements were approved at the outline stage for a single point of entry via a new roundabout at the Kilnhouse Lane/ Heyhouses Lane junction.

The application proposes an acceptable form of development in relation to design, highways safety, and amenity terms.

#### **Recommendation**

That the authority to determine this application be delegated to the Head of Planning & Regeneration subject to receipt and consideration of the Local Highway Authority's comments and completion of a Habitat Regulations Assessment, and, that any planning permission granted be subject to any necessary revision and conditions resultant of the Local Highway Authority's comment and the Habitat Regulations Assessment.

The following suggested conditions are proposed:

1. This consent relates to the following approved plans:

- Masterplan drawing number 1844.L.01 rev D.
- Masterplan Showing Building Heights drawing number 1844.L.20 rev B.
- Landscape Masterplan 4113.01 (July 2017).
- Site Area B drawing number 1844.L.02 rev C
- Site Area C drawing number 1844.L.03 rev A
- Site Area D drawing number 1844.L.04 rev A
- Site Area E drawing number 1844.L.05 rev A
- Site Area G drawing number 1844.L.06 rev A
- Site Area H drawing number 1844.L.07 rev A
- Site Area J drawing number 1844.L.08 rev D
- Site Area K drawing number 184.L.09 rev A
  
- Atlanta House type drawing number 1844.H.18
- Austin House type drawing number 1844.H.04
- Brampton House type drawing number 1844.H.02
- Brampton A House type drawing number 1844.H.08
- Bridgeport House type drawing number 1844.H.05
- Baltimore House type drawing number 1844.H.17
- Buckingham House type drawing number 1844.H.38
- Camden & Greenwich House type drawing number 1844.H.01
- Charleston House type drawing number 1844.H.09
- Charleston B House type drawing number 1844.H.10
- Charleston C House type drawing number 1844.H.11
- Charleston D House type drawing number 1844.H.12
- Charleston E House type drawing number 1844.H.13
- Charleston F House type drawing number 1844.H.14
- Delaware House type drawing number
- Denver House type drawing number 1844.H.19 (front gable detail without 1<sup>st</sup> floor brick band)
- Denver A House type drawing number 1844.H.20
- Denver B House type drawing number 1844.H.35 rev A
- Floridian House type drawing number
- Grosvenor House type drawing number 1844.H.21
- Grosvenor B House type drawing number 1844.H.22
- Houston House type drawing number 1844.H.23
- Houston B House type drawing number 1844.H.24
- Louisiana House type drawing number 1844.H.29
- Lincoln House type drawing number 1844.H.25
- Lincoln B House type drawing number 1844.H.26
- Lincoln C House type drawing number 1844.H.27
- Lincoln D House type drawing number 1844.H.28
- Mayfair House type drawing number 1844.H.30
- Mayfair B House type drawing number 1844.H.31
- Mayfair C House type drawing number 1844.H.32
- Montana House type drawing number
- Nebraska House type drawing number
- Newark House type drawing number 1844.H.33
- Ohio House type drawing number 1844.H.15

- Portland House type drawing number 1844.H.34
  - Rockford House type drawing number 1844.H.16
  - Springfield House type drawing number 1844.H.40
  - Tennessee A House type drawing number 1844.H.36
  - Tennessee B House type drawing number 1844.H.37
  - Trenton House type drawing number 1844.H.39
  - Yale House type drawing number 1844.H.03
- 
- Apartments I Plot C Elevation & Floor Plan drawing number 1844.A.01 rev A
  - Apartments II Plot C Elevation drawing number 1844.A.02
  - Apartments II Plot C Floor Plan drawing number 1844.A.03 rev A
- 
- Apartments III Plot D Elevation drawing number 1844.A.04
  - Apartments III Plot D Floor Plan drawing number 1844.A.05 rev A
- 
- Apartments IV, IX Plot E & H Elevation drawing number 1844.A.06
  - Apartments IV, IX Plot E & H Floor Plan drawing number 1844.A.07 rev A
- 
- Apartments V, Vi, VII Plot G Elevations drawing number 1844.A.08
  - Apartments V, Vi, VII Plot G Floor Plan drawing number 1844.A.09 rev A
  - Apartments VIII Plot G Elevations drawing number 1844.A.10
  - Apartments VIII Plot G Floor Plan drawing number 1844.A.11 rev A
- 
- Apartment XIII Plot H Elevation drawing number 1844.A.18
  - Apartment XIII Plot H Floor Plan drawing number 1844.A.19 Rev O
- 
- Apartment XIV Plot K Elevation drawing number 1844.A.20
  - Apartment XIV Plot K Floor Plan drawing number 1844.A.21 rev O
- 
- Garages drawing number 1844.H.41

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

2. Prior to commencement of any works on the site, a Phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall outline phases of construction on the site. Works on site shall proceed in strict accordance with the Phasing Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate timing and delivery of works on site.

3. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, details of finished floor levels and external ground levels for each plot within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) and to ensure that the development is not at risk of flooding, in accordance with Policy HL2 and EP30 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

4. Prior to the commencement of development of any phase approved by Condition 2 of this

planning consent and notwithstanding any denotation on the approved plans, details of the external roofing and facing treatments within that phase shall be submitted to and approved by the Local Planning Authority. Thereafter only those approved materials shall be used in the development of that phase, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and the appearance of the development in the locality, in accordance with Policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

5. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, a scheme for the design of the external bin stores associated to each apartment block within that Phase shall be submitted to and approved in writing. The scheme shall include details of siting and appearance. The approved scheme shall be implemented and made available for use prior to first occupation of the apartments within that phase and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

6. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, details of the bridge structures, and other ancillary buildings/ structures within that phase shall be submitted to and approved in writing by the Local Planning Authority. The works within that phase shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

7. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, a scheme detailing the precise location, size and appearance of all boundary treatments, including the planting schedule for any hedge planting shall be submitted to and approved in writing by the Local Planning Authority. The development of the phase shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and retained thereafter.

Reason: To provide sufficient clarity over the boundary treatments and in the interests of visual amenity, in accordance with Policy HL2 of the Fylde Borough Local Plan and GD7 of the Submission Version of the Fylde Local Plan 2032.

8. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, a detailed hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide surface finishes of all hard surfaces, including roads and driveways. The development of that phase shall be implemented in accordance with the approved scheme and retained thereafter.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity and to enhance the character of the street scene in accordance with Policy HL2 of the adopted Fylde

9. Prior to commencement of the development hereby approved, details of the equipped play area including the phasing of delivery, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and available for public use in accordance with the approved details and agreed timescales of delivery, and retained thereafter.

Reason: To ensure appropriate provision and delivery of equipped play with the development in accordance with Policy TREC17 of the adopted Fylde Borough Council Local Plan and GD7 of the submission version Fylde Local Plan to 2032.

10. There shall be no vehicular access, whether for construction purposes or otherwise, from any aspect of the development to or from Wildings Lane.

Prior to commencement of the development hereby approved, Wildings Lane shall be closed to vehicular traffic in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The closure shall be carried out in conjunction with the provision of any road infrastructure, whether temporary or permanent, resultant from any works within the site, unless the express consent to vary the scheme has first been obtained from the Local Planning Authority.

Reason: In the interests of highway safety and amenity in accordance with policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan and GD7 of the submission version Fylde Local Plan to 2032.

11. Prior to commencement of the development hereby approved, a scheme for the provision of public art within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall indicate location and detailed design of the public art feature(s) and phasing mechanism for delivery. The approved scheme shall be implemented in accordance with the approved timescales and retained thereafter.

Reason: In the interests of visual amenity and the appearance of the development in the locality, in accordance with Policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

12. Prior to the commencement of development hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority:

1. A detailed plan for the proposed buildings of that phase demonstrating that there would be no detrimental impact upon the operation of St Annes Radar, and,
2. Details of a scheme to mitigate any detrimental impact upon the St Annes Radar, including any associated timescales for implementation of the mitigation works.

The approved scheme of mitigation shall be implemented in accordance with the approved details and within the approved timescales, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of aircraft and public safety.

13. Prior to commencement of the development hereby approved, a scheme of street lighting design shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the appearance of the development in the locality, in



accordance with Policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

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

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

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

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

16. Prior to commencement of Site Area B, Site Area C and Site Area D, an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority for:

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

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

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

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

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

18. On site works, including any heavy vehicular movements and deliveries to/ from the site, shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

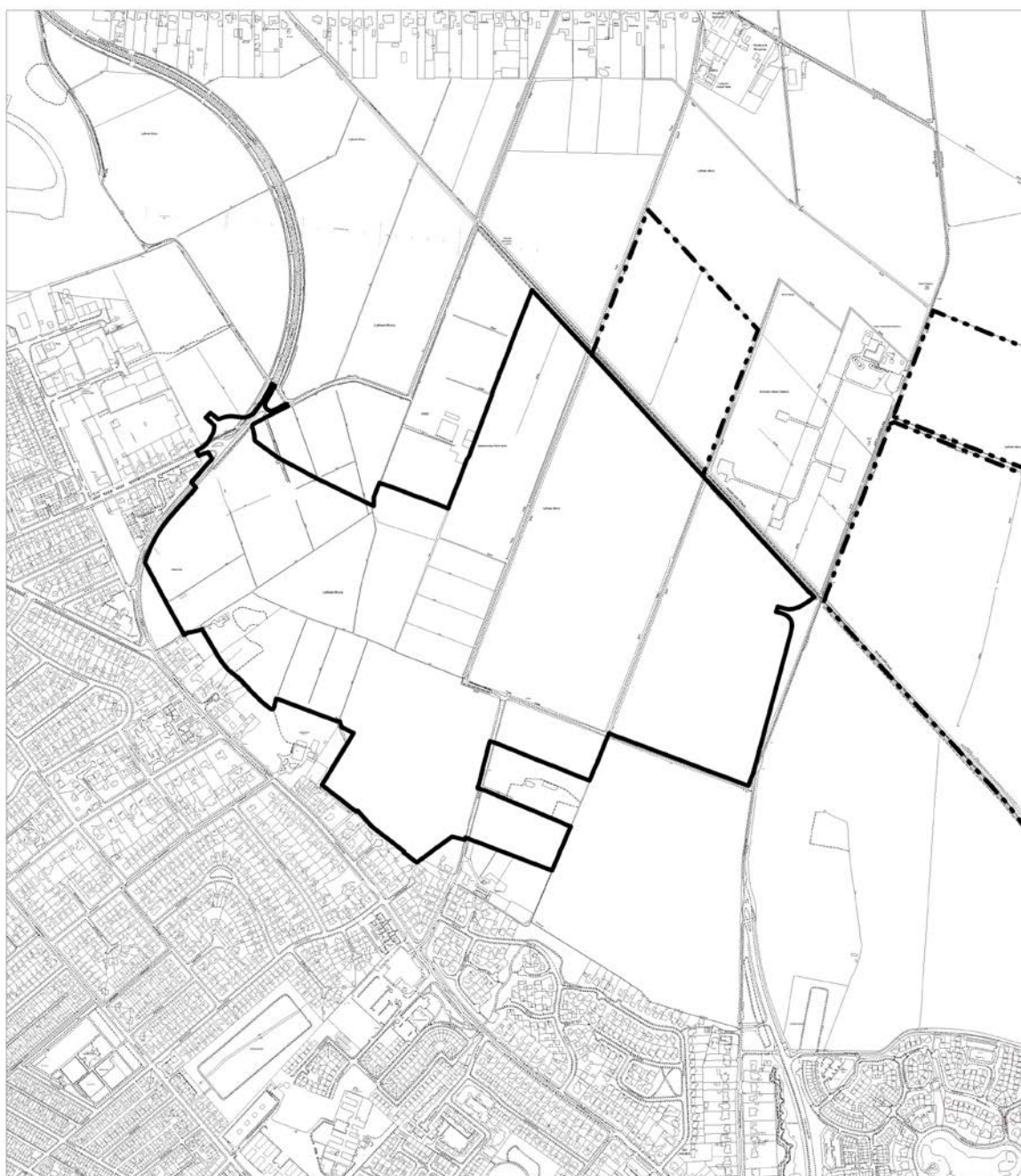
Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and GD7 of the submission version Fylde Local Plan (2011-2032).

