



Agenda

Planning Committee

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

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 6 December 2017 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
4	Planning Matters	3-114
	INFORMATION ITEMS:	
5	List of Appeals Decided	115-175

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

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Background Papers

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

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

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

Planning Committee Schedule

10 January 2018

Item Number: 1

Committee Date: 10 January 2018

Application Reference:	17/0572	Type of Application:	Full Planning Permission
Applicant:	Mr Young	Agent :	Gary Hoerty Associates
Location:	FYLDE TROUT FISHERY, BACK LANE, WEETON WITH PREESE		
Proposal:	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF THE LAND FOR CAMPING AND SITING OF 25 CAMPING PODS FOR EITHER HOLIDAY USE OR USE ASSOCIATED WITH THE EXISTING FISHERY, THE GENERAL USE OF THE FACILITIES BUILDING TO SUPPORT THE FISHING AND HOLIDAY USES, AND THE USE OF ANCILLARY FACILITIES ON SITE (CAR PARKING AREAS, OFFICE BUILDING, TOILET) TO SUPPORT THE FISHING AND HOLIDAY USES. EXCAVATION OF ADDITIONAL FISHING LAKE AND PROVISION OF LANDSCAPING TO SITE.		
Ward:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	25	Case Officer:	Rob Buffham
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8166116,-2.9146083,680m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

Members will recall the application being deferred from the December Planning Committee without being considered.

The proposal for consideration is a part-retrospective application for change of use of land for camping and siting of 25 camping pods for either holiday use or associated to the existing fishery, and associated use of ancillary buildings including a facilities block, office, toilet and parking area. Consent is also sought for excavation to form an additional fishing lake and 3m high bund.

This application site is located in the countryside at Weeton and has been established for some years as a commercial fishery. Use of the site has been granted for the siting of overnight pods and other supporting accommodation associated with the fishing lake on site. In the last few years the pods and other supporting accommodation have been used as holiday accommodation, and the site in general for camping purposes.

An application (15/0593) for this general camping use was refused by the Planning Committee against officer recommendation, and was subsequently dismissed by an Inspector at appeal. The Inspectors main findings stating that *'I am not satisfied by the evidence that the type of camp site proposed and marketed, in such close proximity to the neighbouring*

uses, could be adequately managed to prevent unacceptable levels of noise' concluding that the proposal would be harmful to the adjoining users and the peaceful character of the countryside and is therefore not sustainable.

Turning to this application, the principle of a holiday/ camping use and fishing lake in this location is supported as it is considered to support sustainable rural tourism that benefit businesses in rural areas, communities and visitors. With the exception of the bund, the proposal would not have any significant visual impact on the countryside.

The vicinity is very quiet in general due to its rural location and a neighbouring caravan park is marketed on this basis. In this circumstance the main issue for Members to consider is whether the noise from people is excessive and unreasonable or natural to warrant refusal of the proposal. Controlling people noise and behaviour is difficult, but the application contains a Camping Management Plan (CMP) which is intended to control any disturbance and will do so if implemented.

It is acknowledged that there have been amenity concerns raised by events held at the site in the past, but it is considered that camping is an acceptable use for a rural site subject to implementation of the submitted CMP and with the imposition of suitable conditions. No objections are raised by the Environmental Protection officer subject to condition.

This scheme has obvious similarities with the appeal scheme, but also has key differences: the application is supported with the Camping Management Plan which specifies the operational measures that the applicant will take to control activity, that these measures appear to have been implemented voluntarily in many cases over recent years as the Environmental Protection Officer has not witnessed any nuisances at the site in his regular monitoring visits, and that the scheme includes a pond and fence that will provide a physical separation of the camping use from the boundary with the nearest neighbour. It is officer view that these measures are sufficient to address the concerns which the Inspector expressed.

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

The proposal is therefore considered to accord with relevant development plan policies and the aims of the National Planning Policy Framework and is therefore recommended for approval by Members.

Reason for Reporting to Committee

The application is referred to the Planning Committee for determination for consistency as previous applications on the site have also being considered by Committee.

Site Description and Location

The application site is Fylde Trout Fishery, Back Lane, Weeton and is situated on the west side of Back Lane. The site was granted permission for a leisure fishing lake in 1993. Permission was granted for a timber 'facilities' building alongside the lake in March 2010 to provide supporting accommodation for those using the fishing lake, with a further permission obtained in October 2012 for the siting of 25 camping 'pods' in association with the use of the site as a fishery. There are currently 24 pods on site which provide basic overnight shelter and each measures 3.7m x 2.4m x

2.8m high to the peak of the roof.

There are other structures on the site including a timber building and a 'porta cabin' that serve as office and storage accommodation for the site alongside a gravel surfaced parking area.

The area around the lake is generally flat with some wooded areas in the wider countryside. Surrounding land uses are predominantly in agricultural use with the Little Orchard Caravan Park located adjacent to the western boundary of the site which provides touring caravan pitches. In addition there are a small number of other residential properties in the immediate vicinity.

The site is within designated countryside on the Fylde Borough Local Plan and submission version Fylde Local Plan to 2032.

Details of Proposal

The current authorised use of the site is a fishing lake, and so the other accommodation around it such as the camping pods, facilities building and car parking area should be used in association with that use.

The site, including camping pods, is currently used to provide accommodation for visitors that are not undertaking any fishing activity at the site. This application seeks permission to regularise that use and to allow the use of the existing pod accommodation for holiday and camping use, with use of facilities building, car park and other ancillary elements to support that use. The applicant has also confirmed that the pod area will also be used for the pitching of tents. This would allow overnight stay by any visitor irrespective of whether they are intending to use the fishing facilities or not.

The planning application is supported by a Camping Management Plan (CMP) which outlines how the campsite will be managed to ensure a '*campsite environment which works well for our visitors and sits well with our neighbouring land uses.*' The CMP specifies that there will be no events e.g. weddings at the site, and that the whole site cannot be booked by any one person, group or organisation, and, no more than 3 pods will be able to be booked as part of any one booking. In addition noise should be kept to a minimum after 22:30, and call outs/ complaints could result on a £50 fine, heavy alcohol consumption is not appropriate, open air music is not allowed at any time, unsupervised under 18 year olds are not allowed on the site, fire pits are only permitted in fire pits/ bbqs.

The current application also includes a proposal to excavate a further lake at the site which is proposed for an area of land that lies between the access track and pods and the southern site boundary which is shared with the Little Orchard site. That lake is kidney shaped and has approximate dimensions of 100m x 40m. It is proposed that this is to be used exclusively for fishing. The spoil from the excavation of the link is to be spread around the site, including a bund on the southern boundary, with this area also to be landscaped.

Relevant Planning History

Application No.	Development	Decision	Date
15/0593	CHANGE OF USE OF LAND AND EXISTING POD ACCOMMODATION FOR CAMPING USE, WITH USE OF FACILITIES BUILDING, CAR PARK AND OTHER ANCILLARY ELEMENTS TO SUPPORT	Refused	06/11/2015

14/0190	THAT USE - RETROSPECTIVE APPLICATION. RESUBMISSION OF APPLICATION 13/0197 FOR PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Withdrawn by Applicant	24/11/2014
14/0191	RESUBMISSION OF APPLICATION 13/0198 FOR PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Withdrawn by Applicant	24/11/2014
13/0198	PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Refused	11/02/2014
13/0197	PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Refused	11/02/2014
12/0247	CHANGE OF USE OF LAND FOR SITING OF 25 UNITS OF MOBILE "POD" ACCOMMODATION ALONG WITH COOKING AREA, FOR USE ASSOCIATED WITH FISHERY- (PART RETROSPECTIVE).	Granted	10/10/2012
11/0421	VARIATION OF EXISTING CONSENT FOR FISHING LAKE, APPLICATION NO. 09/0839 TO RE-SITE SEPTIC TANK.	Granted	15/11/2011
09/0839	PROPOSED FACILITIES BUILDING, OVERFLOW CAR PARK AREA AND WATER TREATMENT WORKS.	Granted	17/03/2010
07/1143	RETROSPECTIVE APPLICATION FOR BALANCING POND ADJACENT TO EXISTING FISHING LAKE	Raise No Objection	23/11/2007
06/0174	SIX TIMBER CHALETS	Refused	09/10/2006
05/0440	RE-SUBMISSION OF 04/1066 - PROPOSED ERECTION OF 6 TIMBER CHALETS.	Refused	13/06/2005
04/1066	SIX TIMBER CHALETS	Refused	23/12/2004
04/0369	COUNTY MATTER FOR PROPOSED EXTENSION TO A FISHING POND	Raise No Objection	26/05/2004
04/0034	EXTENSION TO EXISTING FISHING LAKE, CAR PARK & LANDSCAPING	Withdrawn by Applicant	09/03/2004
93/0742	LINKING TWO PONDS TO FORM LEISURE FISHING LAKE	Granted	12/04/1994

Relevant Planning Appeals History

Application No.	Development	Decision	Date
15/0593	CHANGE OF USE OF LAND AND EXISTING POD ACCOMMODATION FOR CAMPING USE, WITH USE OF FACILITIES BUILDING, CAR PARK AND OTHER ANCILLARY ELEMENTS TO SUPPORT THAT USE - RETROSPECTIVE APPLICATION.	Dismiss	12/05/2016
13/0197	PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Dismiss	19/08/2014
13/0198	PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Dismiss	19/08/2014

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 21 July 2017 and have no objection to the application and point out that all required restricted conditions must be adhered to.

Greenhalgh with Thistleton Parish Council notified on 21 July 2017 and have no specific observations to make but request that conditions imposed must be vigorously adhered to and monitored with no deviation from the approved planning guidelines, noise levels must be monitored and controlled, screening/ buffer landscaping to be sited between this and the adjoining site.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

Original Comments

No objection to the site being used for camping but complaints have been received alleging noise nuisance during the last three years under the current management.

In August 2014 a noise abatement notice was served on the site owner as a result of excessive noise from amplified music performed in the open air or within marquees resulting from wedding celebrations held on site.

In 2014 there were a number of weddings booked to be held on the site and following the service of the noise abatement notice there were 8 events that were honoured for 2015.

From August 2014 to September 2015 there were a total of 8 separate complaints regarding noise from loud music and 10 recorded complaints of noise from behavioural activity (shouting, screaming etc). The music events held in 2015 did not result in any complaints other than the last event on 4th September 2015. In my opinion it was not in the public interest to take formal action under noise legislation as we only have evidence of one breach and this was the last event of this kind. The owner did agree not to have any more functions of this kind after these 8 had taken place and this has been the case.

During 2014 and 2015 other complaints have been received to this department relating to the activities on site. All have originated from Mrs Johnson and her family. They own and reside at Little Orchard Caravan Park which shares the boundary with Stanley Villa camping. From 2015 to date the complaints from the Johnson's have been more generic "people" noise as a result of camping taking place.

The issues that have been complained about are noise from children playing (shouting screaming singing), adults singing around campfires; adults laughing and shouting when camping late at night.

There were 6 separate incidents of complaint reported by in 2016 covering a period of March to August, reported issues were of noise from occupiers of pods, children from the campsite playing near to a septic tank, 4 calls referring to a tannoy/ event at the campsite, and loud music being played.

In 2017 a total of four further complaints have been received alleging noise from the guests at the campsite. A number of visits made have not been able to confirm a statutory noise nuisance. It is noted though that the guests talking, laughing and children playing noise does travel some distance and is clearly audible at the neighbouring

caravan site. Indeed, noise from the guests of Little Orchard caravan site can be heard from Stanley Villa Farm Camping.

What has not been established is whether the noise from people is excessive and unreasonable or natural as part of a holiday set up. The vicinity is very quiet in general due to its rural and remote location and Mrs Johnson's site is marketed as such. In my opinion the two sites are run in conflict with each other. Mrs Johnson promotes peace and tranquillity whereas Stanley Villa is more family orientated.

Therefore if it is minded to grant permission, I would agree that noise as a result of amplified entertainment taking place on site is not in keeping with the locale and should be conditioned which the management of Stanley Villa Farm Camping has accepted and adhered to since the last wedding in 2015. I would ask that no amplified entertainment takes place on site either formally as part of an event or from individual guests who bring their own entertainment.

I am aware that Stanley Villa Farm Camping now only accepts maximum groups of 3 Pods and makes it clear that guests be respectful at all times and there is no noise past 10.30pm in accordance with their management plan.

People noise is difficult to control and manage. The applicant has introduced introduce measures that can control the guests on site and there must be away for this to be enforced. I would ask that the proposed curfew in the management plan of 22.30 is conditioned and any substantiated noise disturbance as a result of activity by the guests can be actioned under breach of condition.

I note that there is a proposal for a 5m wide bund. Whilst I have no observations with regard to the aesthetic appearance I do not think it would be effective in reducing the sound level of the type of noise produced on site at the proposed location. A barrier is more effective if it was closer to a noise source. Therefore I do not think it is a necessary requirement if its intention is to reduce noise escape.

It would be for the committee to decide whether this campsite with different business model to an already established site is approved.

Additional Comment:

Since the application has been received there has been an increase in noise complaints received. The timing of the application is during the school Summer Holidays but will demonstrate the site operating at "worst case" scenario when visiting.

Three complaints have originated from guests who have stayed at the neighbouring Little Orchard caravan site. Unfortunately they have been general in terms of describing dates and times but relate to noise from children playing.

A further email from a regular guest at the neighbouring site refers to noise from music, parties and children playing. However they cannot be specific about dates and times and may be referring to past issues.

There has also been a number of contacts made by the neighbour detailing noise issues over the weekends of 4th, 5th, 9th and 12th August 2017 as well as earlier in the holiday season. Recordings were forwarded made by the complainant in their garden and

neighbouring caravan site. The noise was children playing shouting and cheering - no anti-social behaviour was detected but clearly audible.