19. Prior to commencement of the development hereby approved, a scheme for the control of noise, vibration and dust during the period of construction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be used throughout the construction process.

Reason: To protect the amenity of neighbours of the development, in accordance with Policy HL2 and EP26 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

20. All garages within the development hereby approved shall be made available for use prior to the occupation of each associated dwelling and be retained to allow for the parking of a private car thereafter.

Reason: To ensure provision and retention of required parking within the development, in accordance with adopted Parking Standards and Policy T5 of the Submission Version of the Fylde Local Plan 2032.



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Application No. 5/15/0400	Address Land forming Kensington Developments Site, Queensway, Lytham St Annes	Grid Ref. E.3340 : N.4302	Scale 0 50 100 150 200 m 

**Item Number:** 2

**Committee Date:** Wednesday, 9 August 2017

<b>Application Reference:</b>	17/0296	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Joint Administrators of Greenhurst Investments Limited	<b>Agent :</b>	Indigo Planning
<b>Location:</b>	LAND ADJACENT KILNHOUSE LANE AND, QUEENSWAY, LYTHAM ST ANNES		
<b>Proposal:</b>	RESUBMISSION OF APPLICATION 16/0524 FOR OUTLINE APPLICATION FOR THE ERECTION OF 115 DWELLINGS WITH ALL MATTERS RESERVED		
<b>Parish:</b>	HEYHOUSES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Awaiting Consultation Replies		

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

<https://www.google.co.uk/maps/@53.7670685,-3.008031,554m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

The proposal is for the loss of 4 hectares of allocated employment land and the erection of 115 dwellings on a site that is located at the junction of Queensway and Kilnhouse Lane on the edge of St Annes. The application is made in outline with all matters reserved.

The loss of employment land however is seen as unacceptable by officers as the potential benefits of allowing the residential development including contribution to the Council's 5 year supply do not outweigh the negative loss of the allocated employment land and the retention of which is supported by the most up-to-date local evidence, and that there is a reasonable prospect of the site being used for its allocated purpose. The submitted information with regard to viability does not demonstrate that the site could be viable for employment or a mixed use scheme, and also shows that if a residential development was allowed it could not viably provide affordable housing so the benefits of allowing housing is reduced. The submitted layout whilst indicative is considered to be unacceptable for a number of reasons and the proximity of the dwellings to the adjacent employment area with no buffer zone is likely to create an unacceptable level of amenity for the occupiers of the proposed dwellings. The issues around residential amenity also mean that it is not considered that the quantum of development proposed can be achieved at the site. The proximity to the employment area is likely to mean residents will complain about the existing business premises which could prejudice their operation.

The development is therefore considered to be unacceptable and it is recommended that it be refused.

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

This application is before members at the request of a ward councillor (Cllr Small).

### **Site Description and Location**

The application site comprises undeveloped, flat land containing scrub and rough grass located to the north of Kilnhouse Lane, St Annes. The site extends to 4.8 hectares of which 4 hectare of the site lies within the settlement boundary of St Annes as identified in the adopted Local Plan and 0.8 ha to the east of the site lies within the green belt. A bridleway and footpath runs north to south through the site. The settlement boundary following the line of the bridleway and the greenbelt boundary. To the north of the site is greenbelt and the airport runway. To the east of the site is greenbelt and Lytham Moss. To the west of the site is the Queensway Industrial Estate and beyond that residential properties. Land to the south of the site and Queensway itself is currently undeveloped but has planning permission for 1150 dwellings. The Kensington scheme includes a roundabout on Queensway located adjacent to the site, this has influenced the red edge for this application.

### **Details of Proposal**

The application as submitted comprises an outline application for 115 dwellings with all matters reserved for future consideration. A recent previous application (ref: 16/0524) on the site applied for access, layout and scale as detailed matters for that application, leaving the only reserved matters as the appearance of the dwellings and proposed landscaping. This was refused under delegated powers and is now subject to an appeal. The reason for applying in full outline here is because of the reasons for refusal given on application 16/0524 including reasons around the submitted layout and the proposed access point. This application, whilst fully outline, indicates access from the approved Queensway roundabout. The applicants statement indicates that as the roundabout has not looked like nearing being constructed they submitted an application with an alternative access point. They state that the applicants are prepared to develop the site taking access from the roundabout if it is built within a reasonable time frame, and if this application is approved that they are prepared to accept a planning condition that requires access to be off the Queensway roundabout if upon submission of a RM application a contract has been let for construction of the roundabout. If, upon submission of a reserved matters application, a contract has not been let for the construction of the Queensway roundabout, the applicant they say will continue to promote the original access point off Queensway which it believes is acceptable. LCC do not believe this access to be acceptable.

This application again proposes 115 dwellings with the indicative layout shows a mix of detached, semi-detached, mews style houses and bungalows with a landscape buffer proposed to the south east corner. Scale again is not a detailed matter but the application indicates they will be 2 storey in line with the Aviation advice submitted. Paragraph 8.12 of the submitted planning statement confirms that the development would constitute 30% affordable housing and 8.13 that the scheme will provide POS for the community.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0524	OUTLINE APPLICATION FOR THE ERECTION OF 115 DWELLINGS (ACCESS, SCALE AND LAYOUT APPLIED FOR) WITH ACCESS FROM NEW VEHICULAR ACCESS FROM QUEENSWAY	Refused	03/11/2016

12/0038	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING OFFICES (B1 (A)), GENERAL INDUSTRIAL (B2) AND STORAGE AND DISTRIBUTION (B8), AND 82 RESIDENTIAL DWELLINGS (C2 AND / OR C3) TOGETHER WITH ASSOCIATED WORKS AND OPEN SPACE WITH THE CONSTRUCTION OF A NEW VEHICULAR ACCESS FROM QUEENSWAY AND SCAPELL ROAD	Finally Disposed Of	11/04/2016
01/0690	REPLACEMENT OF EXISTING SIGNAL CONTROLLED JUNCTION WITH MAJOR FIVE ARM ROUNDABOUT (PUBLIC HIGHWAY)	Granted	18/08/2004
02/0219	FULL APPLICATION FOR NEW OFFICE DEVELOPMENT (PHASE ONE)	Granted	13/10/2005
02/0218	OUTLINE APPLICATION FOR BUSINESS PARK DEVELOPMENT INCLUDING ASSOCIATED PARKING ROADWAYS AND LANDSCAPING	Granted	13/10/2005
02/0220	FULL APPLICATION FOR LANDSCAPING WORKS IN ASSOCIATION WITH BUSINESS AND LEISURE PARK	Withdrawn by Applicant	12/01/2004
00/0612	OUTLINE APPLICATION FOR EXTENSION TO INDUSTRIAL ESTATE [ 3.7 HA ] .	Refused	01/11/2000
00/0050	REPLACEMENT OF EXISTING SIGNAL CONTROLLED JUNCTION WITH MAJOR FIVE-ARM ROUNDABOUT (PUBLIC HIGHWAY)	Withdrawn by Applicant	14/09/2000
91/0328	RE SUBMISSION OF OUTLINE APPLICATION FOR RETAIL WAREHOUSE PARK COMPRISING RETAIL SPACE/TAKEAWAY FOOD RESTAURANT & ASSOCIATED STORAGE, CAR PARKING, SERVICE AREAS AND HIGHWAY WORKS.	Granted	17/02/1992

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
00/0612	OUTLINE APPLICATION FOR EXTENSION TO INDUSTRIAL ESTATE [3.7 HA].	Allowed	10/05/2001

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

**St Anne's on the Sea Town Council** notified on 13 April 2017 and whilst the response refers to an objection it states:

*The Town Council has no objection in principle to this land being developed for housing as no one has come forward to develop it for industrial use. We are mindful of the site forming part of Lytham Moss Heritage Site. We support the mix of housing styles / designs and percentage of affordable housing. (We appreciate allocation of bungalows in accordance with the emerging Neighbourhood Plan). The Town Council believe it is imperative that, in the interest of highway safety, vehicle access should not be restricted to a single point. Scafell Road would provide access to local shops and services, in support of sustainability. Note the red line denoting the extent of the site has been amended to exclude potential access to Scafell Road. The Town Council would welcome the inclusion of solar panels on all premises in accordance with the Neighbourhood Plan.*

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

### **United Utilities - Water**

No objections, request condition that foul and surface water are drained on separate systems, and a condition requiring a surface water drainage system scheme to be submitted and details of its management and maintenance.

### **Strategic Housing**

*There will be a requirement for 30% affordable housing provision on this site. The site is close to a number of employment centres and there are good transport routes from the site to St Annes and towards the M55. The level of demand for affordable housing provision within Fylde would support such a requirement. There will be around 34 units of affordable housing provision therefore we would be looking at a basket of tenures on the site at the outset to include affordable rented, shared ownership and discounted market sale. I note the planning application makes no reference to the size and tenure of properties to be delivered.*

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

Comments are available in full on website however the following is a summary of their comments;

*This application is outline with all matters reserved including access. While access is a reserved matter, it is necessary that in order for the LHA to provide positive comments we must be satisfied that a safe and suitable access can be delivered. In response to a previous application on this site (PA 16/0524) LCC Highways were clear that the access proposals presented were not acceptable to the highway authority in terms of both operation and safety. LCC Highways have consistently maintained that the appropriate access to the current application site is from the approved Queensway roundabout. The approved Queensway (Kensington) application illustrated that access into this current proposed site was deliverable from the proposed roundabout.*

*Drawing No. 2099-P.005.1 submitted with the planning documentation shows an illustrative site plan with access taken from the proposed roundabout.*

*Therefore to be clear, LCC Highways are satisfied that a safe and suitable access can be delivered to the current application site and that the appropriate main access to this site is via the proposed/approved Queensway roundabout. Details of the main access can therefore be determined at the reserve matters stage. However, the local highway authority would insist on a condition being attached to any approval granted that ensured no development can take place until the approved Queensway roundabout is constructed and therefore a safe and suitable access can be delivered and also that the M55 to Heyhouses Link Road is being delivered (contract award as a minimum).*

*With consideration for all the information provided by the applicant Lancashire County Council considers that the TA underestimates the current and future network conditions and as a result underestimates the residual cumulative impact of this and other committed development on the local network. However, LCC has given due regard to the full scale of development now committed and that can be considered will have an impact within the local network and in particular within the Queensway corridor. This has*

*allowed LCC Highways to come to a view on the overall cumulative impact. At the same time LCC have considered the delivery timescales of future mitigation that is currently out of the control of this applicant and also what measures are necessary from this development to support the wider improvements that will allow a level of further development to come forward. LCC consider that this development will require the wider infrastructure improvements to be delivered (those identified as part of the approved Queensway (Kensington site) including the M55 to Heyhouses Link Road and East/West Link Road. It is also considered that the improvements that this will bring in terms of Public Transport service improvements and provision of facilities for equestrians, pedestrians and cyclist is also necessary to support further sustainable development in this area. The discussions to progress the early delivery of this highway infrastructure has allowed LCC Highways to take a more positive position than would otherwise have been possible.*

*Given the above, LCC Highways would offer no objection to the submitted application subject to agreement on the proposed mitigation measures and planning contributions (including a Grampian condition restricting development until the approved Queensway roundabout is constructed and available for use) as set out above and detailed under the headings 'S278 Works' and 'Planning Obligations (s106 Planning Contributions)'. I consider that these measures are necessary, directly related and reasonable in both scale and kind.*

#### **Blackpool Airport**

No comments received.

#### **National Air Traffic Services**

No objections subject to a condition requiring details that the scheme will not impact on St Anne's radar.