A letter was received to this Department dated 14th August 2017 that alleged loud music emanating from the applicant site. However it was demonstrated that on the night in question the music was originating from an event at Weeton Barracks.

To conclude, there are two aspects of noise – one is noise from amplified music and the other is noise from guests/children. Noise from amplified music/entertainment in this location when considering the elements of Nuisance is likely to be considered a statutory nuisance.

I would ask that a condition should be attached worded as such – no guests shall be permitted to use amplified entertainment on site at any time. Amplified music is likely to be deemed a Nuisance under these circumstances so shall be restricted.

Noise from children or even adult guests is unlikely to be determined as a statutory nuisance though is clearly audible off site. In my opinion it would be deemed more of an annoyance rather than a Statutory Nuisance.

Children are on holiday and will be playing games, shouting, cheering and laughing. It will be for the committee to determine whether this noise which results directly as a consequence of a child friendly site is suitable development for this environment.

If permission is minded to be granted then the most appropriate means to limit this type of noise is by a time restriction. The curfew should be implemented as described in the management plan and backed up by a condition.

The complaints received would support the requirement of the two conditions to control both types of noise from the site.

Commercial & Licensing (Caravans)

No objection made, but since the current site license is for the siting of a total of 21 camping pods, subject to planning approval, the site license holder must make an application to the Licensing Department of Fylde Borough Council, to vary the conditions of a current site license for a site license, under Section 8 of The Caravan Sites Control & Development Act 1960.

Lancashire CC Flood Risk Management Team

Initial objection removed in light of the submitted Flood Risk Assessment, subject to conditions relating to implementation of principles contained within the Flood Risk Assessment, management/ maintenance of SuDS, provision of attenuation basins and flow control devices.

Lancashire County Council - Highway Authority

No objections to the application.

BAE Systems

Initial objection relating to potential for bird travel patterns in the area to be altered by the attraction of the new lake impacting air safety. This has been removed in light of the ecological information provided by the applicant:

It is considered that the proposed site is too enclosed to be likely to attract a significant number of over wintering goose and swan species. Creation of a fishing pond in this area would result in increased human presence and disturbance levels and would likely deter an increase in the number of this species. The majority of goose and duck species which frequent the local area are listed as quarry species and may be shot. This leads to an aversion of the proximity of humans for most species and proximity of the campsite as well as proposed fishing activity would further reduce the potential for future use of the new lake by these quarry species. The creation of an additional water body in an area where standing water naturally accumulates is not considered likely to create any significant increase in the level of birds utilising the landscape. The proximity of the proposed pond to existing ponds would indicate that an alteration in bird flight paths is unlikely to occur.

In summary, it is not considered that the creation of the proposed pond is likely to have a significant effect on the local bird population. Increased disturbance levels and human presence would likely deter bird species.

Blackpool Airport

No comments received.

Neighbour Observations

Neighbours notified: 28 July 2017
Site Notice Date: 21 July 2017
Number of Responses 21 (9 response of objection, 12 responses in support).
Summary of Comments:

Objection Summary:

- Information on the location plan and Site Plan A is inaccurate since it omits Little Orchard Caravan Park and is misleading since it does not reflect the sites relationship with its neighbours. Withdrawal of the application is requested.
- Contrary to the NPPF – para 28, and Local Plan policies SP02, SP08, TREC7, TREC10, and submission version Fylde Local Plan policies GD4, EC6, EC7 and ENV1.
- NPPF Ministerial foreword ‘Our natural environment is essential to our wellbeing, and it can be better looked after than it is.’ Who has been looking after the countryside and the well-being of myself, family, residents and patrons of the caravan park?
- Business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. The caravan park should not be forced to change its business model to accommodate a new development. Noise complaints are well documented and complaint has been received from patrons of the caravan park with refunds being issued in compensation due to noise from Fylde Fishery. Repeat business has declined due to disturbance from Fylde Fishery.
- The pods can sleep up to 4 adults, a maximum capacity of 100 people based on 25 pods.
- Noise complaints on 4, 5 and 7 August 2017, adults shouting and laughing, as well as children shouting and screaming late into the evening. The tranquil character of the countryside should not be punctured by high pitched shouting and screaming just to accommodate a business which should be in a more suitable location.
- Noise disturbances occur during the day and late evening at odds with what you expect from the rural countryside.
- I have been woken for too many times in the early hours of the morning by drunken revellers and

extremely loud music.

- I avoid going outside and do not spend as much time in my garden due to the noise disturbance, as do my parents. People live in the countryside to escape noise disturbance.
- Better situated closer to Blackpool where noise would not be as noticeable.
- On opening the establishment was promoted as a venue for wedding receptions, stag and hen parties, birthday celebrations and corporate events. In 2014 several large weddings were held with loud music being played past 01:30. The pods should have reverted back to their authorised use, but did not and the Council has not stopped them.
- In 2015 further complaints were made about excessive noise generated at the pods throughout the spring and summer. FBC advised that the applicant was submitting a planning application to regularise use of the site which was rejected by the Planning Committee and dismissed on appeal. The pods should have reverted back to their authorised use, but did not and the Council has not stopped them.
- Group bookings have not stopped taking place throughout 2015, 2016 and 2017 with additional tent and camping equipment pitched on the site. It is very easy to circumnavigate a group booking restriction if people make separate bookings.
- In 2016 a 3 bale high wall was constructed as an acoustic barrier, which is now played on by children and fails as an acoustic barrier. There is no need for an earth bund as the existing bale wall fails this purpose. The bund height will encourage overlooking, increase noise from children playing on it, and appear as a manmade feature in the landscape.
- The bale bund is degrading and collapsing, and is a threat to the environment given the amount of black plastic within its construction.
- The applicant has not been permitted to host any large events since the Council served a noise abatement notice in 2014.
- There have been in excess of 40 instances of noise related issues that I have reported since August 2015 to August 2017, witnessed by representatives of the Council (Phil Dent and Andrew Stell).
- In comparison, Little Orchard Caravan Park has received planning consent for all works on their site, which have been done in harmony with the ambience of the countryside, maintaining its character without impacting upon the environment or neighbours.
- The 2016 appeal reject camping at the site, the Inspector made 3 conclusions stating that the use would be difficult to manage, represents a materially different use, evidence provided does not satisfy that the site could be adequately managed to prevent unacceptable noise levels, condition suggested by Planning Officers are not sufficient, and would be harmful to the adjoining users and the peaceful character of the countryside.
- Need for another fishing lake, there are already too many commercial fisheries within a 20 mile radius.
- No evidence to demonstrate need for camping provision.
- Previous consents limited the siting of pods and tents adjacent to the lake and bounded by a red edge line on the plans. This red line is now absent and this current application covers the whole site, implying there will be even greater numbers of people, adding to noise and closer the adjacent caravan site.
- Lack of understanding on the part of the applicant, on the differences between light and sound, and acoustic barriers.
- The applicant claims that all problems have been addressed, referring to an email from the Environmental Health officer confirming lack of complaint for 4 months. This period covers December when the pods are closed, or used more infrequently. Activity on the site increased in Spring 2017 and complaints relative to noise also increased, with group bookings taking place despite it being asserted that they have stopped. The robust management system is not working, and never will.
- Significant amount of photographs have been provided which depict operation of the proposal

and its relationship to other receptors and businesses. All photos have been taken since August 2015.

- Videos have also been issued to the Council to demonstrate the noise disturbance.
- A curfew would still allow noise to be made throughout the day until 22:30, 7 days a week and this noise would be permanently introduced and damage the Fylde countryside for residents and visitors.
- Tent accommodation would further increase occupancy on the site and exacerbate noise disturbance.
- Landscape features (woodland) funnels noise disturbance towards Little Orchard Caravan Park.
- The applicant claims a close connection between the fishing and camping activities though this is not as close as the applicant claims, and promotion of the camping offer significantly outweighs that of its fishery use.
- No objection to appearance of the pods which are screened by existing hedge planting. No additional visual barriers have ever been required.
- There is no information with regards to foul sewage disposal within the application.
- Where are the additional parking areas?
- If approved, the applicant will be rewarded for 5 years of unlawful development in the countryside and extensive and documented breaches of planning with various degrees of environmental disturbances.

Support Summary:

- The existing camp site is well used and in demand, it therefore makes sense to add additional facilities.
- In the current climate, the growth of businesses in general can only be positive.
- Campers will use other local facilities such as shops which will be of benefit to the surrounding area.
- Marketing Lancashire would support proposals for the development of rural tourism that offer quality, sustainable developments that are sensitive to the needs of the surrounding landscape and rural communities. The proposal will help support Lancashire's Visitor Economy strategy. The outdoors offer is one of the main reasons that visitors choose to come to the county, and visitors staying within non serviced accommodation are known to support wider businesses such as retail, food and drink.
- The proposal will clearly enhance the visitor experience and help support sustainable growth.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
TREC06	Static Caravans and Chalets
TREC10	Countryside Recreation
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species

Fylde Local Plan to 2032:

GD4	Development in the Countryside
EC6	Leisure, Culture and Tourism Development

CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

The application site is greater than 1 hectare in size. A separate application has also been made for extension of the neighbouring caravan park. On this basis it is considered that the proposal, in combination with other applications, falls within Schedule 2, 12 (e) (permanent camp sites and caravan sites) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Notwithstanding, the proposed development, in combination with other application, is unlikely to give rise to significant environmental effects and so does not require the submission of an Environmental Statement.

Comment and Analysis

The main issues pertinent in the assessment of this proposal are principle of a camping use, impact on the character and appearance of the countryside, neighbouring amenity, highways, drainage and ecology.

The principle of a holiday and camping use

Retrospective consent is sought for use of the land for holiday and/ or camping, including mobile pod accommodation and other ancillary buildings (facilities building, building, mobile toilet, car park) on the site, in association with the general camping and fishery uses on the site, and, a new fishing lake. The red edge location plan submitted with application envelops the site in its entirety and the site plan identifies the location of pods, ancillary structures and new pond. It does not indicate any other area on the site for camping, indeed the Planning Statement does not indicate any intent for areas outside of the pod area to be used for camping purposes.

The site is located in the Countryside Area as defined by the FBLP and SV. Policies Policy SP2 and GD4 are of relevance and restrict development to those uses appropriate in a rural area as set out in a series of criteria. These allow for development which helps to diversify the rural economy and development that allows existing enterprises to continue where that does not harm the character of the rural area. Policy SP8 provides guidance to assess applications for the expansion of businesses in countryside areas, principal to this is that the development does not cause any harm to the character, appearance or nature conservation value of the countryside and this is assessed below.

This policy approach is consistent with para 28 of the NPPF which “*supports the sustainable growth and expansion of all types of business enterprise in rural areas*”, and “*support sustainable rural*

tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”.

It is considered that the proposal would be directly supported by para 28 of the NPPF, and aforementioned development plan policies, subject to assessment of character, appearance and conservation value.

The site is slightly remote from local services, but this is common for the majority of camping sites in the borough, including the adjacent Little Orchard site, and it is not considered that this separation from amenities is an issue that prevents the location from being considered appropriate or unsustainable.

Impact on the character and appearance of the countryside

Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style. Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. TREC6 also seeks to protect the countryside and states that development having a significant prejudicial effect on character, visual or other amenities will not be permitted. These requirements are carried forward in equivalent policies of the SV.

The application site is located on the west side of Back Lane and is served by a gravelled access road leading off Back Lane which separates the site into two parts. On the right-hand side is the lake, facilities building and car park, on the left the open grassed area of the camping pods and further car parking areas. The pods are arranged in an approximate 'kidney shape', segregated from the adjacent Little Orchard Caravan Park by landscaped mounds and a grassed field used for grazing. The site has good screening to Back Lane formed by mature hedge planting and trees, a high hedgerow now forms the boundary to the adjacent caravan park.

In terms of visual amenity, other than formation of the lake and grass bund, the application does not propose any additional development on the site beyond that which currently exists. As well as the pod proposal, the application form refers to general camping which the applicant has confirmed will be within the pod area only though no specific area is annotated on the layout drawing. Consequently there is no increase in the developed portion of the site. Given the lack of detail on the Layout drawing, a condition is suggested to ensure that any general camping is restricted to the pod area.

The new fishing lake whilst being man made is a feature that is common in this area, and with its landscaped margins will enhance the landscape quality of the locality. The applicant has confirmed that spoil from excavation of the lake will be used to form the proposed bund adjacent to Little Orchard Caravan Park. The bund is indicated to be 5m wide and 3m high, grassed and planted with trees. The objector suggests that the bund is for acoustic mitigation, but states that it would be of little merit and refers to this structure appearing as a manmade feature in the landscape.

It is considered that the bund would be out of character with the relatively flat landscape surrounding and bares no relationship to existing land topography, contrary to SP08 and EP11. Whilst the bund may soften views of the application site from the adjacent caravan park, existing hedgerow planting and landscaping on the site afford a similar means. In addition, the Environmental Protection Officer has confirmed that there is no acoustic benefit of the bund. On this basis it would appear that there is no requirement for the bund, other than as a means of disposing

of spoil resultant from excavation of the lake, as confirmed by the applicant. Given the size of the site, it is considered that there is sufficient scope to dispose of spoil without the need to create this bund, indeed existing earth mounds adjacent to the pods could be enhanced. This matter alone is not considered sufficient to warrant refusal of the application, on this basis it is considered necessary to ensure that the bund does not form part of the approved scheme and that spoil from the lake is distributed about the site in a way that safeguards the character of the area. This can be controlled by condition.

Landscaping of the additional lake is required, and should form part of a more coherent landscape strategy for the south of the site. This can be controlled by condition.

With regard to the character of the countryside, it has also been argued that the tranquillity of the area is harmed by this development. Notwithstanding, camp sites are not an unusual occurrence in the countryside and their presence is unlikely to undermine the character of the locality provided they are managed appropriately. This matter is addressed in more detail below.