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

Original comments dated 26/04/17

*With reference to your memorandum dated 13th April 2017 there are objections from Environmental health with regard to this application.*

*The site is directly adjacent to an Industrial Estate the closest unit of which is a cement batching process. As this is a wet mix process the site is not enclosed and there is a potential for dust and sand to cause to nuisance to any future residents especially during periods of high wind. The department envisage complaints to be received the resolution of which would put undue responsibility onto the incumbent company which currently benefits from no residential properties in the vicinity.*

*I also have similar concerns with respect to noise. Whilst not continuous there are regular sirens and alarms sounding at the cement works. This may generate annoyance to residents that cannot be resolve through nuisance legislation as the alarms are a legal requirement to regulate and monitor pressure levels in the silos during filling. They also act as aural indicators as part of the processes on site.*

*In my opinion the land use would be best suited for commercial development rather than domestic.*



The applicants subsequently submitted on 9 May submitted an odour assessment, noise and vibration assessment and a dust risk assessment, to which the Councils EHO responded on the 23 May with the following;

*Further to the above application there are the following comments regarding the new information received.*

*Firstly I accept the findings for the odour assessment and have no further comment but I still have objections on the grounds of dust and noise from the industrial estate and the potential effect on future residential development.*

*My main cause for objection to the residential development is the proposed close proximity of dwellings to the current operational concrete batching plant. This site has been operational in that location for a number of years. It operates under a permit issued under the Environmental permitting regulations and is adjacent to an open aspect to the east and industrial units. Due to the nature of the business is ideally located to cause minimal disruption.*

*If the land is to be developed it should be for commercial use only. The activities on site has the potential to cause unnecessary disturbance to residents but not so to other commercial operations.*

*The applicant makes the point that if fully compliant with the permit “no dust shall escape beyond the boundary of the site”. There are proposals to further enclose the storage bays for the cement, limestone and sand but in reality dust will escape albeit a minimal amount. It is not just the storage bays where dust can be produced, the supply drums and chute are also open giving a potential escape route. Water suppression is used but only during hours of operation – any dust left in the drums may be blown out overnight. Again it is impossible to control this unless the whole site is enclosed – which is impractical in this instance. Or if deemed necessary will be financially restrictive to the premises.*

*If this was towards commercial units then there would be no cause for concern but if this occurred around residential properties it would be unreasonable. In my opinion this would potentially have a detrimental effect on the accommodation that would not be apparent for commercial units. Currently Moore Ready Mix operate to a good standard but if residential development takes place this would put undue pressure onto the site that is currently not necessary.*

*The dust escape may only be minimal and not a risk to health but the raw materials do create dust. This will lead to complaints as there may be the potential light dustings on cars and properties. This will definitely generate complaints. For this reason concrete batching plants only ever get planning permission on industrial estates.*

*With respect to noise there are a number of onsite sources that would potentially cause disturbance. There is a generator that starts at 6.30am and continues all day. There are also wagons reversing into the aggregate bays on that boundary that have very loud reversing sirens. The cement silos have extremely loud high level sirens to warn of capacity and there is a horn that tells the drivers that they are loaded. In my opinion if there is anyone working night shift they would find it impossible to sleep during the day. I would conclude that there should not be a residential development in a location that will*

*cause conflict.*

The applicants subsequently submitted an updated site plan and a Noise and Vibration Impact Assessment on the 29 June, to which the officer responded on the 25/7/17 with the following;

*I have read the report provided regarding the noise measurements and note the conclusions reached.*

*However I still have concerns with the suitability of the site for housing adjacent to the industrial estate and more specifically Moore Ready Mix. I have visited the vicinity at various time during the course of my normal work routine and have been in another Council building near the site as early as 6.30am on a number of occasions. There was work activity taking place at that time that involved wagon movements and reversing sirens.*

*I am of the opinion that despite the mitigation measures suggested there would be potential nuisance as there are no planning restrictions on the operating times of this premises. There will be large wagons moving and arriving on site as early as 6am. At the moment there are no residents to be affected but these activities take place daily. The occupiers would be disturbed and woken if windows are open during the Summer months. It is not reasonable to expect the cement company to restrict its operating times to prevent activities causing a disturbance to future occupiers of dwellings.*

*Mitigation may enable sound levels to meet WHO criteria when the full daytime is taken into consideration but there is still the potential for disturbance each morning from 6am onwards.*

#### **Environment Agency**

It is not an application that the Environment Agency comments on.

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

*Thank you for consulting the Ecology Unit on the above planning application. I have the following comments.*

##### *Extent of ecological survey effort*

*The ecology surveys and assessments submitted as part of the application have been undertaken by suitably qualified ecologists and are generally to appropriate and proportionate standards. No further surveys need to be conducted prior to deciding the application.*

##### *Impact on sites designated for their nature conservation interest*

*The application site is within 2.5 km of the 'Ribble and Alt Estuaries' Special Protection Area (SPA), a European designated site. The SPA supports important bird populations and some of these birds will use inland sites for feeding and for refuge. One of these inland sites of importance to the birds using the Estuary is the large Lytham Moss Biological Heritage Site (BHS), which is within 1km of the application site to the east. An Assessment of the impact of the application on the special interest of the SPA has been carried out, as required under the terms of the Conservation of Habitats and Species Regulations 2010 (as amended). This Assessment has concluded that the development will not have any*

*harmful impacts on the special interest of the SPA. However, the Assessment appears to have only considered potential impacts of the development during construction and not the potential operational impact of the increased population that will result from the development causing increased recreational disturbance to birds using the Estuary and the BHS.*

*My own view on this is that because the site is separated from the SPA by significant built development, any increased recreational disturbance on the Estuary is likely to be very diffuse and therefore unlikely to be significant. In any case, recreational impacts on the Estuary are better managed at the receptor rather than at the source – that is, the issue should be mitigated by controlling and managing public access to sensitive parts of the Estuary rather than by attempting to control population growth inland. I would consider it to be unlikely that the development will cause increased public disturbance of birds using the BHS because the BHS is in private ownership and is generally not publicly accessible. The application site itself is not currently suitable for use by the bird species of most interest in the designation of the SPA.*

*I would therefore conclude that the development will not have any harmful impacts either on the SPA or on the BHS. Natural England should also be consulted on the application to seek their views.*

#### *Impact on Habitats*

*The site appears to be redundant farmland that has been left unmanaged for some years and has over time developed a range of habitats including young developing woodland (open and closed scrub), wet grassland, hedgerows, ditches and semi-improved grassland. The development will result in losses to significant areas of semi-natural habitat, including closed scrub vegetation which will be of some local wildlife value, particularly for birds. The outline plans show an area of the application site apparently set aside for landscaping / habitat creation. If managed appropriately this area will go some way to compensating for habitat losses, although it is too small an area to completely compensate for lost habitat. It is important therefore that the development provides high quality green infrastructure across the whole site.*

*I would recommend that, as a Condition of any permission that may be granted to the scheme, a comprehensive Landscape and Habitat Creation and Management Plan should be prepared for the site. Once approved, this Plan should be implemented in full.*

#### *Impact on Species*

*The site is considered to have low potential to support specially protected species, with the possible exception of foraging bats. Impact on bat foraging habitat can be mitigated through the preparation and implementation of the Habitat and Landscape Management Plan as recommended above.*

*The habitats currently present on the site will support nesting birds. As a Condition of any permission, no vegetation clearance required to facilitate the scheme should take place in the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).*

#### *Conclusions*

*Although I have no overall objections to the development proposals on ecological*

*grounds, Conditions should be appended to any permission that may be granted to the scheme to protect nature conservation interests.*

**Blackpool Borough Council**

No comments received.

**Natural England**

No further comments to make than their comments to 16/0524. These stated;

*Thank you for your consultation on the above dated and received by Natural England on 28 July 2016. Natural England has reviewed the details of the application including the Planning Statement dated July 2016, Extended Phase 1 Habitat Survey Report dated 2 July 2016, Noise Impact Assessment dated 11 July 2016 and Habitat Regulations Screening Assessment (HRA) dated 2 July 2016.*

*Background*

*The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is 2.6km away from the Ribble and Alt Estuaries Special Protection Area (SPA) which is a European site. The site is also listed as Ribble and Alt Estuaries Ramsar site<sup>1</sup> and also notified at a national level as Ribble Estuary Site of Special Scientific Interest (SSSI).*

*Please see the subsequent sections of this letter for our advice relating to SSSI features.*

*The Habitat Regulations Screening Assessment (HRA) concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view because the site is not suitable for SPA/Ramsar birds due to its size, location and substantial scrub coverage.*

*Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority*

*Sites of Special Scientific Interest (SSSI)*

*Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the application change, or if the applicant submits further information relating to the impact of this proposal on the designated sites aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.*

*Local Considerations*

*We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:*

- *local sites (biodiversity and geodiversity)*
- *local landscape character*
- *local or national biodiversity priority habitats and species.*

*If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.*

#### Protected Species

*We have not assessed this application and associated documents for impacts on protected species.*

### **Regeneration Team (Economic Development)**

Original comments dated 17/5/17;

I note that the application is a re-submission of application 16/0524 and as such have considered the updated or amended documents accompanying the application which relate directly to the matters I have previously commented on. In particular I note the changes made to the Employment Statement and Planning Statement and also an additional letter dated 15th May 2017, (ref: SB/PFD/AOK/AW/60718/2302990/A) which has been submitted in addition to the application. In conclusion I am confident that my previous comments (for application 16/0524) remain appropriate for this application and should be relied upon by yourself as you consider appropriate. My only additional observation is that the viability of the site for employment use is a key part of the applicant's submission. In accordance with the provisions of Policy GD8 in certain cases, for example, where a significant departure from policy is proposed, the Council may seek to independently verify the submitted evidence, and the applicant will be required to bear the cost of independent verification. I would recommend this approach for this application, given that the applicant's letter of 15th May 2017 has provided substantial additional information in relation to the development costs of the site.

Notwithstanding the above, it is for the decision maker to factor in any other material considerations to determine the weight to be attached to these material considerations as part of the planning balance. I hope that this information is of assistance. If you require any further clarification, please do not hesitate to contact me.

#### Further Comments

Following receipt of the appraisal of the Keppie Massie report, they made the following comments on the 24/7/17;

I note that the application is a re-submission of application 16/0524 and as such have considered the updated or amended documents accompanying the application which relate directly to the matters I have previously commented on. I have also previously commented on application 17/0296 and these comments are additional to and should be read in conjunction with those previous comments. My comments focus on the matters that I consider to be the most relevant and consequently I do not comment on every point raised by the applicants in supporting the planning application. It should not be assumed that I agree with a point, proposition or assertion in the absence of a comment. It may be of interest and relevance that the application site was considered during the local plan Examination in Public Hearing Sessions and that the Inspector included question 51 in the Matters, Issues and Questions for Stage 2 of the proceedings.

I include below the full question from the Inspector and response of the Council;

*51. Are the proposed site allocations justified and deliverable? Is there justification for some sites to be removed from the policies (such as ES1)?*

*51.1 The Council considers the proposed site allocations to be the most appropriate strategy for fully meeting the objectively assessed needs for employment land during the plan period. Concerning the matter of deliverability, of the 11 sites identified in Policy EC1 all sites are either adjacent to existing employment uses, part occupied or the subject of a planning application for appropriate employment uses.*

*51.2 The Council considers that the Local Plan currently strikes the right balance between the provision of a range of deliverable sites and avoiding the allocation of sites for which there is little prospect of a site being used for that purpose. The Council has been mindful to include sufficient employment land to be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.*

*51.3 Accordingly if it were considered appropriate to include this flexibility for the employment land considerations in Fylde then this may provide the justification for the allocation of additional sites. The Council considers the potential removal of some sites from the supply (without replacement) would potentially conflict with paragraphs 19 and 21 of the NPPF.*

*51.4 Policies EC1 and GD8 make sufficient provision to meet the requirements of paragraph 22 of the NPPF and in the view of the Council provide for the appropriate mechanism for the potential removal of sites from the supply subject to the various criteria within each policy at the appropriate point in time.*

*51.5 On 3rd November 2016 the Council determined to refuse planning permission for 115 dwellings on site ES1 (see Appendix 1 to this document). Of the 7 reasons for refusal, reason 3 relates to the supply of employment land. It reads as follows;*

*'The proposed development would result in the loss of 4 hectares of employment land to a residential use which is contrary to Policy EMP2 of the Fylde Borough Local Plan which allocates it for retention in class B uses. It is also contrary to Policy EC1 of the Publication Version Fylde Local Plan to 2032 which also allocates it for class B uses. No compelling justification has been presented to accept that the loss of this site would not unacceptably diminish the supply of land available for such uses in the Borough and particularly around Lytham St Annes as its main settlement, or that the application site is no longer viable for employment uses within the Plan period up to 2032. Residential use of this scale at this site would undermine the overall allocation of the employment land in the Borough which has been assessed in accordance with NPPF paragraph 158 and would not represent a sustainable form of development across the borough.'*

*51.6 The Council considers that site ES1 should be allocated for employment uses in accordance with Policy SL1. The Fylde Employment Land and Premises Study (2012) (ED041a) recommends at paragraph 12.41 that '...it is important that the Borough has a balanced portfolio of employment land allocations, not just by type and size, but also spatially in relation to its settlement pattern.' Site ES1 alone represents over 70% of the employment land provision for Strategic Location 1 – Lytham and St Annes, a strategic location which faces considerable constraints in allocating any additional or replacement sites.*

I note with interest the findings of the Keppie Massie Financial Viability Report and in particular the comments at paragraphs 4.4 onwards, where the full range of alternative forms of employment development, mixed commercial development and alternative models of employment development are given consideration; which to my

understanding is a key aspect of Policy GD8 that the application fails to address. Finally on this matter I draw your attention to the findings at paragraph 5.5 where Keppie Massie comment that the more likely model for the development of employment uses on this site would result in a current residual land value of minus £692,682. It is my opinion that these findings support the previous comments made by myself in relation to application 16/0524 and as such these comments and all additional comments remain appropriate for this application.

In conclusion I am confident that my previous comments (for application 16/0524) remain appropriate for this application and should be relied upon by yourself as you consider appropriate. The viability of the site for employment use is a key part of the applicant's submission. It is my view that the applicants have not satisfied the requirements of Policy GD8 and as such have not demonstrated that the site is not viable for employment uses. I therefore recommend that you conclude that the current application does not demonstrate to the satisfaction of the Council that the site is no longer viable for employment uses. Accordingly the proposal is contrary to Policy EC1 and could be refused. Notwithstanding the above, it is for the decision maker to factor in any other material considerations to determine the weight to be attached to these material considerations as part of the planning balance. I hope that this information is of assistance. If you require any further clarification, please do not hesitate to contact me.

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

No objections subject to conditions in relation to a surface water drainage scheme being agreed, and a management and maintenance plan for the scheme.

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

*The development proposal forms a revised resubmission of a planning application which was refused in November 2016. The revised scheme still does not address many of the issues which were raised in the reasons for refusal of the initial application. In addition, the scheme design results in the following points of concern with regards to landscape and visual issues:*

- 1. The site's location within the open and relatively flat land adjacent to the airport would make the integration of any development in this area difficult. Mitigation of visual impacts resulting from the development would be constrained by the site's proximity to the airfield and the necessary requirements for hazard management. Consequently, there would be limited opportunities to soften the effects of development on the landscape and views in the long term through tree and hedgerow planting, resulting in a hard and unsightly urban edge to St Anne's. This would not be in accordance with Policy ENV1 of the Fylde Borough Local Plan to 2032.*
- 2. The layout of the proposed development is poorly planned and fails to exhibit the principles of good design set out by the local planning authority in their planning policies and supplementary guidance notes. The layout is car dominated and there are limited shared space or traffic calming measures indicated. The proposed housing density results in a scheme where there is no integrated or meaningful green infrastructure. There is no 'gateway' or point of arrival to the development and a lack of focal points within the scheme. It is fundamental that the soft landscape design of a development of this size should be integral to the project from inception and not used to fill or green up leftover space.*
- 3. Opportunities to use existing drainage ditches as part of a sustainable drainage*

*scheme have been missed and consequently their loss will have an impact on biodiversity and the nature conservation value of this site.*

4. *The use of close board fences over 1.8m would be unacceptable.*

*Consequently, the proposal fails to demonstrate the delivery of a high quality and inclusive development which would fit with the landscape character of the area in which it is situated and, as such, it cannot be supported.*

#### **Lancashire County Council Rights of Way**

No comments received.

#### **Crime Prevention Officer**

Requests that if planning permission various measures are included as physical security. These are covered by building regulations. Advice on boundary fences and lockable gates.

The layout should promote natural surveillance and prevent permeability. Landscaping should not obscure lighting columns. Car parking should be within domestic curtilage. Site should be secure through construction phase.

#### **LCC Education**

Proposal will generate need for 44 primary school places – based on all being 4 bedrooms this would be £625,561.64. Will generate need for 17 secondary school places this being £364,195.59. They have not named the schools for this contribution.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	13 April 2017
<b>Press Notice Date:</b>	27 April 2017
<b>Number of Responses</b>	Seven.
<b>Summary of Comments</b>	Object 1 Support 6

#### **Support**

Mix of housing would be welcome. Plan to move to this area (from Chesterfield).  
Make sure there are affordable housing in this area.  
It will only enhance the look of St Annes.  
I am interested in purchasing.

#### **Objection**

Traffic and road infrastructure.  
Health.  
Draining and flooding.  
Noise and disturbance.

#### **Relevant Planning Policy**

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

EMP1	Business & industrial land allocations
EMP2	Existing business & industrial uses
EMP4	Buffer zones and landscaping
EP14	Landscaping of new developments



EP25	Development and waste water
HL01	New residential development
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TREC17	Public Open Space within New Housing Developments

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

GD1	Settlement Boundaries
GD2	Green Belt
GD7	Achieving Good Design in Development
GD8	Demonstrating Viability
EC1	Overall Provision of Empty Land and Existing Sites
EC2	Employment Opportunities
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
HW2	Community Facilities
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T1	Strategic Highway Improvements
T4	Enhancing Sustainable Transport Choice
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV4	Provision of New Open Space

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

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

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

The main issues when considering this application are;

The principle of the development  
 Loss of Employment Land  
 Viability  
 Housing supply issues  
 Impact on residential amenity  
 Highways issues  
 Visual impact  
 Flooding and drainage  
 Ecology

## The principle of the development

### Planning History

The application is a resubmission of 16/0524 which was an outline application but with the access, layout and scale applied for as detailed matters. This was refused under delegated powers in November 2016 for the following reasons;

*1 The proposed development of the site for residential purposes would result in an unsatisfactory form of development which would create a poor quality living environment with unacceptably low levels of residential amenity for its occupiers due to its proximity to the adjacent employment land and buildings (and the noise, dust, odour, vibration, etc. nuisances that they could emit), the highway junction of Queensway and Kilnhouse Lane which is heavily trafficked as a main route into and out of Lytham St Annes, and the approach flightpath of Blackpool Airport. The failure to provide an appropriate buffer zone such as the 30m or more suggested in policy EMP4 of the Fylde Borough Local Plan ensures that the proposal is contrary to that policy and to Policy HL2 of that Plan. This harm also results in conflict with criteria b, g and t of Policy GD7 of the Publication Version of the Fylde Local Plan to 2032 and the NPPF at paragraphs 56, 58 and 109.*

*2 The proposed development of the site for residential purposes would by reason of its proximity to the adjacent employment land and buildings likely result in conflicts between the lawful operations of these established industrial land uses, and the occupiers of the new dwellings. There is an unacceptable likelihood that the occupiers of these dwellings will raise complaints against the activities undertaken by the established businesses which could lead to controls being imposed that could prejudice their operations and lead to their business competitiveness being stifled. This poor relationship would be contrary to the requirements of policies EMP4 and HL2 of the Fylde Borough Local Plan, criteria b, g and t of Policy GD7 of the Publication Version of the Fylde Local Plan to 2032 and the NPPF at paragraphs 56, 58 and 109.*

*3 The proposed development would result in the loss of 4 hectares of employment land to a residential use which is contrary to Policy EMP2 of the Fylde Borough Local Plan which allocates it for retention in class B uses. It is also contrary to Policy EC1 of the Publication Version Fylde Local Plan to 2032 which also allocates it for class B uses. No compelling justification has been presented to accept that the loss of this site would not unacceptably diminish the supply of land available for such uses in the Borough and particularly around Lytham St Annes as its main settlement, or that the application site is no longer viable for employment uses within the Plan period up to 2032. Residential use of this scale at this site would undermine the overall allocation of the employment land in the Borough which has been assessed in accordance with NPPF paragraph 158 and would not represent a sustainable form of development across the borough.*

*4 The proposed development of 115 dwellings would by reason of the proposed site layout which is a detailed matter for the application form a poorly planned residential development that would prejudice the character of the area and constitute poor planning. The proposed layout fails to add to the overall quality of the area and does not exhibit good design or character resulting in a car dominated street scene, a lack of room for landscaping within the site, the rear of dwellings backing onto the greenbelt and dwellings in close proximity to the proposed Queensway roundabout arming the visual amenities of the area. As such the proposed development would not represent high quality development which would cause harm to the character of the local area and would be contrary to Fylde Borough Local Plan policies HL2 and HL6, criteria c, g, h, and j of Policy GD7 of the Publication Version of the Fylde Local Plan to 2032 and NPPF paragraph 58*

*5 The proposed access to the development would be located 50m directly north of the approved*

*roundabout which will serve the Queensway development of 1150 dwellings (application 08/0058) which has commenced development. That permission illustrated that the access into this application site was deliverable from the roundabout. The provision of this additional proposed access in such close proximity to the approved roundabout would result in unacceptable highway safety concerns due to the increased number of opposing vehicle movement and the proximity of the two major accesses. Conflict and safety concerns for non-car modes would also be increased. It is therefore considered that the development will have a severely adverse impact on the safe and efficient operation of the highway. This would be contrary to criteria 9 of policy HL2 of the Fylde Borough Local Plan criteria p of Policy GD7 of the Publication version of the Fylde Local Plan to 2032, para 32 of the NPPF, and the LCC Fylde Coast Highways and Transport Master Plan.*

*6 The applicant has failed to demonstrate to the reasonable satisfaction of the local planning authority in consultation with the highways authority that the traffic generated by the development can be accommodated within the local highway network, with the submitted Transport Assessment underestimating the current and future network conditions and as a result the residual cumulative impact of this and other committed development on the local network. The application also fails to demonstrate that the traffic can be accommodated without the implementation of a series of highway improvements and sustainable transport improvements. In the absence of being able to deliver the necessary highway improvements, the impact of the development on the local highway network will be severe, contrary to the provisions of para 32 of the National Planning Policy Framework and Criterion 9 of Policy HL2 of the Fylde Borough Local Plan (as amended October 2005) and criteria p of Policy GD7 of the Publication version of the Fylde Local Plan to 2032.*

*7 The proposed development is required to make contributions towards the delivery of affordable housing and public open space on the site and financial contributions off-site towards the provision of new primary and secondary school places, public realm enhancements and transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies TREC17, CF2, EP1, TR1, TR3 and TR5, policies and H4, HW2, HW3, INF1, INF2, and T4 of the publication version of the Fylde Local Plan to 2032, and chapters 4, 6 and 8 of the National Planning Policy Framework*

This decision has been appealed and this appeal is to be heard at a public inquiry that commences on 3 October 2017.

The current application has been submitted as a fully outline application in order to try and address these issues. Therefore the main issues that need to be considered with regard to the resubmission are residential amenity and the relationship between the proposal and the adjacent employment land, the loss of the application site as an employment site, highways issues and the proposed layout, though this is now a fully outline application so no certainty can be taken as to the final layout from that submitted. Viability of both the submitted residential scheme and the development of the site for employment, as well housing supply are also issues that need to be considered when weighing up the planning balance of the development proposed.

#### The Development Plan

When considering this application regard should be had to the Development Plan which constitutes the Fylde Borough Local Plan, the St Annes Neighbourhood Plan and the NPPF. Regard also needs to be had to the emerging Fylde Borough Local Plan to 2032 which is partly examined, and Fylde Borough Council Employment Land and Premises Study (FELPS) (2012) which form part of the evidence base for the emerging Local Plan.