Relationship with surrounding development:

Policy TREC6 refers to the development of static holiday caravan and holiday chalet sites. Whilst this application does not propose any extension of the physical aspects of the site it does seek to broaden its use to camping in general and so TREC6 is relevant to the assessment of this application. In particular, criteria 6 states that development that would be detrimental to the amenity of adjacent premises or land uses would not be supported. Policy GD7 of the SV similarly seeks to safeguard neighbouring amenity.

In addition, with regards to countryside character Policy TREC 10 states "*development proposals for rural recreational purposes in the countryside areas will be permitted provided that they do not prejudice agriculture, nature conservation and other environmental interests, or conflict with the quiet enjoyment of other recreational users of the countryside*".

It is obvious from objections received that the use of the site has caused distress to the neighbours and operators of the adjacent Little Orchard Caravan site due to noise disturbance. This site is a family run business which has won national awards and prides itself on running a quiet, tranquil site.

This application seeks permission for the use of the pods for general camping. The pods are very basic and are in effect timber tents and offer limited facilities having two beds in each pod with little additional space around the beds. Cooking can be undertaken outdoors or in the facilities building. Washing/toilet provision is again available in the facilities building.

The complaints received relates to both the wider use of the site for events which have included weddings, music festivals, parties, etc. as well as disturbance from users of the pods and campers. Photographic and video evidence has been provided to justify these claims.

The subject of events at the site was considered in the assessment of the previous application, with reference being made to these events being undertaken using the permitted development allowance that allows for temporary uses of land for up to 28 days in any calendar year and so are outside of planning control. However, there is a requirement under the licensing legislation for them to be subject to a 'temporary events notice', with the events that generated complaints being granted such Notices in a block in advance of their taking place. As a consequence of the level of complaints received from neighbours and the observations of officers who have attended to monitor events, the council's Environmental Protection Team served a noise abatement notice on the owner of the site in August 2014 relating to the excessive noise from amplified music performed.

As these events are outside of planning control and are unrelated to the proposed camping use of the pods under consideration they are not relevant to this decision, but the above information sets the context of the historic use of the site. Notwithstanding, it would appear that disturbance associated with events held at the site is a historic problem, indeed the Environmental Protection officer comments that 8 events were held between August 2014 and September 2015, but that subsequent to the complaints being made the site owner agreed to not have any more functions and that this has been the case. Members should note that reference to having no events is made within the Camping Management Plan submitted with the current application and so could be enforced under a condition that secures that Plan.

Objection has also been received in regard to the behaviour and noise from campers, and this correlates with complaints received by the Environmental Protection officer from 2015 onwards whom refers to 'more generic people noise as a result of camping taking place' in their consultation response.

In addition, since the application has been received there has been an increase in noise complaints received to the Environmental Protection officer. The timing of the application is during the school Summer Holidays and demonstrates the site operating at 'worst case' scenario. Noise disturbance relates to music, children playing shouting and cheering, as well as adults singing around campfires and adults laughing and shouting when camping late at night. The Environmental Protection officer made a number of visits but was unable to confirm a statutory noise nuisance, but does confirm that guests talking, laughing and children playing noise is clearly audible at the neighbouring caravan site. Indeed, noise from guests of the neighbouring caravan site can also be heard from the application site. The Environmental Protection officer concludes that there are two aspects of noise disturbance, from amplified music and from adults/ children using the pods/ camping area.

The applicant has submitted a Camping Management Plan (CMP) in support of their proposal, which importantly imposes restrictions on the camp site in order to reduce noise levels and disturbance to neighbours. The CMP states that there will be no events at the site, that the whole site cannot be booked with a restriction of 3 pods for any single booking, minimum noise levels after 22:30 with fixed fines for any call outs or complaints received, heavy alcohol consumption is not appropriate, no open air music and no unsupervised under 18's.

As per previous recommendation, it is considered that the submission of a CMP with this current application, in particular a commitment by the applicant to continue not to allow events and impose a curfew, would satisfactorily mitigate the concerns raised. It is recognised that there are some shortcomings to the CMP, including how the 3 pod booking restriction will be managed, however disturbance would still be controlled by the curfew time. The CMP does refer to use fire pits being permitted, and it is considered that this should also be time restricted in order to minimise opportunity for late night disturbance. The Environmental Protection officer has not raised objection to the proposal, and has requested that the curfew time and no amplified music be conditioned. Accordingly the proposal is considered to comply with criterion 6 of Policy TREC6 and GD7.

The neighbouring caravan park has applied (17/0837) to extend the existing site through the addition of 12 touring pitches and is recommended for approval to the Planning Committee on this agenda. The extension is sited adjacent to the southern boundary of the Fylde Fishery site and so the proposed fishing pond. The pitches proposed would be no closer to the Fylde Fishery camping pods than those existing, and as per the above assessment, consequently impact to the amenity of these new pitches from the proposed camping use would be no greater than that currently witnessed and is therefore considered acceptable. The proposed fishing pond is considered to be a much quieter

end use and would not therefore result in disturbance to the proposed touring pitches. The objector refers to use of a field adjacent to the caravan park which is used in association with the camping use, including for the pitching of tents. The close proximity of this field and a general public use could give rise to noise disturbance to immediate neighbours. Given the applicants confirmation that camping activity is located within the Pod area only, it is considered necessary to impose restrictions on the use of this adjoining field in order to inhibit general public access other than for fishing purposes associated to the new lake. This can be controlled by condition.

The vicinity is very quiet in general due to its rural location and the neighbouring caravan park is marketed on this basis. In this circumstance the main issue for Members to consider is whether the noise from people is excessive and unreasonable or natural to warrant refusal of the proposal. Controlling people noise and behaviour is difficult, but the CMP will act to control any disturbance if implemented and enforcement action can be taken against any breach of the CMP if necessary.

Highways

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

Policies TREC6 and TREC7 supports holiday chalet and camping sites which provide safe and satisfactory vehicular access. SV Policy GD7 refers to similar highway safety matters and T5 requires provision of parking on site and that a flexible approach to parking will be applied, dependent on location of the development.

Vehicular access will remain as existing from Back Lane and no additional car parking other than the current informal arrangements on the site is provided within the development. The retrospective use applied for and creation of an additional fishing lake is likely to encourage additional vehicular movements to and from the site though it is considered that existing parking and access arrangements can accommodate the proposal. Indeed the Highway Authority has not raised objection to the development.

Drainage

The site is located within Flood Zone 1. Policy EP25 and EP30 of the FBLP states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere, foul sewers and sewerage treatment facilities should be of adequate design and capacity to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the SV reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

A Flood Risk Assessment (FRA) has been submitted with the application. The FRA concludes that the site is within Flood Zone 1 which is the lowest flood risk area and there is no increase in flood risk on the site or downstream resultant from the development. SuDS will be employed on the site to deal with surface water.

The LLFA have not raised objection to the proposal, subject to conditions requiring implementation of the FRA and management/ maintenance of SuDS on the site. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

Ecology

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

The site has no specific nature conservation designation in the Local Plan. Policy EP 19 seek to safeguard protected species and their habitats from development, requiring mitigation where appropriate, as well the retention/ enhancement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policies ENV1 and ENV2 of SV reflect this current policy position.

The new build elements of the proposal relates to the new pond which is sited on a grassed parcel of land to the south of the site used for grazing purposes only. The presence of amphibians on the site is deterred by the intervening land uses on the site including road, car park and camping pods. On this basis it is considered that the site has low biodiversity importance, the inclusion of a pond and increased landscaping on the site will only serve to enhance biodiversity value in accordance with the development plan and NPPF.

Other Matters

Objection has been made with regards to in accurate Location and Site Plan drawings submitted with the application. In particular the full extent of a neighbouring caravan park is not indicated and it is argued that this could influence consultation responses. It is accepted that the submission does not detail the full extent of the neighbouring caravan site, notwithstanding impact to neighbours is considered as part of the assessment and the presence of the caravan park has been included within that assessment.

Conclusions

The decision on a planning application is to be made in accordance with the development plan unless there are material considerations that dictate otherwise. In this case the principle of a holiday/ camping use and fishing lake in this location is supported as it is considered to support sustainable rural tourism that benefit businesses in rural areas, communities and visitors and with the exception of the bund (which is to be removed from the proposal by condition) there are no significant visual impacts on the countryside. This provides development plan support for the application.

One of the key material considerations in the determination of the application in this case is the Inspector's decision to dismiss an appeal on the site for general camping in 2016. That decision was essentially made on the basis that the noise that had occurred at the site could continue and that this would be harmful to the tranquillity of the rural area. This scheme has obvious similarities with the appeal scheme, but also has key differences: the application is supported with the Camping Management Plan which specifies the operational measures that the applicant will take to control activity, that these measures appear to have been implemented voluntarily in many cases over recent years as the Environmental Protection Officer has not witnessed any nuisances at the site in his regular monitoring visits, and that the scheme includes a pond and fence that will provide a physical separation of the camping use from the boundary with the nearest neighbour. It is officer view that these measures are sufficient to address the concerns which the Inspector expressed.

It is acknowledged that there have been some amenity concerns raised by events held at the site in the past, but it is considered that camping is an acceptable use for a rural site subject to implementation of the submitted Camping Management Plan and with the imposition of suitable conditions. There are no other technical issues which would warrant refusal of the proposal, and accordingly the benefits to enhancing the rural tourism offer in this part of the borough justify a recommendation for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This consent relates to the following plans and / or reports:
 - Location plan - drawing no. YOU.708.2178/02
 - Site plan - drawing no. YOU.708.2178/01 amendment B.
 - Cross Section Information Elevations of Existing Pods - drawing no. You/708/2178/03
 - GHA supporting statement - June 2017
 - Stanley Village Farm Camping - Camping Management Plan.

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

2. The use of the site for camping hereby approved shall be limited to the area annotated as camping pods as detailed on drawing number You/708/2178/01 amendment B. Overnight stays shall only be undertaken within the 25 camping 'pods' or tents within this area, with no additional forms of camping on the site such as within caravans or motorhomes etc.

Reason: To define the permission and layout the site in the interests of clarity, and to control the scope of the permission to ensure that the visual impact of the development on the character and visual amenity of the rural area is maintained.

3. No 'pods' or other building/structure on the site shall be occupied as a persons permanent, sole or main place of residence.

Reason: The development is provided for fishery and holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.

4. Notwithstanding the approved drawings or provisions of the General Permitted Development Order 2015, the use of the facilities building shall be limited to purposes which are incidental to the use of the site as a fishery and/or camping site only and shall not be used as a venue for functions, parties, or other such events.

Reason: To provide appropriate control over the level of activity undertaken at this rural site so as to preserve the character of the rural area and to avoid undue traffic movements to the site, in accordance with Policy TREC6, SP08 and EP11 of the adopted Fylde Borough Council Local Plan and Policy GD7 of the submission version of the Fylde Local Plan to 2032.

5. Prior to construction of the pond hereby approved and notwithstanding any details shown on the approved plans, a hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for surface finishes of all new hardstanding areas, and, ensure retention of all trees and hedgerows on the site as well as the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs for additional landscaping within the development.

The approved landscaping scheme shall be implemented in accordance with a timetable to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements, in accordance with Policy HL2, EP14 and EP18 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

6. Notwithstanding detail of the approved drawings, this approval notice does not grant consent for the 5 metre wide bund located to the southern boundary of the site as detailed on drawing number You/708/2178/01 Amendment B.

Prior to construction of the additional lake hereby approved, a scheme detailing how spoil from the excavated lake will be disposed of shall be submitted to and approved in writing by the Local Planning Authority. If being disposed of on site, the scheme shall detail changes to ground levels and landscaping thereof. Construction of the lake shall be undertaken in accordance with the approved scheme.

Reason: To minimise visual impact of the proposal and ensure a satisfactory appearance to the development, in accordance with Policy SP2 of the Fylde Borough Local Plan and Policy GD4 of the Fylde Local Plan to 2032.

7. Within 2 months of the date of this decision hereby approved, a 'Management Plan' shall be submitted to the Local Planning Authority and agreed in writing. This management plan shall include details of the time periods the 'Manager's office' will be manned, security arrangements for the site, contact details (including out of hours) for the Manager and emergency procedures.

Reason: To provide adequate supervision and security on the site.

8. There shall be no amplified music or any other form of amplified entertainment played outdoors, or permitted to take place, on the site either formally as part of an event or from individual guests who bring their own entertainment.

Reason: In the interests of preserving the character of the countryside and protecting neighbour amenity.

9. The development hereby approved shall be managed in strict accordance with the submitted Stanley Villa Farm Camping - Camping Management Plan (CMP), or revision of the CMP agreed by the subsequent discharge of this condition.

Reason: In the interests of preserving the character of the countryside and protecting neighbour amenity.

10. Notwithstanding details contained within the submitted Stanley Villa Farm Camping - Camping Management Plan, there shall be no external fires, including bbq's, after 22:30 on any day.

Reason: In the interests of preserving the character of the countryside and protecting neighbour amenity.

11. Notwithstanding the approved drawings or provisions of the General Permitted Development Order 2015, the lake hereby approved shall be used as a fishing lake only.

Reason: To provide appropriate control over the level of activity undertaken at this rural site so as to preserve the character of the rural area and to avoid undue traffic movements to the site, in accordance with Policy TREC6, SP08 and EP11 of the adopted Fylde Borough Council Local Plan and Policy GD7 of the submission version Fylde Local Plan to 2032.

12. There shall be no public access to the land located south of the camping pods and hatched brown on drawing titled 'Public Access Restriction' You/708/2178/01 Amendment C, other than for the purposes of access to the fishing lake.

Reason: To provide appropriate control over the level of activity undertaken at this rural site so as to preserve the character of the rural area and to avoid undue traffic movements to the site, in accordance with Policy TREC6, SP08 and EP11 of the adopted Fylde Borough Council Local Plan and Policy GD7 of the submission version Fylde Local Plan to 2032.