In the Adopted Local Plan as Altered (2005) the site is allocated under policy EMP1 – Business and industrial land allocations for B1, B2 and B8 uses, and is also within the limits of development (Policy SP1) therefore the proposal which comprises the erection of 115 dwellings does not fall under any of these classes. As the policy states that land should be retained in this class the application is contrary to policy EMP2. Immediately west of the application site is an existing industrial area (Policy EMP2) which is a long standing established use. The south east corner of the site which is proposed as a landscape buffer/public open space is allocated as greenbelt (Policy SP3)

The Local Plan to 2032 is now at examination stage and the application site was considered at the responses stage with the recommendation being; *“It is recommended that the Queensway site: ES1 be retained as a Class B employment site. The allocation and protection of land for employment land is long term - for the plan period up to 2032. This allocation is located immediately adjacent to an established industrial estate which the developer contesting the allocation of site ES1 acknowledges is 'low grade' employment uses and is in close proximity to the main runway of Blackpool Airport. Future residential amenity on this site is therefore questionable and the continued allocation of employment land is deemed to be more appropriate in terms of possible future expansion of the existing industrial estate. The comments and objections relating to Green Belt are addressed under policy GD2.”*

The site was considered during the local plan Examination in Public Hearing Sessions and that the Inspector included question 51 in the Matters, Issues and Questions for Stage 2 of the proceedings. Below is the full question from the Inspector and response of the Council;

*51. Are the proposed site allocations justified and deliverable? Is there justification for some sites to be removed from the policies (such as ES1)?*

*51.1 The Council considers the proposed site allocations to be the most appropriate strategy for fully meeting the objectively assessed needs for employment land during the plan period. Concerning the matter of deliverability, of the 11 sites identified in Policy EC1 all sites are either adjacent to existing employment uses, part occupied or the subject of a planning application for appropriate employment uses.*

*51.2 The Council considers that the Local Plan currently strikes the right balance between the provision of a range of deliverable sites and avoiding the allocation of sites for which there is little prospect of a site being used for that purpose. The Council has been mindful to include sufficient employment land to be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.*

*51.3 Accordingly if it were considered appropriate to include this flexibility for the employment land considerations in Fylde then this may provide the justification for the allocation of additional sites. The Council considers the potential removal of some sites from the supply (without replacement) would potentially conflict with paragraphs 19 and 21 of the NPPF.*

*51.4 Policies EC1 and GD8 make sufficient provision to meet the requirements of paragraph 22 of the NPPF and in the view of the Council provide for the appropriate mechanism for the potential removal of sites from the supply subject to the various criteria within each policy at the appropriate point in time.*

*51.5 On 3rd November 2016 the Council determined to refuse planning permission for 115 dwellings on site ES1 (see Appendix 1 to this document). Of the 7 reasons for refusal, reason 3 relates to the supply of employment land. It reads as follows;*

*'The proposed development would result in the loss of 4 hectares of employment land to a residential use which is contrary to Policy EMP2 of the Fylde Borough Local Plan which allocates it for retention in class B uses. It is also contrary to Policy EC1 of the Publication Version Fylde Local Plan to 2032 which also allocates it for class B uses. No compelling justification has been presented to accept that the loss of this site would not unacceptably diminish the supply of land available for such uses in the Borough and particularly around Lytham St Annes as its main settlement, or that the application site is no longer viable for employment uses within the Plan period up to 2032. Residential use of this scale at this site would undermine the overall allocation of the employment land in the Borough which has been assessed in accordance with NPPF paragraph 158 and would not represent a sustainable form of development across the borough.'*

*51.6 The Council considers that site ES1 should be allocated for employment uses in accordance with Policy SL1. The Fylde Employment Land and Premises Study (2012) (ED041a) recommends at paragraph 12.41 that '...it is important that the Borough has a balanced portfolio of employment land allocations, not just by type and size, but also spatially in relation to its settlement pattern.' Site ES1 alone represents over 70% of the employment land provision for Strategic Location 1 – Lytham and St Annes, a strategic location which faces considerable constraints in allocating any additional or replacement sites.*

The position here is therefore at the examination of the Local Plan the council has sought to defend the allocation of the site for employment land, considering that employment land in the Borough should be balanced spatially in relation to the settlement pattern, and that this site represents over 70% of the employment land for St Annes which is a strategic location for development. The area is therefore allocated in the plan to 2032 as Class B Business use under Policy EC1 and as employment site ES1 and is within the settlement boundary of St Annes under Policy GD1. The south east corner is retained as Green Belt.

The development proposed is therefore contrary to the policies within the adopted Fylde Borough Local Plan. It is also contrary to the emerging Local Plan to 2032 which as it proceeds towards adoption and goes through examination is increasing in weight. The NPPF supports sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. The development is therefore contrary to Local Planning policy.

#### Loss of Employment Land

When considering this application regard should be had to the Development Plan which constitutes the Fylde Borough Local Plan, the St Annes Neighbourhood Plan and the NPPF. Regard also needs to be had to the emerging Fylde Borough Local Plan to 2032 which is partly examined, and Fylde Borough Council Employment Land and Premises Study (FELPS) (2012) which form part of the evidence base for the emerging Local Plan.

The applicants have made a case for allowing residential use of the land and have submitted an Employment statement in support of the application as they did with the previous application. This statement outlines the site's history, the policy framework, it includes a quantitative and qualitative assessment of the site, a marketing assessment and looks at the planning balance. This statement outlines the existing Local Plan is out of date as it is not consistent with the NPPF (Policy EMP1) and that Policy GD8 of the submission version of the Local Plan 2032 permits the development of alternative uses if it is demonstrated that there is no reasonable prospect of the site being used for employment purposes. The relevant section of their report states:

*In quantitative terms, the Borough will retain sufficient employment land to meet its need to the end of the Plan period. During the last 6 to 7 years there has been an over-supply of industrial accommodation with occupational demand being limited, a fall in take-up and a downward trend in the number of transactions. In St Annes, there has been little new development for several years which has addressed the over-supply in the market with registered availability currently standing at circa 460,000sqft. There is a lack of demand for the area as an office location and where there is some speculative development, these schemes are being built in established commercial locations which have excellent existing connectivity. Taking this into account together with market conditions and the lack of occupational interest, it is evident that any form of employment development will be unviable'*

Qualitatively, they state marketing exercise undertaken with this planning application confirms that the site has failed to attract occupiers. This coupled with the long standing employment allocation and supportive planning policy context demonstrates there is little to no chance of employment, mixed use or retail development on this site within the plan period. They state that the quantitative and qualitative assessment also demonstrates the site is not suitable or viable for employment, mixed use or retail development. As such, and in accordance with emerging Policy GD8, market housing is considered acceptable in principle as an alternative use subject to meeting affordable housing requirements, which this proposal wholly complies with.'

They also state that the development will bring the following benefits.

- 190,000 additional council tax receipts per annum (assuming Band D homes);
- £1.9m extra retail spend in Fylde per year;
- £880,000 New Homes Bonus paid to the council over 6 years;
- 61 person years of temporary construction jobs;
- 6 permanent construction jobs;
- £3.9m Gross Added Value;
- A mix of house types including starter and family homes;
- Retained and enhanced public bridle path;
- Up to 35 affordable homes;
- Improved connectivity and pedestrian links;
- Ability to fund new social and community infrastructure, if required; and
- 8,200sqm public open space.

They therefore consider that the application constitutes sustainable development and that those benefits outweigh the harm caused by the loss of employment land. They state that the historic take up of employment land is 0.98 ha per annum since 2001 which is lower than the 2.7ha per annum average in the ELPS and that it is questionable why the Council has decided to take forward the 2.7ha figure when the most up to date study shows a lower figure. They state that assuming the 0.98 ha to be correct the 62 ha allocated in the emerging Local Plan would equate to 63 years of employment land supply (reduced to 49 years with the 14ha to Blackpool). The loss of the application site would be 6.1% of this supply and therefore if lost a 45 year supply would be retained and therefore loss would not be quantitative. In terms of the qualitative value of the land the assessment submitted states that the location is not well positioned in comparison to other sites such as Whitehills and scored badly in the site specific assessment. It states that the ELPS identifies that appropriate access from a new roundabout (Queensway) would be required for the site to come forward however no consideration is given to the viability implications. The site is a gateway location to St Annes so a residential development is preferred by residents (the applicant's state). And there are technical constraints in delivering the site for employment including the proximity to

the airport runway and the geo-technical abnormalities at the site being excessive such that commercial development is not achievable.

The Council's Economic Development Officer's initial response was that his comments for the previous application stand, which were that his comments are concentrated on the evidence and information presented in the applicant's Employment Statement. He states that the Quantitative Assessment is based on a flawed understanding of the Council's Business & Industrial Land Schedule (2015) and the Council's Employment Land and Premises Study (2012) (FELPS) and would recommend that no weight be given to any of the arguments put forward in this section and very little weight should be given to subsequent arguments which also rely on this section. He states that the Qualitative Assessment, disingenuously presents a partial and incomplete reading of the site assessment undertaken as part of the FELPS and that in reaching his conclusions he relies heavily on the fact that this site was assessed by the FELPS and the conclusion of that study was to recommend the retention of the application site in an employment allocation. He states that there is no evidence that a commercial development on the site would not be achievable. Whilst the evidence on the Fylde property market may be up to date on commercial property, the site is required for the plan period to 2032 and therefore gives this little weight. He states that the evidence submitted by the applicants does not support their conclusion. His view is that *'there are no specific policy reasons why the proposed development should not proceed and that development will not result in any harm to the local area and wider area of St Annes and the Borough.'* His conclusion is that *'on balance I feel that the refusal of this application would be the most advantageous economic outcome for Fylde. In reaching this conclusion I relied heavily on the findings of the Council's Employment Land and Premises Study (FELPS), Fylde Borough Local Plan 1996- 2006, Alterations Review (2005) and the Fylde Local Plan to 2032 Publication Version (2016). I also feel that to refuse consent would be in-line with the objectives of the NPPF, the denial of this land to the industrial market would have an overall adverse economic impact and I feel that there is a reasonable prospect of the land being used for industrial purposes during the 'plan period' to 2032'*

His initial response states that the viability of the site for employment use is a key part of the applicant's submission. In accordance with the provisions of Policy GD8 in certain cases, for example, where a significant departure from policy is proposed, the Council may seek to independently verify the submitted evidence, he recommend this approach for this application, given that the applicant's letter of 15 May 2017 has provided substantial additional information in relation to the development costs of the site. This was the approach taken and the Council appointed independent consultants to assess the submitted scheme. This is assessed below.

#### Viability of employment and residential schemes

As part of the application a viability appraisal has been submitted. Viability is a material consideration when considering planning applications. During the examination of the Local Plan the applicants also objected to the site's allocation for employment use on the basis that *'the site has no prospect for employment development over the plan period'*. One of the reasons for refusal for the previous application included that there was no justification presented by the applicants to demonstrate that the site was no longer viable for employment uses within the plan period up to 2032. This application has been submitted with additional information to address the issue of the viability of the site for employment uses.

The applicants have provided details of a potential employments scheme in support of the current proposals. This scheme shows access of the proposed Queensway roundabout and would provide 66,525sqft of commercial space and 63.250sqft of Industrial space set out in buildings across the site. They state that the appraisal demonstrates (in their opinion) the following;

- Total annual rent would be £903,700.
- Total Gross Development value would be £10,277,500.
- Net proceeds of sale deducting acquisition costs of 5.81% would be £9,680,337.
- Total cost would be £17,326,750.
- With a developer profit of 20% this would result in a residual land value of minus £2,055,500.
- With a developer profit of 0% there would still be a negative residual land value.

They therefore conclude that the site is not viable for employment use as the value that would be generated would exceed the costs of developing the site and that the appraisal demonstrates that employment use would not provide sufficient incentive for the land to come forward and the development to be undertaken. They also present an appraisal for the submitted residential application, and consider that this demonstrates a Gross Development Value of double the employment site set at £25,419,980, despite costs being higher at £20,708,588 it would still produce a residual land value of £3,925,892.