13. Prior to commencement of any works on the site, wheel wash facilities shall be provided within the site which will be used to clean the wheels of vehicles before leaving the site and a street cleaning vehicle shall be employed when required to clear surrounding roads from mud and debris resultant from works on the site. The wheel wash facilities shall be available for use throughout the construction period.

Reason: To avoid the spread of mud and debris from the application site on to the road network, in the interests of highway safety and general amenity of the area, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2005).

14. The development permitted by this planning permission shall be carried out in accordance with the approved FRA (November 2017, Ref 17050-FRA, Rutter Johnson) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events (sec 4.4, paragraph 12) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage, (new pond No 3).
3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven (sec 4.4, paragraph 19)
4. Finished floor levels are set no lower than 150mm above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory drainage of the development.

15. The development permitted by the planning permission shall be implemented in accordance with the sustainable drainage scheme for the site contained within the Flood Risk Assessment (November 2017, Ref 17050-FRA, Rutter Johnson). The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

16. Within 2 months of the date of this approval notice, a Management and Maintenance Plan for the

sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The Plan, as a minimum, shall include:

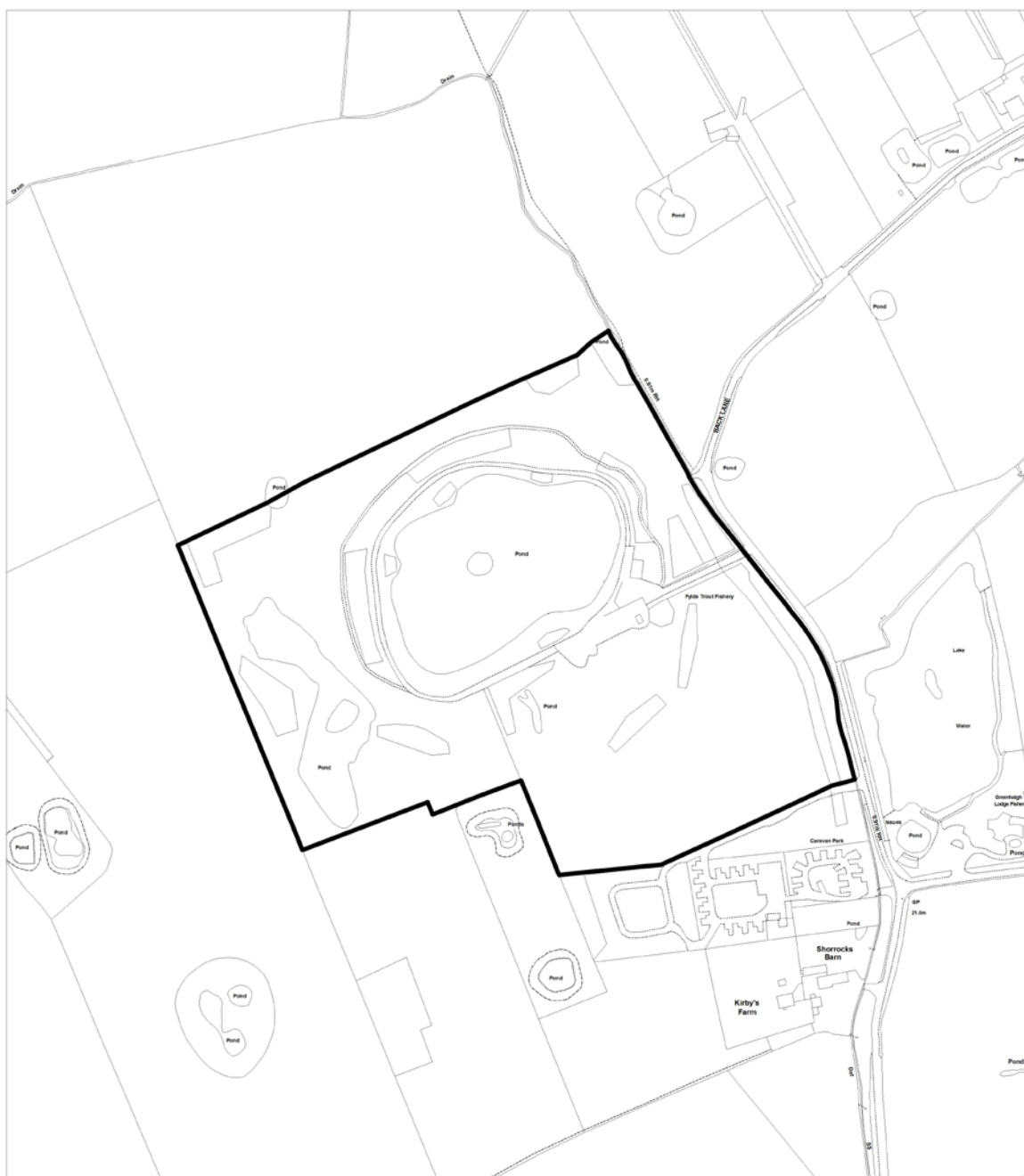
- a) The arrangements for management and maintenance of the sustainable drainage system.
- b) Means of access for maintenance and easements where applicable.

The sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons: To ensure appropriate management and maintenance of SuDS on the site.

17. All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate and to prevent a flood risk during the construction of the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0572	Address Fylde Trout Fishery, Back Lane, Weeton	Grid Ref. E.3397 : N.4360	Scale 0 20 40 60 80 m

Item Number: 2

Committee Date: 10 January 2018

Application Reference:	17/0738	Type of Application:	Full Planning Permission
Applicant:	Gladman Care Homes Ltd	Agent :	
Location:	AXA DATA CENTRE, WEST CLIFFE, LYTHAM ST ANNES, FY8 5DR		
Proposal:	DEVELOPMENT OF SPECIALIST ACCOMMODATION FOR THE ELDERLY CONSISTING OF 65 APARTMENTS WITH CARE, COMMUNAL FACILITIES, PARKING AND ASSOCIATED PRIVATE AMENITY SPACE		
Ward:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	19	Case Officer:	Rob Buffham
Reason for Delay:	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.738632,-2.9535408,170m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Introduction

This item was presented to Committee for a decision at the 6 December 2017 meeting. The minutes record that the decision was deferred:

“To allow discussions with the applicant regarding the provision of additional parking spaces within the scheme and the improvement of the design of critical elevations of the building visible from West Cliffe.”

Since that meeting the application has been revised with:

- The provision of an additional 10 car parking spaces located to the south of the site near the entrance by the removal of areas of proposed landscaping from the initial scheme. As a result parking provision on the site now equates to 52 spaces relative to the elderly accommodation, and 10 spaces for residents on Wharf Street.
- A revision to the elevation of a portion of the building located closest to the dwellings on West Cliffe through the incorporation of a contrasting render and dark brick vertical band. Windows within this part of the east elevation have also been annotated on the submitted drawing to highlight that they will be fitted with obscure glazed.

In addition, the applicant has provided a Car Parking Note (CPN), to support the original parking numbers and that now offered. The applicant contends that there are a number of factors which limit the parking required including:

- occupation by those in need of care.
- provision of communal facilities within the scheme, for some residents who have who high levels of care the site is as far as they are able or wish to travel.
- Access to a good bus service and a pool are driver will be made available. Some residents have

- mobility vehicles and storage/ charging is provided on site.
- Occupancy and age control the nature and size of households and to date all Adlington apartments are occupied by single persons or couples.
- A number of residents will cease to use cars once they have moved in to the property.

The CPN states that the parking which the Applicant has been requested to provide is way in excess of other comparable developments and well in excess of the level of provision usually requested by Council's. The CPN refers to 16 other Adlington schemes, with the average parking provision being 54% (ranging between 41% and 79%). The CPN considers other comparable developments, including McCarthy & Stone in Southport, Wyre, Trafford, Bury, Stockport and Cheshire, which illustrates an average parking provision of 43%. The original proposal was for 65% whilst the updated site layout demonstrates 80%, well in excess of the average provided on other schemes. The Applicant, with extensive experience of the sector and of delivering such schemes has established that parking provision in excess of 55% is entirely appropriate for development such as this. It must be noted that an under provision on the site is not in the interest of the Applicant as this can discourage prospective purchasers and damage the reputation of development and developer, and thus is commercially undesirable. The Applicant considers that the 52 car parking spaces now provided is approaching and indeed may represent an over provision on the site, as such, this is the maximum level of parking that the Applicant is prepared to offer for this development.

The CPN also refers to the potential negative impacts of over provision:

- Contrary to government and local planning policies seeking to promote sustainable development by reducing overall car usage.
- May encourage residents to retain and rely on cars for longer than necessary for their needs and capabilities.
- Inefficient use of land which may otherwise provide valuable amenity space.
- Possibly result in underutilised parking for much of the time – this can be functionally and visually undesirable.
- This in turn can encourage unauthorised parking within the development.

The officer recommendation to the December meeting confirmed their view that the original submission provided for an acceptable level of parking and a satisfactory design. Notwithstanding that, the submitted revision provides for increased car parking provision on the site and improved elevation design to mitigate the concerns raised by Members.

The revisions now presented are an improvement over the original scheme, and do not alter the officer recommendation from the previous report which remains to grant planning permission subject to the completion of a s106 agreement.

The following is the report that was on the previous agenda.

Summary of Officer Recommendation

The proposal for consideration by Members is a Full planning application for specialist accommodation for the elderly consisting of 65 apartments on the former AXA site with access from Wharf Street, Lytham.

Gladman Care Homes have built over 40 Care and Nursing Homes throughout the UK. This facility enables older people to retain control over their own lives while receiving the care and support they need, allowing residents to remain as independent as possible for as long as

possible. Importantly, residents are required to be 55 years of age and/or in need of some form of care package.

The site is located within the urban area of Lytham St Annes and has no specific allocation in the adopted Fylde Borough Local Plan, but is allocated for housing in the submission version Fylde Local Plan to 2032. The principle of the proposed development on the site is considered acceptable due to the sites housing allocation.

The proposal will enhance the locality through removal of a large and unsightly building and construction of an appropriately designed development. The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the proposal would not have a severe impact on the safe and efficient operation on the local highway network. Appropriate parking for the end user has been demonstrated in the submission. The scheme would result in an acceptable relationship with surrounding uses, and would have no adverse impacts in terms of ecology, flooding and drainage subject to conditions.

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

On balance, the officer recommendation is that Members support the application, subject to conditions and a legal agreement to secure:

- £1000 per apartment (£65000) contribution toward public realm enhancements in Lytham Town Centre, with 50% payable prior to construction of the development and remainder prior to first occupation of the development.
- £5000 contribution to cover the costs of investigation and possible future changes to the existing waiting restrictions on Wharf Street, to cover staff costs, the advertising and implementation of traffic regulation orders for the changes to the waiting restrictions – payable to prior to construction of the development.
- Occupancy restriction to aged 55 years or older, and, those assessed to be in need of care.

Reason for Reporting to Committee

The proposal is a 'Major' scale application that is recommended for approval and so it is necessary for the application to be presented to Committee for determination.

Site Description and Location

The application site is located within the settlement boundary of Lytham St Annes, immediately east of Lytham Town Centre. It has no formal allocation in the adopted Fylde Borough Local Plan (FBLP) and is a housing allocation in the submission version Fylde Local Plan to 2032 (SV).

The site is approximately 0.79 hectares in size and is occupied by a vacant building, formerly used by AXA for Technologies Services, and car park hardstanding area. The existing building is of industrial size and proportion, and has boarded up due to it being subject to anti-social behaviour. Vehicular access points to the site are currently via West Cliffe and Wharf Street.

The site is located within a predominantly residential area, being bound by housing to the south and east, Booths supermarket to the west, and, rail corridor with housing beyond to the north.

Details of Proposal

Full planning consent is sought for specialist accommodation for the elderly (age 55 or older) consisting of 65 apartments. The apartments will be self-contained consisting of 12 one bedroom, 44 two bedroom and 9 three bedroom units. Submitted floor plan drawings also indicate communal use areas including two lounge areas, restaurant, hair salon, activities/ crafts room and spa.

Gladman Care Homes have built over 40 Care and Nursing Homes throughout the UK. Their aim is to meet the current and future needs of older people who are in need of care, by constructing specialist developments that will enhance the local environment and contribute to the attainment of mixed and balanced communities. The scheme offers an alternative to residential care for older people by combining the advantages of high quality, self-contained and secure accommodation, with the provision of flexible care services on a day to day basis to those in need of care. The service enables older people to retain control over their own lives while receiving the care and support they need allowing residents to remain as independent as possible for as long as possible. The scheme allows residents to receive more acute care as their needs intensify. Importantly, residents are required to be 55 years of age and/or in need of some form of care package. Experience shows that the average age of occupants to be 81, with the relatively young age of 55 relating to those unfortunate enough to be suffering with medical issues such as early onset dementia, Multiple Sclerosis or other such debilitating diseases.

The building is 3 storey in appearance, set beneath a hipped roof form with projecting gable detail to all elevations, being constructed of red brick with a contrasting plinth, render and a grey tile. Detailed design includes heads and cills to prominent windows, contrasting brick banding to the eaves of the building, and dark grey framed windows. Apartments above ground floor level have their own balcony, which is a simple metal framed structure attached to the main building on 'stilts'. The development will be set in landscaped gardens located to the north and eastern areas of the site, tree planting will be provided as part of an overall landscape strategy and will include additional planting to the eastern boundary with houses on West Cliffe.

Vehicular access to the development will be solely via that existing on Wharf Street. The Wharf Street/ North Warton Street junction will be improved to enable the prioritisation of Wharf Street. The submitted layout makes provision for 42 parking spaces (65%), 6 of which are to be for disabled users, in addition 10 spaces have also been provided for existing residents on Wharf Street. A service vehicle turning area has been provided adjacent to the bin store areas. Footpaths through the site are delineated by a colour changed surface and link up to the existing network on Wharf Street, a footpath access to Booths is also provided.