This development appraisal has been assessed by Keppie Massie on behalf of the Council. Officers asked them to consider whether the respective appraisals for employment use and residential use on the site are a reasonable assessment of viability based on justified assumptions. With regard to the employment mix proposed they found that the residual land value is a figure of minus £4,270.814. This level of residual land value shows that the development of the site for employment uses based on the assumed scheme is not currently viable. They state that the applicants have not submitted any further financial appraisals to illustrate viability based on other schemes or mixes of employment uses. To try to understand relative viability assuming alternative scenarios Keppie Massie have prepared a number of other financial appraisals. These appraisals have been prepared on a high level basis and would be subject to planning and further refinement but at this stage they provide a guide as to likely viability. They have firstly considered viability based on an alternative scheme of 149,457 sq.ft of industrial accommodation industrial units on the site. On this basis the appraisal at Appendix 8 of their assessment shows an improved viability position with a residual land value of minus £2,825,973. On this basis although viability improves the development is still not viable. It is KM's opinion that the site is more likely to be viably developed as serviced plots for sale to developers or owner occupiers. The appraisal of this scheme shows a further improved viability position and in the absence of the abnormal development costs associated with the plots would generate a positive residual land value, however once the abnormal plot costs are deducted the residual land value is minus £692,682 before finance costs.

Policy GD8 Demonstrating Viability of the emerging Fylde Local Plan states that an applicant would also need to demonstrate that there is no realistic prospect of a mixed use development for the existing use and a compatible use. Only if a mixed use scheme is not considered viable or appropriate will the Council consider a market housing led scheme. In the context of ES1 Keppie Massie have considered the impact on viability of a mixed use scheme containing an element of food retail/food and drink uses. For this type of use serviced land typically sells at gross prices in the range of £500,000 to £750,000 per acre dependent upon the exact use, occupier, location etc. In considering ES1 Keppie Massie have taken a cautious approach to the valuation and assumed that land for this type of use would sell for a gross price of £500,000 per acre. They have provided at Appendix 10, a financial appraisal that assumes 3 acres are sold for higher value uses at £500,000 per acre, and the balance of 5 acres is sold for employment use. Again plot abnormal development costs are deducted at £1,203,543. The appraisal shows that the development results in a positive residual land value of £3,615 and indeed if it were possible to achieve up to £750,000 per acre for the higher value uses then there would be a significant positive residual land value. The assessment on this basis indicates that development on this site for mixed use including employment would



become more viable although the extent of viability would be dependent on the proportion of the site that could be allocated and sold for higher value uses.

The various appraisals that Keppie Massie have prepared show that at the current time development of the site for employment uses is unlikely to be viable as a result of the abnormal development costs associated with the site. However the applicant has not provided an appraisal that considers the impact of providing higher value enabling development alongside employment use on the site, and further work would need to be undertaken to establish the practicality of doing so. Their appraisals suggest that subject to planning it might be possible to bring forward a viable scheme of serviced employment sites, alongside the sale of land for higher value enabling development that would generate a positive land value. This would then need to be assessed further to determine finance costs and also whether the land value generated would be sufficient to provide a competitive return to the landowner given the site characteristics and circumstances and having regard to the definition contained in the NPPF.

It should be noted that all of the appraisals are exclusive of any public sector funding support that might be available in relation to this site to offset any funding gap. As such it is still considered that refusal of the application would be the most advantageous economic outcome for Fylde. To refuse consent would be in-line with the objectives of the NPPF, the denial of this land to the industrial market would have an overall adverse economic impact and there is a reasonable prospect of the land being used for industrial purposes during the 'plan period' to 2032.' Whilst the marketing of the site is thorough and robust it is only reflective of current conditions and does not change the view that there is a reasonable prospect of the land being used for industrial purposes during the plan period. The Fylde Local Plan to 2032 Publication Version (2016) and the Fylde Borough Council Employment Land and Premises Study (2012) have identified a need for employment land over the 'plan period' to 2032. This site is identified by the Fylde Local Plan to 2032 as being required to meet that need. It is the LPA's opinion that the viability evidence submitted does not demonstrate that the site is not viable for such a use as it only considers one form of employment development and does not in line with GD8 consider a mixed use development of the site. It is considered that the applicant has provided no suitable evidence to suggest that this need is not as set out in the Fylde Local Plan to 2032 Publication Version (2016) nor have they provided any suitable evidence to suggest that this site is not suitable to meet that identified need.

#### Housing Supply

The NPPF requires that LPAs 'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.'. The latest five year housing supply for Fylde Council is that Fylde has a 5.1 year supply, with this recently issued as a consequence of evolving issues relating to the examination of the Plan. With regard to the Five Year Supply of Housing Land there are two approaches taken to deal with any shortfall in supply, the differences coming from the time period over which the shortfall should be addressed. The first is a residual approach, or 'Liverpool approach', where the shortfall is spread across the remaining plan period i.e. the total number of homes still left to build is divided by the number of years remaining in the plan period; in Fylde's case that would be until 2032. The second, the 'Sedgefield approach', seeks to make up the shortfall within the next five year period.

The NPPG provides guidance by stating that Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the duty to cooperate. The Framework is not prescriptive as to which approach Local Planning

Authorities should adopt when calculating their five year housing land supply. For comparative purposes the Sedgefield approach gives the Council the equivalent of 5.1 years of housing land supply and the Liverpool approach gives the Council the equivalent of 6.4 years of housing land supply.

This means that whilst the benefit of housing is a material consideration when determining the planning application and weighs in its favour and the benefits of providing housing needs to be weighed against the negative of losing an employment site and the fact that Fylde has a 5.1 year supply of housing. The council contends that there are enough sites allocated within the Local Plan to 2032 to ensure that Fylde can maintain this 5 year supply. The developers report states that the submitted scheme would produce a residual land value of £3,925,892, and a residential scheme would therefore be viable. However Keppie Massie's assessment of the scheme are such that with a 30% affordable housing provision and a S106 contribution of £650,000 the scheme would have a RLV of £2,186,464 which shows that the residential development of the site is not viable on the basis of 30% affordable housing even on the basis of the reduced construction costs and land value that Keppie Massie have adopted.

KM prepared a further financial appraisal that is contained at Appendix 14 of their report to establish the point at which the development becomes viable (inclusive of the S106 contribution of £650,000), i.e. when the residual land value is above the benchmark level. The appraisal shows that with 30 affordable dwellings (26%), the residual land value is £2,402,210. This is just above their assessment of the benchmark level and indicates that on this basis the development is viable. This level of land value is however clearly significantly below the landowner's expectation of land value at £4,000,000. For completeness Keppie Massie have also considered the level of affordable housing that could be supported on the site, based on the landowner's expectation of value at £4,000,000. They have included at Appendix 15 an appraisal with no affordable housing provision however inclusive of a S106 contribution of £650,000. The appraisal on this basis generates a residual land value of £3,682,487. This is over £300,000 below the landowner's expectation of land value. The appraisal shows that based on the applicants expectation of land value the development cannot support any affordable housing provision and to make the development viable a reduction in the S106 contribution would also be required.

Therefore as the assessment of the viability report submitted with the application shows, if planning permission was granted 115 dwellings would be added to the Council's supply, but the scheme could not viably be able to provide affordable housing, and would not be able to make full contributions towards Highways, Education or Public Realm infrastructure improvements. Whilst the applicants may accept such obligations for the purposes of gaining planning permission there can be no guarantee that future developers of the site would be able to deliver them due to the sites viability and the abnormal costs of developing the site residentially. As such any benefit of granting housing on this site is reduced.

#### Principle of development conclusions

The key issue for consideration is whether or not the permanent loss of this employment land is acceptable and whether or not the protection of the land by policy EMP2 in the adopted Local Plan and policy EC1 of the emerging Local Plan to 2032 is relevant or can it be considered to not accord with the growth and flexibility objectives of the NPPF. The benefits of the bringing forward the site for development for a residential use needs to be balanced against the negative which is the permanent loss of 4 hectares of employment land. A judgement needs to be made on whether or not the benefits of allowing the loss of the employment land are so significant that the loss of employment land is acceptable and also whether or not there are realistic prospects of the site being developed for an employment use.

Policy EMP2 requires retention of site for B class uses as does EC1 whereas the NPPF paragraph 17 states LPA's should 'respond positively to wider opportunities for growth' and 'take account of market signals'. Paragraph 20 requires local planning authorities to 'plan proactively to meet the development needs of business and support an economy fit for the 21st century', whilst paragraph 21 requires local authorities to take account of whether existing business sectors are expanding or contracting, and to plan for new and emerging sectors with flexible policies. Paragraph 22 states that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose ... applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'. Paragraph 17 similarly requires a clear strategy which allocates 'land which is suitable for development'.

The positives of allowing the development have been illustrated by the applicants and they state that the loss of this amount of employment land would not have a quantitative impact on the supply of employment land in the Borough and the land is not of a qualitative value due to its location, site conditions and the lack of viability in developing the site. However the loss of this amount of employment land would be contrary to its allocation in the Local Plan, and the Local Plan to 2032. The FELPS forms a part of the evidence base for the Local Plan and recommends the protection of the identified current economic land supply, therefore this site is proposed to be protected and allocated for employment in the emerging Local Plan. The same study recommends the provision of between 26 and 33 ha of employment land, therefore it stands that if this development were allowed additional provision to that already found would need to be identified and allocated. The Fylde Local Plan to 2032 and the Fylde Borough Council Employment Land and Premises Study (2012) have identified a need for employment land over the 'plan period' to 2032 and the allocation of this site will meet that need. It is also considered that the protection of the site for the plan period up to 2032 is appropriate as this is the most up-to-date evidence available taking into account wider growth opportunities and market signals, notwithstanding the changes made by the government to the NPPG guidance on housing and economic development needs assessments and housing and economic land availability assessments. Whilst the applicants have submitted viability assessment, the Council's independent assessment of these has found that these do not demonstrate that the site is not viable for employment, and do not consider in line with GD8 consider a mixed use development of the site.

It is therefore considered that the retention of the site for employment uses is supported by the most up-to-date local evidence and that the protection of the site up to 2032 is appropriate and that there is a reasonable prospect of the site being used for its allocated purpose. Whilst the benefits of residential development are acknowledged it is considered that this can only be given limited weight with the Council having a 5 year supply of housing and the site could not viably provide affordable housing. It is also considered that the application does not fully appreciate the qualitative value of the site in terms of its proximity to the main settlement of St Annes and in terms of the quantitative value the fact that the allocation is for the plan period and not just based on current and near recent conditions. The growth and flexibility objectives of the NPPF are clear however allowing residential development of this scale in this location has the potential to harm the employment land supply for the Borough and could result in the need for additional employment land to be provided and whilst there would be some economic benefit of the development, the development of the site for employment use would result in a more advantageous economic outcome for the Borough and the jobs that will be generated will be of higher value than the benefits associated with residential development. It is therefore not considered that the economic benefit of allowing the loss of the employment are significant enough to outweigh the loss of the employment land, and that there is a

realistic prospect of employment development within the plan period.

### **Layout/Scale/Visual impact**

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

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

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

- Is acceptable in principle and is compatible with nearby and adjacent land uses
- Would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design.
- Would be developed at a net density of between 30 - 50 dwellings per hectare net with greater intensity of development (i.e. more than 50 dwellings per hectare net) at places with good public transport availability.
- Would not adversely affect the amenity and privacy of neighbouring properties.
- Would not prejudice the future development of a larger area of developable land.

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

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

- (a) Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area;
- (c) Ensuring the layout, massing, scale, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed layout relates well to the surrounding context
- (d) Taking account of landform, layout, building orientation, massing and landscaping to minimise energy consumption
- (g) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the area
- (h) Taking to opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality design that responds to its context and using sustainable natural resources where appropriate

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

Whilst the layout, scale and appearance of the dwellings are all reserved matters and the access shown is all indicative the quantum of development being for 115 dwellings is set and as such the likely visual impact needs to be considered to form an assessment of whether the 115 dwellings proposed can be accommodated on the site.

The proposal shows that access would be taken off the Queensway roundabout and that dwellings would be positioned to face out onto this roundabout. The nearest of these dwellings would be located approximately 6m from the boundary and would be extremely visually prominent to vehicles using that roundabout. A circular estate road would serve the 115 dwellings with dwellings along the eastern and northern boundary rear elevations facing out towards the greenbelt. It is a basic planning design principle that developments should be outward facing so as not to have a detrimental visual impact on the amenities of the area. The majority of the dwellings proposed have their car parking directly in front of the properties which would lead to a car dominated street scene leaving little room for green areas or landscaping within the development. This is contrary to good design practice outlined in national publications such as Building for Life and Manual for Streets. The development does not create a place with a locally inspired or distinctive character, it is bland with little variety in built form. A number of the corner plots do not 'turn' corners very well leading to an awkward layout and street scene, exacerbated by the car dominated parking layout particularly at the northern end of the site. There is no 'gateway' or point of arrival to the development and a lack of focal points within the scheme. Whilst the layout has been amended to show areas where a boundary can be landscaped if required and areas where development could potentially be kept clear of dwellings because of dust the submitted layout shows residential dwellings within 6m of the employment buildings on the adjacent site. It is considered that this would be an unacceptable relationship and constitute poor planning.

Policy EMP4 – buffer zones and landscaping states that industrial development will only be permitted subject to the provision of landscaped buffer zones where the site abuts residential development, open countryside or other sensitive areas and that business and industrial development will not be permitted within a minimum distance of 30m from an existing dwelling and conversely new dwellings will not be permitted within 30m from a business or industrial buildings and that a greater distance will be required where a B2 land use is involved. The development therefore is contrary to EMP4.

Therefore whilst the layout is indicative only, as the quantum of development is set it is appropriate to make an assessment of the likely layout of the site. Having done that it is not considered that the site is capable of accommodating the number of dwellings proposed and shown in the indicative layout. Officers need to be certain a site is capable of accommodating a development and in this case they are not. As such it is considered that this should form a reason for refusal for the application.

#### Recreational Open Space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, however the application indicates that POS will be available to the east of the site, over the ditch line on land allocated as greenbelt. 0.83 hectares of the site is proposed to be

used as green open space for public use. However it is clear that this land has only been proposed to be used because of its designation as green belt and not because it would from the most appropriate location for open space to serve the development as a whole or for existing properties as it is located at the furthest point away from them. No details of the management or planting of this open space has been submitted.

### **Impact on residential amenity**

The application site is located directly adjacent to an industrial site which has a number of uses on it, including a concrete batching plant. The previous application was refused due to the fact that siting residential properties adjacent to an industrial estate would create a poor quality living environment with unacceptably low levels of residential amenity for its occupiers due to its proximity to the adjacent employment land and buildings (and the noise, dust, odour, vibration, etc. nuisances that they could emit). As layout was a detailed matter it was also considered that the failure to provide an appropriate buffer zone such as the 30m or more suggested in policy EMP4 of the Fylde Borough Local Plan meant that the proposal was contrary to that policy and to Policy HL2 of that Plan, as well as the NPPF. It was also refused because locating residential development in such close proximity to the existing employment land and buildings would likely result in conflicts between the lawful operation of these established industrial land uses, and the occupiers of the new dwellings. It was considered that there was an unacceptable likelihood that the occupiers of these dwellings will raise complaints against the activities undertaken by the established businesses which could lead to controls being imposed that could prejudice their operations and lead to their business competitiveness being stifled.

In order to overcome these issues submitted with the application was a noise impact assessment, this assessment recommended mitigation including installation of acoustic grade barriers to gardens, upgrading glazing in certain habitable rooms and the use of through frame window mounted trickle ventilators to control internal noise levels as an alternative to opening windows for background ventilation. The applications planning statement states in para 10.12 that the 30m buffer zone in policy HL2 and EMP4 is out of date and that suitable mitigation measures could be incorporated into a residential scheme to protect residential amenity. The noise statement submitted was considered by the Councils EHO whose comments are reported in full above. They object as the site is directly adjacent to an Industrial Estate the closest unit of which is a cement batching process. As this is a wet mix process the site is not enclosed and there is a potential for dust and sand to cause to nuisance to any future residents especially during periods of high wind.

The department envisage complaints to be received the resolution of which would put undue responsibility onto the incumbent company which currently benefits from no residential properties in the vicinity. They also have similar concerns with respect to noise. Whilst not continuous there are regular sirens and alarms sounding at the cement works. This may generate annoyance to residents that cannot be resolve through nuisance legislation as the alarms are a legal requirement to regulate and monitor pressure levels in the silos during filling. They also act as aural indicators as part of the processes on site. The EHO's opinion is that the land use would be best suited for commercial development rather than domestic.

In response to this the applicants have submitted a Noise and Vibration Assessment, Odour Assessment and Dust Risk Assessment on 9 May, the executive summary of the Dust Risk Assessment states;

*The proposed site is located within the immediate vicinity of a cement batching plant. Subsequently, there are concerns that the proposals will introduce future site users to elevated levels of dust and*

*give rise to complaints. As such, a Dust Risk Assessment is required to define baseline conditions and consider potential dust impacts at the proposed development site. Potential air quality impacts from the operation of the cement batching facility were assessed. It is considered that dust emissions associated with the facility were predicted to be negligible at any sensitive location within the proposed development site. As such, the site is considered suitable for the proposed end-use without the inclusion of mitigation methods. However any increase in dust impact risks that may occur due to a lapse in the cement batching facility's dust controls can be safeguarded against by providing a robust barrier between the facility and the proposed development site. Based on the assessment results, air quality issues are not considered a constraint to planning consent for the proposed development.*

The EHO accepted the results of the odour assessment. The noise and vibrations assessment found that the commercial vibration assessment found that vibration might just be perceptible in residential environments but that this is unlikely to cause an adverse effects. The mitigation measures were the same as the previous report. The EHOs response was that his main cause for objection is the sites proximity to the current operational concrete batching plant. This sort of use should be located on an industrial estate away from residential dwellings and it is currently ideally located to create minimal disruption. Placing residential dwellings next to this type of industry would cause disturbance to residents, and he considers that it would be impossible to control all dust escaping the site without it being fully enclosed. The dust escape may only be minimal and not a risk to health but the raw materials do create dust and this will lead to complaints as there may be the potential light dustings on cars and properties which will generate complaints. For this reason concrete batching plants only ever get planning permission on industrial estates. With respect to noise the EHO states there are a number of onsite sources that would potentially cause disturbance. There is a generator that starts at 6.30am and continues all day. There are also wagons reversing into the aggregate bays on that boundary that have very loud reversing sirens.

The cement silos have extremely loud high level sirens to warn of capacity and there is a horn that tells the drivers that they are loaded. In response to this a further Noise and Vibration Impact Assessment on the 26 June 2017, which comes to the same conclusions as the previous report and the EHO maintained his objection.

Clearly the main issue when considering amenity in this application is not the amenity of any existing dwellings but the amenity of the occupiers of the proposed dwellings. Despite layout not being a detailed matter for consideration this can still be assessed as in order to achieve the quantum of development proposed. The indicative layout submitted includes dwellings with rear elevations facing the adjacent employment site with for example plots 19, 20 and 21 and approximately 17m from the nearest employment building. Plot 23 further norths side elevation is 6m from the adjacent employment building. In the far north corner of the site plots 31- 41 on the layout plan have a note around them which states 'area could potentially be kept clear of dwellings to avoid any concerns with dust'. As stated above Policy EMP4 – buffer zones and landscaping states that industrial development will only be permitted subject to the provision of landscaped buffer zones where the site abuts residential development, open countryside or other sensitive areas and that business and industrial development will not be permitted within a minimum distance of 30m from an existing dwelling and conversely new dwellings will not be permitted within 30m from a business or industrial buildings and that a greater distance will be required where a B2 land use is involved. The layout shown is therefore contrary to EMP4. Furthermore policy HL2 - Development control criteria for new housing proposals states that housing will only be permitted where the development is 1) acceptable in principle and is compatible with nearby and adjacent land uses and 2) would be in keeping with the character of the locality. The development would therefore also be contrary to HL2 as it would not be compatible with adjacent land uses and would not be in keeping with the adjacent

employment land.

It is considered that whilst the development is made fully in outline that in order to achieve the quantum of development proposed that several of the dwellings on the site by being located so close to existing noisy business use would be exposed to noise and dust that is outside of the control of the applicants. This is likely to effect the residential amenity of the residents unacceptably. The fact that the proposal aims to place residential dwellings within a designated employment allocation alongside existing and industrial units gives rise to a clear concern on amenity grounds generated by the potential conflict in land uses. This suggests that the residential uses would be inappropriate at this location. Furthermore, if the proposals are allowed, they hold clear potential to prejudice the operation of the neighbouring employment sites, which would leave the established land uses, which already provide local jobs for local people, more susceptible to challenge and again this would be contrary to policies EMP4 and HL2 of the Local Plan which refer to the requirement for compatibility with established uses in the locality and a 30m or more buffer zone.

Though no locally based businesses have objected to the proposed development, concern that allowing residential development on this site will lead to an element of friction developing between established businesses remains, as new residents who might be disturbed by the constant operation of these businesses many of which are noise generating enterprises, would be minded to raise complaint against them with the potential result the business operations could be stifled. It is therefore considered that the development would result in a form of residential development that relates poorly to existing employment land located directly adjacent to the site that would result in a poor quality living environment which would likely result in conflict with established land uses. The development in this respect is unacceptable.

### **Highways issues**

This application has been made in outline but with access shown to be taken from the proposed/approved Queensway roundabout. Application 16/0524 included access as a detailed matter for consideration with access proposed to be 50m north of the approved roundabout. LCC Highways raised strong objections to the access from this location and considered that it would have an adverse effect on the safe and efficient operation of the highway. They also with that application considered that the application failed to demonstrate that the traffic from the site could be accommodated without the implementation of a series of highway improvements and sustainable transport measures. As such that application was refused for this reason. As this application whilst completely outline shows access from the Queensway roundabout LCC's comments reflect the development coming forward with access from this roundabout. This application has again been submitted with a TA which LCC have considered in providing their response. To summarise they have no objections to the access if it comes off the roundabout but consider that development needs to be restricted until the roundabout is constructed and available for use. They also consider various contributions necessary to ensure that the development has an acceptable impact on the local highway network.

### **Indicative Access Strategy**

LCC Highways previously expressed strong concerns about the proposed access in its location 50m north of the approved roundabout which will serve the Queensway development of 1150 dwellings (application 08/0058) which has commenced development. That permission illustrated that the access into this application site was deliverable from the roundabout. Hence application 16/0524 was refused for that reason and is currently at appeal. LCC state that the construction of the roundabout will be carried out under a Section 278 Agreement which is currently being progressed between Kensington Developments Ltd and LCC. As the scheme is being delivered by s278



agreement, the position with regard to its delivery is controlled by the developer Kensington Developments Ltd. The roundabout design has gone through a number of iterations and is currently taking on board the latest safety audit recommendations. They state the latest s278 General Arrangement plan (for the Kensington Development) for the signalised roundabout continues to show the construction details to facilitate access to the application site. The works only extend to the limit of the red edge which is shared between the two developments and, therefore, the new junction will only provide the initial point of access into this site.

The latest position at the time of writing these consultation comments is that Kensington Developments Ltd have implemented the permission on the Queensway site by commencing with works on site in 2016. A temporary site access has also been constructed. Works are currently ongoing to prepare the site and to surcharge the development land on which they are required to construct the Queensway roundabout and access road.

#### Impact of traffic onto existing network

LCC Highways consider the existing Queensway/Kilnhouse junction suffers from congestion and queueing on a regular basis during peak periods, throughout the year. This is as a result of high peak period flows on Queensway and queueing/slow moving traffic blocking back through the junction from the congested Queensway/School Road traffic signals some 1.5km to the north. They argue that this means that the developer of this site cannot ignore the influence and operation of the School Road junction on the wider network. The Queensway/School Road junction must be suitably modelled to reflect longer term observations.