Planning consent (17/0411) has been granted for demolition of the existing building on the site, but this has not occurred as yet.

Relevant Planning History

Application No.	Development	Decision	Date
17/0411	APPLICATION FOR PRIOR NOTIFICATION FOR PROPOSED DEMOLITION OF THE FORMER WEST CLIFFE CENTRE/AXA TECHNOLOGY SERVICES BUILDING	Approve Prior Determination	10/08/2017
13/0152	OUTLINE APPLICATION FOR ERECTION OF UP TO 45 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (ACCESS APPLIED FOR	Approved with 106 Agreement	

	WITH OTHER MATTERS RESERVED)		
88/0547	VEHICULAR & PEDESTRIAN ACCESS TO WHARF STREET	Granted	10/08/1988
88/0060	USE OF VACANT PREMISES & LAND AS COMPUTER FACILITY,	Granted	24/02/1988
87/0071	C/U TO HEALTH CENTRE SHOPPING AND BUSINESS CENTRE WITH RESTAURANT AND BAR	Refused	22/07/1987
85/0692	CHANGE OF USE: PART OF PREMISES TO FORM PUBLIC TRANSPORT BUS DEPOT.	Refused	03/01/1986
83/0467	RESERVED MATTERS: SPORTS CENTRE.	Granted	20/07/1983
83/0248	OUTLINE: SHELTERED HOUSING SCHEME 1. 44 FLATS, WARDENS ACCOMMODATION AND COMMUNITY BLOCK.	Granted	20/06/1983
83/0249	OUTLINE: SHELTERED HOUSING SCHEME 2. 22 FLATS, WARDENS ACCOMMODATION AND COMMUNITY BLOCK.	Granted	20/06/1983
83/0273	OUTLINE: SPORTS AND LEISURE CENTRE.	Granted	25/05/1983
81/0924	CHANGE OF USE FROM STORAGE TO LIGHT/GENERAL INDUSTRIAL PURPOSES.	Granted	18/03/1982

Relevant Planning Appeals History

None

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Raise no objection and conclude that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site, subject to conditions and £5000 contribution toward investigation and possible changes to existing waiting restrictions on Wharf Street.

The key elements of their consultation response are:

Highway Capacity

To determine the estimate traffic generation of the 65 apartments, Ashley Helme carried out a traffic count at a similar development in Heaton Chapel, Stockport for 52 apartments providing specialist accommodation for the elderly.

The Ashley Helme am and pm peak period predicted traffic generation from the site between 8.30am and 9.30pm is an estimated peak flow of 28 two-way traffic movements and between 4pm and 5pm the estimated two-way traffic movements is 19 two-way traffic. TRICS is the national standard system used to predict trip generation and analysis of various types of development. (LCC) Highways have tried to replicate these figures using the TRICS data base and agree the Ashley Helme assessment for future traffic generation for the 65 apartments is robust.

The estimated traffic generation for the proposed new development at the junction of Wharf Street and North Warton Road equates to approximately 1 additional vehicle

every two minutes during the am and pm peak periods.

(LCC) Highways also agree with the Ashley Helme conclusion that the proposed development for 65 apartments will generate less traffic movements than the existing use of the site, although this traffic was onto West Cliffe.

The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. (LCC) Highways are of the opinion that the proposed 65 apartments for providing specialist accommodation for the elderly will not have a severe impact on highway capacity in the immediate vicinity of the site.

Highway Safety

The Lancashire County Councils five year data base for Personal Injury Accident (PIA), was checked on the 10th July 2013. The data indicates there has not been any reported incidents on Wharf Street or at the junctions with Wharf Street and North Warton Street or Warton Street. The highway network surrounding the site is therefore considered to have a good accident record and indicates there are no underlying issues which the proposed development would exacerbate.

Due to increased traffic movements along Wharf Street (LCC) Highways raised concerns regarding existing parking fronting 7 to 15 Wharf Lane (odds only), the restricted sight lines from Wharf Lane onto North Wheaton Street. The Ashley Helme drawing 155/05 rev B "Proposed Site Access Arrangements" shows a proposed off road car-parking for the residents 7 to 15 Wharf Street (odds only) to remove parked cars along this section of road. The drawing also shows a proposed remodelling of the junction with Wharf Street and North Warton Street. (LCC) Highways are of the opinion that the proposed off road car parking and remodelling of the site access is acceptable and would provide a safe access for all users of Wharf Street, including pedestrians, cyclists, cars, delivery vehicles, refuse and emergency vehicles etc. with improved sight lines and possible reduction in traffic speeds passing the junction.

From observations on site and the details provided by the applicant the street light on Wharf Street will need to be relocated to allow safe manoeuvring in and out of the proposed off road car parking bays.

The off-road car parking bays for 7 to 15 Wharf Street (Odds only) would not be considered for highway adoption and the future ownership and maintenance of these parking bays should be considered.

The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe" and "safe and suitable access to the site can be achieved for all people". (LCC) Highways are of the opinion that the proposed development should not have a severe impact on highway safety in the immediate vicinity of the site and a safe and suitable access to the site has been provided for all road users

Sustainable Transport

To aid with the sustainability of the site the applicant has shown a pedestrian route with Booths for the residents of the apartments and (LCC) Highways supports this route.

Section 106 Contributions

While the applicant is proposing to provide off-road car parking for 7 to 15 Wharf Street (odds only) (LCC) Highways are of the opinion that other neighbouring property owners may wish to park on-road fronting these properties. (LCC) Highways therefore recommends a section 106 contribution of £5,000 to cover the costs of investigation and possible future changes to the existing waiting restrictions on Wharf Street, to cover staff costs, the advertising and implementation of traffic regulation orders for the changes to the waiting restrictions.

Internal Layout

(LCC) Highways is of the opinion that the proposed internal highway layout is to acceptable design standards for all road users.

Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Car parking assessment in the Ashley Helme Transport Statement, (LCC) Highways is of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development.

Lancashire CC Flood Risk Management Team

Verbal comments received raising no objection to the proposal subject to inclusion of standard conditions relating to surface water drainage scheme, maintenance/management of SuDS.

United Utilities - Water

Provided advice that the proposal are acceptable in principle, subject to drainage of the development in accordance with principles of the Flood Risk Assessment, and a condition relating to management and maintenance of sustainable drainage systems.

Environmental Protection (Pollution)

No objection subject to control of refuse collections (07.00 – 21.00) to safeguard existing neighbours from the service yard proposed.

Initial concern was raised to proximity of the development to the Booths service yard and potential for noise disturbance to residents of the development, a noise survey was requested by the Environmental Protection officer. Following further assessment of the proposed floor plans this request was removed.

Regeneration Team (Heritage)

The redevelopment of the former Axa site is in principle to be welcomed. The site is presently occupied by the portal framed steel clad building that was originally designed as a sports centre in the early 1980's. It was subsequently used as office accommodation. In view of its floor area, scale and overall height it significantly dominates the surrounding townscape. This is all the more marked since the redevelopment of the Booths site and other adjoining former industrial sites (now residential) has 'opened up' the site such that the present building is all the more prominent – and dominant. In conclusion, therefore, the development of the site has the potential to significantly enhance the site and its relationship with the wider townscape of this part of Lytham, including the nearby designated conservation area.

The proposed residential development as now proposed as emerged through an iterative process with the developer following and initial meeting some months ago. One of the

challenges with the development of this site is one of ensuring that it relates in scale with the particular parts of the local townscape with which it will relate. This varies between (and includes) the properties on Wharf Street, through which the development will be viewed - 2 storey terraced housing, - West Cliff, which backs on to the site and, the broader open character of Booths supermarket and its car park. It is then essential that the building mass, as proposed, is sufficiently 'broken down' to give interest since the development is one of a combined mass etc. effectively forming a single elongated block.

As a result of these discussions the scale of the development is considered acceptable, being lower where it adjoins Wharf Street but taller where such an increase can be satisfactorily accommodated, notably adjoining the Booths car park. Parts of the building will be shielded from view and in other cases seen at a distance e.g. from Badgers Walk and Westby Street. The design contains a series of projections and recessions to give form and structure to the design with the use of characteristic gables and feature hipped roofs which are characteristic of Lytham. Of note, and again following discussions with the developer's architect, the upper portions of some of the outer walls for the block are surmounted by sweeping roofs with prominent eaves detail, supported on projecting brackets, which helps to anchor the building to the ground, The proposal to use a dark grey brick under the eaves for the upper section of the walls will also help in creating a relationship with the roof and diminishing the apparent height of the building.

The introduction of a masonry plinth to the ground floor is welcomed which will highlight the central section of the main brick façade which will remain the dominant element – a deep red brick to compliment the predominant brick of Lytham. The details including vertically proportioned windows with the heads and cills, windows frames (that should be in a deep reveal of one brick depth) with the grey fenestration, will add a contemporary touch to the design. The inclusion of a variety of roof planes, which match the projections and recession of the building, will add some element of variety to the roofscape with the added chimney features enlivening the roofline. The relatively small dormer windows as proposed to form part of the top storey will appear as subservient features set against the mass of the roof itself. This approach is supported.

Overall, the development as now proposed should make a welcome contribution to this part of Lytham, particularly in view of the removal of the former steel clad building. It is inevitably a contemporary intervention into the townscape of Lytham but, in keeping within the spirit and distinctive design traditions, appropriately applied to a large scale building to accommodate a particular type of use. The detailing of the development will be important and the schedule of finishes as proposed is generally supported. The detailing of the window framing and the balconies along with their frontage screens will be important. Many of these matters can be dealt with through the appropriate conditions.

Environment Agency

No objection subject to land contamination condition.

The application site lies partially within Flood Zone 2 (medium probability of flooding) and is classed as a 'more vulnerable' development in the national Planning Practice Guidance to the NPPF. As such, any issues relating to flood risk should be considered by the LPA using our Flood Risk Standing Advice.

In accordance with the NPPF paragraph 101, development should not be permitted if

there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

If the LPA determines that the Sequential Test has not been met then the Environment Agency would not support this application. The Sequential Test is applied to ensure that development is firstly placed in areas at lowest risk of flooding. If the Test is not met then the application will not be in compliance with the NPPF.

Greater Manchester Ecology Unit

No objection subject to conditions.

Bats - No signs of bats were found during the external inspection and three of the buildings were considered to have a negligible potential to support roosting bats. No bats were seen to emerge from any of the buildings and only a low level of bat activity was recorded within the locality. None of the trees on site were considered to have any bat roosting potential.

If bats are found at any time during works, then work should cease immediately and advice sought from a suitably qualified bat worker. We would suggest that an informative to this effect be placed on any permission.

Birds - The hedgerows, trees, ornamental planting and buildings have the potential to support nesting birds, although no evidence of nesting birds was observed at the time of survey. On site works should be avoided during the bird nesting season by condition.

Biodiversity Enhancement - line with Section 11 of the NPPF, we would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include bat and bird boxes, sensitive lighting, native tree and shrub planting.

Regeneration Team (Landscape)

No objections.

The site is relatively contained within by mixed age, low density residential development, however the existing data centre (former sports centre) which is located on the site is unsightly and monolithic in character. Redevelopment of the site presents a great opportunity to provide a more appropriate development which fits with the adjacent settlement pattern and delivers an attractive residential space.

I am satisfied that the proposed scheme has resulted from the consideration of the visual impact of any new development on the adjacent areas around the site and that it addresses boundary treatments and visual appearance of the development appropriately.

Changes to the layout are suggested including more formal recreational activity within the gardens, boundary treatments to be uniform in design and consistent in height, surfaces for footpaths should be carefully considered for durability and ease of access, landscaping by condition, a comprehensive Maintenance and Management Plan shall

also be produced which details the ongoing maintenance operations and long term management of the site for a minimum of 10 years.

Network Rail

Raise no objections, but make a series of comments associated with the protection of the integrity and safe operation of the railway associated with:

- Drainage to take water away from the railway.
- The boundary fence and foundations must be on the applicants land.
- The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land.
- Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway.
- Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. maintained by the developer.
- Network Rail expects the developer to mitigate any noise and vibration for future occupiers.
- A Risk Assessment and Method Statement is needed to ensure safe construction.
- Any vibro-compaction machinery / piling machinery or piling and ground treatment works should only be done with the agreement of Network Rail's Asset Protection Engineer.
- A BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail.

Cadent Gas

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Lytham St Annes Civic Society

We see this as an intrusion into the otherwise domestic small scale of Lytham's east end. The overall massing is too great and dominating, we would like to see a maximum of three floors in order to relate at all to neighbouring properties. The design layout itself should be modulated in a smaller scale manner to reflect the residential grain of the streets around it, including West Cliffe.

We see this approach as vital in the long term rather than the imposition of a large mass in this desirable and attractive area of residential Lytham. This proposal will not enhance the area.

Neighbour Observations

Neighbours notified:	07 September 2017
Site Notice Date:	18 September 2017
Press Notice Date:	21 September 2017
Number of Responses	22

Summary of Comments:

- Noise, traffic and sight pollution will have a damaging impact on an adjoining holiday let business.
- Damage to property during construction, including piling, as well as once in operation due to road vibration.
- Removal of wall and trees which is a pleasant outlook, being replaced by parking.
- Disturbance during construction.
- Access to the side of the property for maintenance would be restricted.
- Amenity – 3 to 4 stories is far too high. Overshadow neighbours, light blockage, blocking sun light
- Dominance of the structure 'living in a bricked up prison'.
- Lack of privacy due to overlooking of neighbouring gardens.
- Noise from the service yard area, adding to existing problems with Booths supermarket.
- Noise from cars using the access road.
- Pollution from additional cars accessing the site.
- Loss of present unobstructed view.
- Removal of our right to have a lovely quiet and peaceful life in our home.
- Construction access via West Cliffe, this could mean disturbance for a number of years especially if the remainder of the site is also developed.
- Loss of house prices.
- Bulk would be a detriment to the street scene.
- Design – no attempt to blend in with older Victorian housing surrounding, or newer housing. Iron balconies are out of place with the Victorian Edwardian street scene. Contrary to the Council's own development plan under HL2 for housing in the centre of Lytham, housing should enhance and not be a detriment to the street.
- Design – poorly design project which has been copied and pasted, with no consideration for neighbours or tenants.
- Lack of parking - underestimates the number of staff, residents, visitors and care workers who will need parking. Some of the apartments are 3 bedroom. How can they enforce staff travel to work by bus? Expectation that visitors will use Booths car park or surrounding streets which are both congested.
- Displacement of parking from the site which are heavily utilised.
- Where will residents park if yellow lines go down?
- What parking restrictions will be in place for resident parking.
- What safety measures will be put in place to access the resident parking bays.
- Access – access/ egress is poor and dangerous due to parked cars, edge of pavement housing and a high wall. Why can't the present access from West Cliffe be used?
- It is understood that emergency services were not allowed to use Wharf St when AXA data centre was open, does this still apply?
- North Warton St is narrow and one lane with parked cars for much of its length. It is already used as a rat run and is unsuitable for use by the elderly or disability scooters, without the added pressure of the development.
- Can the pedestrian entrance to Booths be available to everyone?
- 10 parking spaces created for residents on Wharf Street, but would only meet some of their needs and would not be designated to them.
- Will Wharf St be used for access during construction?
- Development of 2/3 of the site only, concern for redevelopment of the remainder of the site.
- Concern for the final number of dwellings on the site. Original plans for 45 dwellings on the larger site, this proposal is for 65 dwellings on a portion of that site.
- What will stop the development evolving into private, second or holiday homes?
- There is a greater requirement for affordable housing for younger people in Lytham, which would

be a more appropriate use for the site.

- Community consultation event – strongly disagree by the statement from Adlington that ‘the majority of comments were supportive in principle’ as this was not a true reflection, everyone attending had concerns and anger with several elements of the plans.

Relevant Planning Policy

Fylde Borough Local Plan:

EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP19	Protected species
EP23	Pollution of surface water
EP24	Pollution of ground water
EP30	Development within floodplains
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL1	Lytham and St Annes Strategic Location for Development
ENV2	Biodiversity
ENV4	Provision of New Open Space
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
SL5	Development Sites outside Strategic Locations for Devt

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

The main issues pertinent in the assessment of this proposal are the principle of development, design, amenity, highways, trees, drainage and ecology.

Principle of Development

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

The site is located with the settlement boundary of Lytham St Annes and has not specific designation in the FBLP. The site is allocated as a housing site in the SV and has been allocated in that plan to enable Fylde to meet and maintain a 5 year supply of housing. Policies H1 and H2 of the SV supports the new housing on such allocations, including specialist accommodation for the elderly in order to meet the need of an ageing population. The Fylde Local Plan to 2032 is now at an advanced stage in the process and as such can be afforded moderate weight in this decision. Therefore given this allocation the site has clearly been found to be in a sustainable location and would comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposal would, therefore, contribute to meeting an identified need in the SV. The site is considered to be a suitable location for development and the principle of developing the site for the purposes applied for is supported.

Design

Policy HL2 of the FBLP outlines the design criteria against which housing proposals will be allowed. In particular HL2 supports new development which is compatible with adjacent land uses, would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design, and, would not prejudice the future development of a larger area of developable land.

In addition, Policy HL6 requires residential estates to be well-designed, to respect the character of the area and provide an attractive, safe and crime free environment for residents, 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. Policy GD7 of the SV expects development to be of a high standard of design ensuring densities reflect and wherever possible enhance the local character of the surrounding area, relates well to the surrounding context and character of the area, conserve/ enhance the built and historic environment, sympathetic to surrounding land uses and avoids demonstrable harm to the visual amenities of the area.

The site is currently occupied by a vacant industrial building which has been subject to anti-social behaviour. The structure and site in general have deteriorated over time and are considered to detract from the local area. Portions of the building are exposed to distance views from adjacent public vantage points exacerbating the current visual impact concern. Redevelopment could therefore greatly improve and enhance the visual quality of the site and locality, subject to an acceptable design solution.

Loss of the existing building on site has previously been accepted by approval of 17/0411.

The existing building is industrial in appearance and scale, occupying a majority of the application site. The proportions of the existing building are considered to form a precedence for an acceptable scale of development on the site. The scheme has emerged through a series of pre-application meetings with the Planning Authority. As a result of these discussions the scale of the development has been revised, being lower where it adjoins Wharf Street but taller where such an increase can be satisfactorily accommodated, notably adjoining the Booths car park. Parts of the building will be shielded from view and in other cases seen at a distance e.g. from Badgers Walk and Westby Street. The submission includes a height comparison between the existing structure and that proposed, indicating that the height of the building proposed is comparable. In addition, there are some larger scale buildings immediately adjacent to the site including Booths Supermarket and 3 storey apartments on Haven Road. On balance the scale of development proposed is considered acceptable.

The layout makes provision for landscaped garden grounds, parking and servicing arrangements, and would result in a reduced developed area on the site when compared to that existing. The proposal is not therefore considered to be an overdevelopment of the site.

The proposed elevations contain a number of projections and recessions through the use of gables and feature hipped roofs which are characteristic of Lytham and give depth to the structure. The upper portions of some of the outer walls are surmounted by sweeping roofs with prominent eaves detail, supported on projecting brackets, which help to anchor the building to the ground. The proposal to use a dark grey brick under the eaves for the upper section of the walls will also help in creating a relationship with the roof and act to diminish the apparent height of the building. The introduction of a masonry plinth to the ground floor is supported and will highlight the central section of the main brick façade which will remain the dominant element – a deep red brick to compliment the predominant brick of Lytham. The inclusion of a variety of roof planes, which match the projections and recession of the building, will add some element of variety to the roofscape with chimney features adding visual interest to the roofline. Detailed design includes vertically proportioned windows with heads and cills, use of grey window frames will add a contemporary touch to the design.

Overall, the development is considered to make a positive contribution to this part of Lytham, particularly in view of the removal of the former steel clad building. It is a contemporary intervention into the townscape but, is considered to be in keeping within the spirit and distinctive design traditions of Lytham which have been appropriately applied to a large scale building to accommodate a particular type of use. Design of the development is therefore considered acceptable, in accordance with the development plan.

Amenity

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

Existing neighbours which could be affected by the proposal adjoin the application site to the east on West Cliffe, south on North Warton Street and Wharf Street, and west on Haven Road.

The existing building is sited within close proximity of neighbouring dwellings on West Cliffe, appearing as a dominant and oppressive structure. The siting of the proposed building has increased separation to the majority of neighbours on West Cliffe when compared to that existing, resulting in

improved light levels and a less dominant structure. Where habitable rooms and balconies within the development oppose the rear elevation of dwellings on West Cliffe, separation varies between 35m-40m and is considered sufficient distance to minimise overlooking from the proposal.

The rear elevation of 27-31 West Cliffe currently look out over the existing car park. The footprint of the proposed building will extend beyond that existing resulting in these properties opposing the eastern side elevation of the development. Separation between these houses and this element of the scheme is approximately 21m. Scale of the building opposing these neighbours has been reduced to 2 ½ stories through inclusion of an extended eaves line to the hipped roof. Floor plans also ensure that any windows opposing 27-31 West Cliffe are either secondary bedroom windows or serving a study. Tree planting is also proposed to this boundary, which would act to soften and break up the built form. It is acknowledged that the existing open view from the rear of 27-31 West Cliffe would be lost, however, on balance, it is considered that the development would not result in an unacceptable impact to these neighbours. To minimise opportunity for overlooking it is considered necessary to condition the affecting side windows to be obscured and top hung.

Dwellings to the west on Haven Road (The Mariners) are rear facing to the application site and currently have a relatively open aspect, facing out over the car park and single storey element of the existing building. These neighbours have rear habitable room windows opposing the proposed car park and to habitable room windows within the development. At its closest point, separation to the development is 29m, but does increase to 32m. This degree of separation is considered sufficient to ensure that the development would not have an unacceptable impact on these neighbours.

15 Wharf Street is the closest dwelling located to the south and has a side gable relationship to the development and a separation distance of approximately 27m. Further afield, dwellings on North Warton Street have a front facing aspect to the development and separation of approximately 55m. This separation and orientation to the building proposed ensures no unacceptable impact to the amenity of these neighbours.

The proposed vehicular access is to be via Wharf Street, and provides the single point of entry for both cars and service vehicles. Inevitably there will be some noise disturbance from the passage of vehicles to the site, though it is considered that the level of activity would not be significant to warrant refusal of the proposal. Members should also note that the existing site has two points of vehicular entry, from West Cliffe and Wharf Street which would have caused disturbance when in use.

Residents have raised concern to existing noise disturbance resultant from the Booths Supermarket service yard, and how the service yard proposed would act to exacerbate this current problem. There is no service yard area within the scheme, though a turning head located adjacent to the bin store is likely to be used for such means. The turning head is within proximity of houses on Haven Road (The Mariners) and could give rise to noise disturbance if servicing of the development was at an unsociable hour. On this basis it is considered necessary to impose an hours of use restriction on the servicing of the site, the Environmental Protection officer suggests between the hours of 07:00 – 21:00.

It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours including construction hours restriction, wheel wash facility, noise/ dust/ vibration controls. Damage to neighbouring dwellings resultant from the construction of development is a private matter and not something that can be taken into consideration when determining this application. For information purposes, a construction company

or contractor must carry insurance to cover the unfortunate circumstances where damage does occur to neighbouring property. This insurance would be used to make good any damage. It is recommended that any neighbours concerned take private professional advice on this matter as the Council cannot be held accountable or liable for the actions of private building companies.

The layout of the development provides for an acceptable level of amenity space through provision of communal landscaped gardens, patio areas and balconies. The amenity needs of prospective residents is considered to be catered for within the development.

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

Highways

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

Policy HL2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. SV Policy GD7 refers to similar highway safety matters and T5 requires provision of parking on site and that a flexible approach to parking will be applied, dependent on location of the development.

There are currently two points of vehicular access to the site via Wharf Street and West Cliffe.

Vehicular access to the development is proposed solely via Wharf Street. The current priority for the flow of traffic on Wharf Street stops at the junction with North Warton Street, the scheme proposes to alter this arrangement with Wharf Street having the priority for vehicles through this junction. 42 parking spaces are provided within the development, this equates to less than 1 space per apartment (65%), and is based on the operational experiences of similar developments run by the applicant. A turning area for larger service vehicles is provided adjacent to the bin store area. Footpaths are demarked through the car park by contrast colour surfacing and link up to the existing footpath network on Wharf Street, a footpath link from the development to Booths Supermarket is also provided. In addition, 10 resident parking spaces have been formed opposite 7-15 Wharf Street and ensures that residents have access to parking spaces in the event that parking restrictions are required on this part of Wharf Street.

A Transport Statement (TS) was submitted with the application which concluded that the site is in accessible location being close to Lytham Town Centre and opportunity therein for public transport such as bus and train services. The TS reports that vehicular movements during peak times will be 28 two way trips in the Am (less than 1 vehicle every 2 minutes) and 19 in the PM (less than 1 vehicle every 3 minutes), and that this is less than that estimated traffic flows and parking arrangements for the former occupier of the site. The TS concludes that the proposed development will have no material traffic impact on the local highway network and that there are no transport/ highway reasons for refusal of planning permission.

The Highway Authority (HA) has considered the proposal and concur with the findings of the TS,

stating that the proposal will generate less traffic movements than the former use on the site though acknowledge that this traffic was onto West Cliffe. Notwithstanding, the HA conclude that highway capacity impact would not be severe. The HA also comment that the highway surrounding the site is considered to have a good accident record with no reported incidents and that this indicates no underlying issue which the proposal would exacerbate.

With regards to the physical works proposed, the HA are of the opinion that the resident car parking and junction improvements would provide a safe means of access for all users of Wharf Street with improved sight lines and reduction in traffic speeds through the junction.

The applicant has provided a Parking Statement (PS) with their application. The PS provides details of the applicant's completed and consented Specialist Accommodation for the Elderly schemes and associated level of parking provision. Occupation of the development is restricted by age and most importantly for those to be assessed to be in need of care. The restrictions result in an average age of residents being over 80. Facilities such as a pool car and mobility scooters are also available to residents. The PS provides details of the levels of known resident parking of 16 consented schemes and the demand for resident, staff and visitor parking. The level of parking demand reduces over time for a number of reasons including awareness of other modes of transport, increased use of on site pool car/ mini bus, health issue precluding car usage and increased use of on site facilities (restaurant, hair salon, gardens etc). From their experiences of other schemes, the applicant considers that the amount of parking proposed will provide an appropriate balance, providing sufficient spaces for the initial needs of residents, regular needs in the long term, the aspirations of sustainable development and, avoiding under provision which can create pressure and conflict on existing off site parking.

The Highway Authority has not raised objection based on the amount of parking spaces provided, or the internal layout of the development. The applicant is proposing to provide off-road car parking for 7 to 15 Wharf Street, the Highway Authority considers that other neighbouring property owners may wish to park on-road fronting these properties, and therefore consider it necessary to investigate the need for traffic regulation orders to alter the waiting restrictions. A £5000 contribution to enable investigation of the traffic regulation order has been requested.

The parking allowance is only acceptable based on the Specialist Elderly Accommodation proposed and is unlikely to be supported for a private housing development. On the basis it is advised that there is an occupancy restriction which relates to the type of accommodation applied for, namely 'specialist accommodation for the elderly' with residents being aged 55 years or over and assessed to be in need of care.

It is considered that the development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. Appropriate parking for the end user has been demonstrated in the submission.

Trees

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.

There are a number of peripheral trees on the site which are not protected by Tree Preservation Order, but do afford some amenity value for residents on Badgers Walk, as well as a softening landscape feature of the existing site for residents on West Cliffe and Wharf Street. Existing trees are

therefore considered to be of importance and should be retained within the scheme where possible.