With access taken off the approved Queensway signalised roundabout, LCC Highways are satisfied that this high capacity roundabout and further associated wider infrastructure improvements (East/West Link Road and M55 to Heyhouses Link Road) will provide substantial further capacity within the local network to accommodate this current proposal as well as currently committed developments. If this development is committed to an access strategy that will bring the development forward in line with and as this wider infrastructure is delivered (while also supporting the delivery of the wider infrastructure and sustainable linkages through appropriate s106 funding contributions) then LCC Highways are satisfied that the agreed 'in principle' site access from the approved Queensway roundabout will operate satisfactorily in the design year.

#### Pedestrian, Equestrian and Cycle Access

There is potential for the provision of a pedestrian/cycle route through the site between the main access and Scafell Road. A pedestrian/cycle route constructed to width of 3m could also provide a controlled (bollards or barrier) emergency access option. Good pedestrian/cycle links between the proposed residential area and the existing commercial area (Queensway Industrial Estate) would help promote sustainable journeys. Cycling into St Annes could be a realistic option for people living in the proposed development, however, cycling into Blackpool will not be attractive as the current cycle track on Queensway stops at the county boundary with cyclists having to continue into Blackpool on a narrow busy main road. It is difficult for southbound cyclists on Queensway to cross to the cycle track because of the volume of traffic and limited visibility. Because of narrow footways it is not possible to extend the cycle track on Common Edge Lane into Blackpool.

A s106 Sustainable Transport funding contribution would be appropriate to fund a potential range of improvements, identified by LCC Highways, for cycling to and from this development to the wider network and areas of employment, shops, schools, recreational facilities and other amenities. Possible considerations include:

- A cycle path from Queensway to Amy Johnson Lane. This has been put forward as a scheme by

- members of Blackpool Cycle Forum and Lytham St Annes Cycle Campaign Group.
- Extension of cycle path on Queensway to School Lane
- Provision of pedestrian/cyclist refuge over Queensway between Division Lane and School Lane
- Moss Edge Lane is currently a Bridleway (BW11) which cyclists can legally use. Funding could be sought to improve the bridleway.

#### Public Transport

Policy TR5 of Fylde Borough Local Plan states that development of over 100 residential units will only be permitted where it is well served by Public Transport and so applies here. There are bus stops on Kilnhouse Lane for buses on service No. 17, which operates between Blackpool and St Anne's town centre. Walk distance to the bus stops on Kilnhouse Lane are approximately 400m. The bus stops on Kilnhouse Lane are to Quality Bus Stop standard. The approved Queensway (residential) development will provide an appropriate level of public transport funding to ensure that this large residential development will be well served by PT. Presently, the No. 17 bus service ceases at 6:30pm on weekdays and Saturdays and at 6:00pm on a Sunday. However, it must be highlighted that LCC consider this application will require the Kensington Development to have progressed in order to deliver an acceptable access strategy. Under this scenario, the sustainable Public Transport benefits deemed necessary to support the Kensington site will also become available to support movement from this current proposed site.

#### Section 278 works

The initial access will be constructed under the Kensington scheme. However, the full works required to deliver the access, including the central splitter island (and associated measures to cater for pedestrians and cyclists) and infrastructure to deliver queue detection will form part of the works to be carried out by the developer of the Greenhurst site. The final works to be delivered by each developer will also need to be reviewed depending when each development is in a position to deliver their highway works. For example, it may be necessary for the Kensington scheme to construct the lower layers of the initial access and for these works to be covered to provide an appropriate cycle/footway provision until developers of the 'Greenhurst' site are in a position to deliver their necessary works. Depending on the circumstances, a s38 and/or a s278 agreement will be required between Greenhursts and LCC to deliver the highway access requirements in line with the principles shown in the layout drawing by CBO Transport, Drawing No. CBO-0352-005 (subject to detailed design).

#### Section 106 contributions

LCC consider that the appropriate and necessary funding to achieve sustainable development would include consideration of the following:

- Contribution towards M55 to Heyhouses link, including further improvements on this corridor, promoting its use and reliability (£250,000)
- Contribution for improvements to PROW Bridleway 11 (BW11) and to deliver a pedestrian/cycle link to Amy Johnson Way (£30,000)
- Funding for Travel Plan support (£6000)
- Developer commitment to making resources available, if proven necessary, to fund measures to achieve the targets set within the Travel Plan

#### Highways conclusion

This application is outline with all matters reserved including access. While access is a reserved matter, it is necessary that LCC must be satisfied that a safe and suitable access can be delivered. In response to a previous application on this site (16/0524) LCC Highways were clear that the access proposals presented were not acceptable to the highway authority in terms of both operation and

safety. LCC Highways have consistently maintained that the appropriate access to the current application site is from the approved Queensway roundabout. The approved Queensway (Kensington) application illustrated that access into this current proposed site was deliverable from the proposed roundabout. LCC Highways are satisfied that a safe and suitable access can be delivered to the current application site and that the appropriate main access to this site is via the proposed/approved Queensway roundabout. Details of the main access can therefore be determined at the reserve matters stage. However, the local highway authority would insist on a condition being attached to any approval granted that ensured no development can take place until the approved Queensway roundabout is constructed and therefore a safe and suitable access can be delivered and also that the M55 to Heyhouses Link Road is being delivered (contract award as a minimum).

With consideration for all the information provided by the applicant Lancashire County Council considers that the TA underestimates the current and future network conditions and as a result underestimates the residual cumulative impact of this and other committed development on the local network. However, LCC has given due regard to the full scale of development now committed and that can be considered will have an impact within the local network and in particular within the Queensway corridor. This has allowed LCC Highways to come to a view on the overall cumulative impact. At the same time LCC have considered the delivery timescales of future mitigation that is currently out of the control of this applicant and also what measures are necessary from this development to support the wider improvements that will allow a level of further development to come forward. LCC consider that this development will require the wider infrastructure improvements to be delivered (those identified as part of the approved Queensway (Kensington site) including the M55 to Heyhouses Link Road and East/West Link Road. It is also considered that the improvements that this will bring in terms of Public Transport service improvements and provision of facilities for equestrians, pedestrians and cyclist is also necessary to support further sustainable development in this area. The discussions to progress the early delivery of this highway infrastructure has allowed LCC Highways to take a more positive position than would otherwise have been possible. They therefore offer no objection subject to the proposed mitigation measures and contributions, including a Grampian condition restricting development until the roundabout is constructed and available for use.

### **Flooding and drainage**

The application site is located in flood zone 1 which has a low probability of flooding and is an area where dwellings are appropriate. The application is submitted with a FRA which considers the waterbodies that run through the site and potential sources of flooding outlines that mitigation measures will include that FFL will be set 0.15m above adjacent land levels. Surface water will be managed and run off restricted to greenfield rates via SUDS storage structures. Foul water is proposed to enter existing sewers. No objections from any statutory consultee have been received and this issue can be controlled via condition, there are therefore no reasons to refuse the application for this reason.

### **Ecology**

The application has been submitted with an extended phase 1 habitat survey and a Habitats Regulation assessment which have been assessed by the Councils ecologist and Natural England. GMEU state they have no objections as the site has little value for protected species and subject to mitigation and precautionary conditions there are no ecological issues. Natural England have considered the HRA and state they agree with its findings as the site is unsuitable for wintering birds. The submitted shadow HRA should be adopted as the Councils own. Therefore there are no

objection from any statutory consultee this issue can be controlled via conditions requiring mitigation.

### **Other issues**

No legal agreement has been submitted or agreed in order to secure the necessary contributions towards the delivery of affordable housing and public open space on the site or financial contributions towards the off site delivery of primary and secondary school places generated by the development, or public realm enhancements and transport improvements. Without a mechanism in place there can be no certainty of their delivery and therefore this forms another reason to refuse the application.

### **Conclusions**

The proposal is for the loss of 4 hectares of allocated employment land and the erection of 115 dwellings. The loss of employment land however is seen as unacceptable by officers as the potential benefits of allowing the residential development including contribution to the Council's 5 year supply do not outweigh the negative loss of the allocated employment land and the retention of which is supported by the most up-to-date local evidence, and that there is a reasonable prospect of the site being used for its allocated purpose. The submitted information with regard to viability does not demonstrate that the site could be viable for employment or a mixed use scheme. The submitted layout whilst indicative is considered to be unacceptable for a number of reasons and the proximity of the dwellings to the adjacent employment area with no buffer zone is likely to create an unacceptable level of amenity for the occupiers of the proposed dwellings. The issues around residential amenity also mean that it is not considered that the quantum of development proposed can be achieved at the site. The proximity to the employment area is likely to mean residents will complain about the existing business premises which could prejudice their operation. The development is therefore considered unacceptable and should be refused.

### **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The proposed development of the site for residential purposes would result in an unsatisfactory form of development which would create a poor quality living environment with unacceptably low levels of residential amenity for its occupiers due to its proximity to the adjacent employment land and buildings (and the noise, dust, vibration, etc. nuisances that they could emit). The failure to provide an appropriate buffer zone such as the 30m or more suggested in policy EMP4 of the Fylde Borough Local Plan ensures that the proposal is contrary to that policy and to Policy HL2 of that Plan. This harm also results in conflict with criteria b, g and t of Policy GD7 of the Fylde Local Plan to 2032 and the NPPF at paragraphs 56, 58 and 109.
2. The proposed development of the site for residential purposes would by reason of its proximity to the adjacent employment land and buildings likely result in conflicts between the lawful operations of these established industrial land uses, and the occupiers of the new dwellings. There is an unacceptable likelihood that the occupiers of these dwellings will raise complaints against the activities undertaken by the established businesses which could lead to controls being imposed that could prejudice their operations and lead to their business competitiveness being stifled. This poor relationship would be contrary to the requirements of policies EMP4 and HL2 of the Fylde Borough Local Plan, criteria b, g and t of Policy GD7 of the Fylde Local Plan to 2032 and the NPPF at paragraphs 56, 58 and 109.

3. The proposed development would result in the loss of 4 hectares of employment land to a residential use which is contrary to Policy EMP2 of the Fylde Borough Local Plan which allocates it for retention in class B uses. It is also contrary to Policy EC1 of the Fylde Local Plan to 2032 which also allocates it for class B uses. No compelling justification has been presented to accept that the loss of this site would not unacceptably diminish the supply of land available for such uses in the Borough and particularly around Lytham St Annes as its main settlement, or that the application site will not be viable for employment uses within the Plan period up to 2032. Residential use of this scale at this site would undermine the overall allocation of the employment land in the Borough which has been assessed in accordance with NPPF paragraph 158 and would not represent a sustainable form of development across the borough.
4. The indicative layout provided with the application seeks to demonstrate that the 115 dwellings proposed could be accommodated within the site yet provides a poorly planned residential development that would prejudice the character of the area and constitute poor planning. Given the constraints that apply to the site due to its proximity to the adjacent employment site and a prominent road junction it is not considered that the quantum of development proposed at the site is achievable without having an unacceptable impact on the character of the area or site occupiers' residential amenity. In order to overcome this issue any reserved matters application would likely result in a high density development that would further harm the visual amenities of the area. As such the proposed development would not represent high quality development which would cause harm to the character of the local area and would be contrary to Fylde Borough Local Plan policies HL2 and HL6, criteria c, g, h, and j of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032 and NPPF paragraph 58.
5. The proposed development is required to make contributions towards the delivery of affordable housing and public open space on the site and financial contributions off-site towards the provision of new primary and secondary school places, public realm enhancements and transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies TREC17, CF2, EP1, TR1, TR3 and TR5, policies and H4, HW2, HW3, INF1, INF2, and T4 of the publication version of the Fylde Local Plan to 2032, and chapters 4, 6 and 8 of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0296	Address Land adjacent Kilnhouse Lane & Queensway, Lytham St Annes	Grid Ref. E.3335 : N.4306	Scale 0 20 40 60 80 m 

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	9 AUGUST 2017	5
LIST OF APPEALS DECIDED			

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The council received no appeal decisions between 14/7/17 and 28/7/2017.

### SOURCE OF INFORMATION

Development Services

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

To inform members on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473