The submitted Tree Survey (TS) indicates retention of the majority of trees, though the group adjacent to Wharf Street must be removed to facilitate the resident parking spaces. The TS also identifies protection of retained trees during the construction process. The proposed layout provides for replacement planting in this location and indeed throughout the development, including the bolstering of boundaries especially to housing on West Cliff.

On balance the loss of trees is supported in order to facilitate development of the site, subject to retention and protection of trees as per the submitted TS and layout drawing.

On this basis the proposal is considered to accord with Policies EP12 and GD7, subject to protection of retained trees and hedgerows, and provision of additional tree planting within the development which can be controlled by condition.

Drainage

The site is located predominantly within Flood Zone 1, with the northern most part of the site in Flood Zone 2. Policy EP25 and EP30 of the FBLP states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere, foul sewers and sewerage treatment facilities should be of adequate design and capacity to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the SV reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

A Flood Risk Assessment and Preliminary Drainage Strategy (FRA) has been submitted with the application. The FRA concludes that the site is not at risk from coastal flooding and there has been no historic flood events within 250m of the site. A part of the site is at high risk from surface water flooding which can be mitigated by appropriate floor levels of the building if required. As the existing site is entirely surfaced using impermeable materials, there are no anticipated increases in peak runoff rates as a result. The site is not appropriate for infiltration and is detached from a watercourse, on this basis discharge of surface water is proposed to discharge as per the existing connection to United Utilities sewers.

The Sequential Test is not considered necessary in this instance since the footprint of the building is within Flood Zone 1, with landscaping to the northern boundary within Flood Zone 2 only. The FZ2 designation is recognised in the FRA, which states that floor levels should be raised by a minimum of 300mm above surrounding ground levels or 600mm above the predicted flood level (whichever is the greater) if works are within this area of the site.

United Utilities, the EA and the LLFA have not raised objection to the proposal, subject to conditions requiring implementation of the FRA and management/ maintenance of SuDS on the site. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

Ecology

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

The site has no specific nature conservation designation in the Local Plan. Policy EP 19 seek to safeguard protected species and their habitats from development, requiring mitigation where appropriate, as well the retention/ enhancement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policies ENV1 and ENV2 of SV reflect this current policy position.

It should be noted that any ecological impact associated with the existing building on the site has been considered under separate application for demolition of the building.

The submitted Ecology Survey concludes that the development would have no adverse impact on any statutory no statutory designated sites, and that there is an absence of bats on site. Removal of vegetation from the site should avoid the bird nesting season, landscaping should be native and provision of bat and bird boxes should be made.

The ecology survey demonstrates that development of the site can be achieved without adversely affecting important habitats and species on/adjacent to the site. Indeed GMEU have no objection to the proposal, subject to condition. On this basis the proposal is therefore in accordance with the objectives of the development plan.

Affordable Housing

Policy H2 states that where 100% specialist accommodation for the elderly is proposed, affordable housing contributions will not be sought. The supporting information submitted with the planning application clearly demonstrates that the proposal is intended for elderly accommodation and this is to be secured by the legal agreement. It is not therefore necessary for the scheme to contribute toward affordable housing provision.

Public Realm

Policy INF2 requires development to contribute towards the requirements of the community, including the public realm. In this circumstance, the application site lies adjacent to and within easy walking distance of Lytham Town Centre for prospective occupants. Contributions towards town centre regeneration, as per the Regeneration Framework, are considered appropriate and the applicant has agreed to a figure of £1000 per apartment (£65000). This shall be required by S106 Legal Agreement, with 50% payable prior to works commencing and the remainder prior to first occupation of the development.

Conclusions

The principle of the proposed development is considered acceptable due to the sites housing allocation in the submission version Fylde Local Plan to 2032.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. Appropriate car parking is provided, and, design and layout of the scheme is acceptable. The proposal is considered to have an acceptable relationship with neighbours, and the development would have no adverse impacts in terms of ecology, flooding and drainage.

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

Recommendation

That, Subject to the completion of a Section 106 agreement in order to secure:

- £1000 per apartment (£65000) contribution toward public realm enhancements in Lytham Town Centre, with 50% payable prior to construction of the development and remainder prior to first occupation of the development.
- £5000 contribution to cover the costs of investigation and possible future changes to the existing waiting restrictions on Wharf Street, to cover staff costs, the advertising and implementation of traffic regulation orders for the changes to the waiting restrictions – payable prior to construction of the development.
- Occupancy restriction to aged 55 years or older, and, those assessed to be in need of care.

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

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

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

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

2. This permission relates to the following plans:

- Location Plan drawing number 09992-P1-101.
- Site Plan drawing number 09992-P1-103 rev B.
- Building Elevations drawing number 09992-P1-131 rev B.
- Floor Plans 1 General Arrangement drawing number 09992-P1-121.
- Floor Plans 2 General Arrangement drawing number 09992-P1-122.
- Landscape Strategy drawing number 09992-P1-141 rev A.
- Comparative Elevations 1 09992-P1-111 rev A.
- Comparative Elevations 2 09992-P1-112 rev A.
- Comparative Elevations 1 09992-P1-113 rev A.
- Comparative Elevations 1 09992-P1-114 rev A.

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

3. Notwithstanding the submitted details, prior to commencement of the development hereby approved, representative samples of the external construction materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in construction of the development.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy HL2 of the Fylde Borough Local Plan.

4. Notwithstanding the submitted details, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development 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.

5. Notwithstanding the submitted details, prior to commencement of the development hereby approved, detailed design of the external balcony structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy HL2 of the Fylde Borough Local Plan.

6. Notwithstanding the submitted details, prior to commencement of the development hereby approved, detailed design of the external bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy HL2 of the Fylde Borough Local Plan.

7. Notwithstanding the submitted details, prior to commencement of the development hereby approved, detailed design of all windows within the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details should provide for frame size and colour, heads and cills, and, a 75mm reveal. The development shall be constructed in accordance with the approved details.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy HL2 of the Fylde Borough Local Plan.

8. Prior to commencement of the development hereby approved, a scheme for construction of the site access and off site highway improvements works shall be submitted to and approved in writing by the Local Planning Authority. The off site highway works shall include:
1. improvements to facilitate the re-prioritisation of the Wharf Street and North Warton Street junction.

The approved scheme shall be implemented prior to first occupation of the development and retained thereafter

Reason: In order to secure improvements to the highway network to ensure safe and convenient access and circulation for vehicle traffic in the interests of road safety, in accordance with Policy HL2 and TR1 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

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

- the parking of vehicles of site operatives and visitors.
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.

- provision of any portacabins on the site.
- the erection and maintenance of security hoarding.
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
- Routes to be used by vehicles carrying plant and materials to and from the site.
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- Wheel wash facilities.
- Measures to control noise, dust and vibration.

The duly approved CMS shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development, in accordance with Policy HL2 and EP27 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

10. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Prior to first occupancy of the development hereby approved, the private car parking and manoeuvring areas must be marked out in accordance with the approved plan, and permanently maintained thereafter.

Reasons: In the interests of highway safety, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

11. The level of the new driveways fronting 7 to 15 Wharf Street (odds only), shall be constructed 0.150m above the carriageway channel line of Wharf Street.

Reasons: To safeguard the future reconstruction of the highway, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

12. The 10 resident parking spaces opposing 7 to 15 Wharf Street (odds only), as detailed on the Site Plan drawing number 09992-P1-103 revision A, shall be provided prior to occupation of the development hereby approved. Signage requiring use of these spaces for sole use of these parking spaces by residents of Wharf Street shall also be erected prior to occupation of the development hereby approved.

The pedestrian link to the adjacent site to the west, as detailed on the Site Plan drawing number 09992-P1-103 revision A, shall be provided prior to first occupation of the development hereby approved and retained thereafter, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure satisfactory parking arrangements for residents adjacent to the site, and, access arrangements, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

13. Prior to commencement of the development hereby approved, a scheme of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and retained thereafter.

Reason: In the interests of visual amenity, in accordance with Policy HL2 and HL6 of the adopted

Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

14. Notwithstanding any details shown on the approved plans, prior to commencement of the development hereby approved, a hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure retention of all trees and hedgerows identified on the Tree Retention Plan drawing number 7795-A-03 (Arboricultural Assessment, FPCR, August 2017), as well as the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs for additional landscaping within the development.

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

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements, in accordance with Policy HL2, EP14 and EP18 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

15. 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.

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

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended), in accordance with Policy EP19 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

17. During construction of the development works on site shall be restricted to 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 Local Plan (October 2005) and the National Planning Policy Framework.

18. Prior to commencement of the development hereby approved, a scheme for provision of bat and bird boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and retained thereafter.

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

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

Those details shall include, as a minimum:

1. Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD.
2. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
3. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
4. Flood water exceedance routes, both on and off site.
5. A timetable for implementation, including phasing as applicable.
6. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
7. Details of water quality controls, where applicable.

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

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

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

1. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents Management Company.
2. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:

- on-going inspections relating to performance and asset condition assessments;
 - operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
 - any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
3. means of access and easements for maintenance purposes;
 4. A timetable for implementation.

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

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

21. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers, in accordance with Policy EP29 of the adopted Fylde Borough Local Plan (October 2005).

22. Once the development is operational, deliveries to or from the site, and, refuse collection from the site shall only take place between the hours of 07:00 - 21:00 Monday to Sunday.

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

23. All secondary bedroom windows and study room windows within the eastern elevation of the development hereby approved shall be obscure glazed to a minimum Pilkington Level 3 and non opening and shall thereafter be retained. Any replacement glazing or window shall also be obscure glazed to a minimum Pilkington Level 3 and top hung.

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

24. The restaurant, hair salon and Spa uses shall remain ancillary to the specialist elderly accommodation hereby approved and shall only be available for use by those working at the premises, occupants of the development and their visitors.

Reason: In order to avoid conflict with town centre retail policies and substandard car parking provision on the site to cater for any general use by the public, in accordance with Policies HL2 and SH15 of the adopted Fylde Borough Council Local Plan (October 2015).



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0738	Address AXA Data Centre, West Cliffe, Lytham St Annes	Grid Ref. E.3371 : N.4273	Scale 0 6 12 18 24 m

Item Number: 3

Committee Date: 10 January 2018

Application Reference:	17/0764	Type of Application:	Full Planning Permission
Applicant:	H & C PICKERVANCE	Agent :	ML Planning Consultancy Ltd
Location:	ROSEACRE HALL FARM, ROSEACRE ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3UE		
Proposal:	ERECTION OF AGRICULTURAL BUILDING TO PROVIDE MILKING PARLOUR WITH NEW ACCESS TO ROSEACRE ROAD		
Ward:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	17	Case Officer:	Ruth Thow
Reason for Delay:	Delays in consultation replies		

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

<https://www.google.co.uk/maps/@53.8247896,-2.8523676,680m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is Roseacre Hall Farm, a working dairy farm that operates from a site that is located to the south east of Roseacre in the designated Countryside.

The proposal relates to the erection of a new building to provide a modern milking parlour and a new access road to serve the new dairy.

The building is of a scale which matches that of the recently constructed buildings to the west side of the application site in terms of its overall length, although wider and so will be viewed against the backdrop of these buildings and others in the farm complex. Whilst the new access will result in some loss of hedgerow initially, new landscaping planting is proposed at the entrance and the frontage of the site to mitigate this loss.

The development is considered to comply with the requirements of Policies SP2, EP11 and EP19 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4, GD7 and ENV2 of the submission version of the Local Plan to 2032, in respect of the agricultural need for the development and allows for sustainable growth and expansion of an existing agricultural business which is therefore supported by the aims of the NPPF.

Reason for Reporting to Committee

The application is on the agenda as the application is a major application having a floor area greater than 1,000 sqm and the Parish Council have objected to the scheme. With the officer recommendation being for approval the council's scheme of delegation requires that the application is determined by Committee.

Site Description and Location

The application site is Roseacre Hall Farm, Roseacre Road, Roseacre. The site is run by the Pickervance family in conjunction with New Hall Farm as a large dairy enterprise. In particular the proposed building is to be sited to the east of the existing farm buildings into the open countryside that separates Roseacre from Wharles, with surrounding land uses consisting of other farms and residential properties within Roseacre and agricultural land around it in all other directions.

The land is designated as Countryside on the Fylde Borough Local Plan, and this designation is carried forward in the submission version of the Local Plan to 2032.

Details of Proposal

This application seeks permission for the erection of a new building for the purposes of providing a modern milking parlour together with a 'collecting yard' to be situated between the existing and the proposed building. The building is to be accessed from a new vehicular access to Roseacre Road.

The new dairy measures 20 metres in width by 60 metres in length with an eaves height of 3.6 metres and a ridge height of 6.2 metres. The building is to be constructed in concrete blocks to a height of 1.5 metres with metal profile cladding above, in 'Juniper Green' under a grey cement fibre sheet roof.

The parlour is to be provided with a rotary milking area, holding pens, artificial insemination area, office, pump room and the dairy which will store collected milk awaiting collection.

The access road is located to the east side of the existing buildings and to the west of the proposed building and requires the removal of a section of the existing hedge to provide visibility splays measuring 2.4 m by 50 metres to the west and 2.4 metres by 60 metres to the east. The hedge is to be relocated 2 metres back from its current road edge position to allow this visibility to be achieved.

Relevant Planning History

Application No.	Development	Decision	Date
15/0434	PROPOSED AGRICULTURAL BUILDING AND RETENTION OF PART OF THE ADJACENT BUILDING BOTH FOR THE PURPOSES OF LIVESTOCK HOUSING.	Granted	06/11/2015
14/0303	PROPOSED NEW BUILDING FOR LIVESTOCK HOUSING	Granted	29/07/2014
12/0333	NEW ROOF OVER EXISTING SILAGE CLAMP	Granted	18/07/2012
07/1134	EXTENSION TO EXISTING DAIRY CATTLE HOUSING BUILDING - PHASE 2 OF A TWO-PART PHASED DEVELOPMENT SCHEME	Granted	26/03/2008
07/1129	EXTENSION TO EXISTING CATTLE HOUSING BUILDING - PHASE 1 OF A TWO-PART PHASED DEVELOPMENT SCHEME	Granted	26/03/2008
06/0887	RE SUBMISSION OF REFUSED APPLICATION CK/AG/06/0002 OPEN SILAGE CLAMP	Granted	12/02/2007
AG/06/0007	RESUBMISSION OF APPLICATION AG/06/0002 FOR SILAGE CLAMP.	Withdrawn by Applicant	15/09/2006
AG/06/0002	AGRICULTURAL DETERMINATION FOR OPEN	Permission	18/08/2006

02/0592	SILAGE CLAMP ERECTION OF AGRICULTURAL BUILDING	Required Granted	21/10/2002
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Earlier agricultural planning history removed due to lesser relevance.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 20 September 2017 and comment:

Treales, Roseacre & Wharles Parish Council (TRW PC) OBJECTS to this development for the following reasons of non-compliance with the planning policies:

The size and scale of this development has raised many concerns and without the relevant information to assess the proposal it is very difficult to come to a judgement. To that end the TRW PC is required to consider what is before the Council.

The proposed development is in designated countryside, which FBC Policy SP2 requires that development has to demonstrate an agricultural need to be compliant. TRW PC does not have the information before the Council to evidence that there is a sustainable agricultural need for such a substantial development. This is particularly important, since the Parish has seen two farming developments that have not proven sustainable, which would lead to questions of the robustness of the business sustainability assessment at the time of the submission of the associated applications.

The applicant has previously stated to the TRW PC that the enterprise's credit was constrained such that it could only develop a single animal building at a time. This development is substantially larger in its complexity than the current applications with planning permission on this enterprise and TRW PC members are therefore concerned over the sustainability of this development. TRW PC, therefore, does not consider that a sustainable agricultural need has been demonstrated and thus the development is in conflict with Policy SP2.

TRW PC is happy to reconsider this if appropriate evidence is provided and an assessment by a FBC related or commissioned expert suitably qualified in the relevant financial and agricultural matters is undertaken.

In addition, the development is proposed to be located on a prominent site beyond the curtilage of the recent developments of the farm site, whereby the farm complex will be much more visible and it is considered that it is of a scale that would harm the character of the surrounding countryside without mitigation by a planting/landscaping scheme to break up the mass of the development and to ensure that there is no light emitting outside the curtilage of the farm complex.

The Treales, Roseacre & Wharles (TRW) Parish Council Objects to the creation of this substantial building with its uncharacteristic, more prominent position without the mitigation of an appropriate landscaping/planting scheme to break up the mass of this very large building visible from both Roseacre Road and Inskip Road. This is in conflict with Policy SP2 as the proposed development is considered – by local knowledge – to be of a scale which would harm the character of the surrounding countryside.

TRW PC would be happy to consider revising this view if it were to receive a suitable proposal to

provide a landscaping & planting scheme to break up the mass of the development. This may include evergreen trees to provide year round effect, such as Scot's pine or similar which are characteristic of a number of woodland settings locally. Mitigations should also ensure that no light emits from beyond the boundary of the farm building curtilage.

The Application also proposes the creation of an additional access to the western side of the Roseacre Hall farm site curtilage. Concerns have been raised locally over the changes proposed to the local highways as part of this development. Without the Highways Officers' report, the Council is thus obliged to make an assessment from the Parish Council's local knowledge and on planning grounds. The NPPF (para 32) requires that safe and suitable access can be achieved for all people.

Parish Council members are regular users of this road and have received a number of concerns from other users about the suitability and safety of the use of this section of road in the event that a new farm entrance was created, whereby large vehicles were to be turning on and off this narrow lane.

Roseacre Road is a narrow rural lane. It is particularly narrow around the proposed new access route, such that it is considered that the new access will only exacerbate the issue of vehicles dominating this section of this very constrained section of the rural highway network as vehicles turn on and off the highway. Roseacre Road is regularly also used by cyclists and horse riders. Transiting large vehicular traffic is intimidating to such road users on this particularly narrow section of the highway. Manoeuvring traffic would be considered to be even worse. Large, agriculturally related, manoeuvring traffic along the area around the proposed access is considered to be neither suitable, nor safe.

Along the same narrow section of Roseacre Road, it has already been observed that members of the public have used a section of recently unauthorised road verge excavation as a car parking area whilst they use their bicycles. This only served to further narrow this characteristically constrained section of the rural network.

From the Council's local knowledge, it is observed that the existing north west entrance to the enterprise provides good access for the highways network with both extensive sight lines and areas to pause off the highway. There is an established internal network of roadways within the farm curtilage that provide vehicular access to all the existing buildings. Local experience would indicate that multiple large vehicles successfully use the existing access without blocking the highway. It is not considered that there is an agricultural need to create a new entrance.

The Parish Council is satisfied to engage with the Highways' authority to consider whether the existing entrance would be a safer and more suitable access to the farm and proposed development, or whether they are able to offer appropriate mitigations.

The Treales, Roseacre & Wharles (TRW) Parish Council would wish this application to be determined by the Fylde Borough Council's Development Management Committee if the case officer's view is at variance to TRW Parish Council's recommendation.

The Parish Council is prepared to reconsider this as and when appropriate information is provided.

The Parish Council objects to the Application based upon conflicts with SP2 and NPPF para 32.

Statutory Consultees and Observations of Other Interested Parties

National Grid

National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline.

Lancashire County Council - Highway Authority

They confirm that they have no objections as it will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site providing the access is for agricultural purposes only.

They comment that the sight lines shown on drawing ML/TP/5605 rev B "Site Plan" onto Roseacre Road are acceptable based on the recommendations from Manual for Streets and are fully achievable over the existing adopted highway and land within the applicant's control.

They raised queries over the internal layout of the site which would have made turning of HGVs difficult as initially presented, and these have been addressed with a revised layout now with the council.

A series of conditions are suggested, with the appropriate ones included on this recommendation.

Regeneration Team (Landscape and Urban Design)

There will be a moderately significant impact on views from Roseacre Road resulting from construction of both the farm building and the new access track. In addition, the loss of the existing mature hedgerow will have a significant but localised landscape effect. However, given the replacement planting shown on the submitted plan, this effect will be short term and can be reasonably mitigated.

Should the scheme be approved, the long term maintenance (minimum 10years) of the new hedgerow should be conditioned to ensure its successful establishment. Such maintenance should include aggressive/invasive weed management, protection from pests and livestock, annual cutting to thicken the hedge and the replacement of dead, dying or diseased plant material as necessary.

Grass areas forming the sight lines from back of kerb to the new hedge line should be seeded with an appropriate wildflower-rich grass seed which is suitable for the areas beneath hedgerows, such as Emorsgate EH1 or similar.

The farm gates should be standard six bar galvanised farm gates.

Regeneration Team (Trees)

I have no objection.

HSE

Do not advise against the approval of the development on safety grounds.

Neighbour Observations

Neighbours notified:	20 September 2017
Site Notice Date:	24 November 2017
Press Notice Date:	30 November 2017
Number of Responses:	3 letters received

Summary of Comments

- access compromise road safety and is unnecessary
- existing access at a point where road is wider & more effective views
- no reported accidents at existing entrance
- number of occasions HGV's blocked road is negligible
- new access create more problems
- existing access could be widened
- proposed access at narrowest point at entrance to village
- would lead to 3 gates accessing Roseacre Hall Farm
- roads not designed to carry large agricultural vehicles
- safety better achieved by careful driving and speed reduction
- mirrors should be installed
- other farms have more restrictive access
- farm traffic creates lots of mud on road
- accidents occur due to unsatisfactory road conditions
- access will exacerbate situation
- site ear marked for fracking application cannot be looked at in isolation
- unnecessary development
- could existing buildings not be extended

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP11	Building design & landscape character
EP19	Protected species

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

Pipelines
Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for a new building to provide a modern milking parlour, a

'collecting yard' and a new access from Roseacre Road.

Policies

As the application proposes development in the countryside Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD4 and GD7 of the submission version of the Local Plan to 2032 are relevant together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) being material considerations to the decision.

Policy SP2/GD4 are relevant to this application given the countryside location of the site. These policies are generally restrictive of development to preserve the rural nature of the borough. One of the exceptions to this restriction is development that is justified on agricultural need, providing that it is associated with the continuation of an existing operation and does not harm the character of the surrounding countryside.

Policy EP11 requires that new buildings are of a high standard of design and should reflect the local vernacular style. These principles are reflected in Policy GD7.

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

The need and principle of development

Planning permission was granted on this site under reference 14/0303 for a building to provide additional livestock housing and a further permission granted under 15/0434 again to accommodate the applicant's increasing dairy herd. These have been implemented and the buildings were in use at the time of officer site visit.

The animals are all milked on site in the existing dairy building which was built in 1984 to serve the herd, which at that time amounted to 70 cows. The applicant has steadily increased the number of livestock on the farm and currently milks around 500 cows in the existing building, which is a labour intensive, time consuming process due to the limited number of milking stations and the condition of the out-dated building which is no longer fit for purpose.

The building proposed is a larger modern facility, which the cows quickly adapt to, which allows rapid milking of large groups of cows, provides better animal welfare, is safe to operate, has low running costs and requires low maintenance. The investment required for such a facility demonstrates the applicant's commitment to the enterprise, the new parlour will help to bring costs down on site and the cost per litre of milk and represents a more financially sustainable option.

The site is located in the countryside where rural uses are generally supported by the adopted and emerging Plan policies. The use proposed here is to facilitate the continued expansion of a successful rural enterprise and it is considered that the proposal is justified in principle and complies with the requirements of Policy SP2/GD4 of the local plan in regards to the need for the development. These policies also require further assessments of the visual impact and highway safety implications of the proposal which are assessed elsewhere in this report.

Visual amenity of building

The building is to be sited alongside those approved under application no.s 14/0440 and latterly 15/0434 on the east side with the access road in between.

The building will be visible from Roseacre Road and will project further eastwards into the countryside in a prominent location for users of that road approaching the hamlet. However, the building extends no further south than the existing buildings being of the same length, albeit wider, and will be viewed within the backdrop of the other grouping of farm buildings.

The materials of construction are a mix of 'Yorkshire boarding' and profile metal sheeting which is consistent with other buildings on the farm and in the vicinity. This aspect of the proposal is considered to be acceptable.

Impact on neighbours

As reported the new building is to the east of the farmstead in a location furthest from residential neighbours within the village. As such the addition of the building being proposed will have no impact on the amenity of neighbours.

Implications of access

The proposal is to provide a new access from Roseacre Road to serve the new building. This would be located some 100m distant from the existing and requires the formation of a 120m long track across the field to a new break in the boundary hedge with additional hedgerow removed to achieve adequate visibility. Several neighbour letters have expressed concern in respect of this new access and it is necessary to consider the implications for highway safety and visual impact from its provision.

The access is to be located on a section of Roseacre Road which has the national speed limit imposed. A visibility splay of 50 metres to the west and 60 metres to the east is to be provided. LCC highways do not object to the provision of the new access for agricultural use and are of the opinion that the proposal will not have a significant impact on highway safety, highway capacity or amenity providing the access is to be for agricultural use only.

Since the highway comments were received the agent had provided a series of 'swept path' plans that demonstrate that there is now adequate manoeuvring space at the entrance and within the site to accommodate the milk tankers that will be visiting the site. The use of this access point will also avoid the need for tankers to make turns within the site.

In regards to the visual impact of the proposed new access, this will result in the loss of a section of hedgerow 110 metres in length. This will cause a temporary harm to the rural character on the lane, but the application proposes that the hedge will be replanted where it is set back out of the visibility splay and so will re-establish a suitable rural treatment to this frontage given time. This is to be enhanced with additional planting along the edge of the track and to the area that is now severed from the main field by the access track as this becomes isolated and so less viable for agricultural use. This landscaping will help soften the development when viewed in both directions.

With the surfacing of track being concrete the new planting will mitigate the appearance of this at the entrance and maintain the existing countryside appearance of the site.

Taking these matters together the access arrangements are considered to be acceptable subject to a

series of conditions to ensure the safe construction and landscaping of this aspect of the development. I

Other matters

The applicant houses the cattle in the existing buildings and has advised that there is adequate slurry storage as set out by the Environment Agency regulations, for the size herd.

The development has the potential to impact upon breeding birds as a result of the loss of hedgerow. However, to ensure that no harm occurs to protected species as a result of the development a condition of this application will require that the hedge removal works are not undertaken during the bird breeding season of March to end July.

Conclusions

The proposal relates to the erection of a new building to provide a modern milking parlour and a new access road to serve the new dairy.

The building is of a scale which matches that of the recently constructed buildings to the west side of the application site in terms of its overall length and so will be viewed against the backdrop of these buildings and others in the farm complex. Whilst the new access will result in some loss of hedgerow initially, new landscaping planting is proposed at the entrance to mitigate this loss.

The development is an investment in a rural enterprise to build a modern and fit for purpose new milking parlour, providing a more efficient and cost effective method of milking the cattle.

The proposal will be sited in an area that will result in some views of the building however the scale and appearance is considered to be acceptable and consistent with the visual appearance of other buildings on this site and in the area and will not result in a detriment to the overall character and appearance of the countryside.

Accordingly the development is considered to comply with Policies SP2, and EP11 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD4 and GD7 of the submission version of the Local Plan to 2032 and the aims of the NPPF which supports the sustainable growth and expansion of all types of business and enterprises in rural areas, both through conversion of existing buildings and well-designed new buildings.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

Approved plans:

- Location Plan - 'Stanfords' plan (received by LPA 19.12.17)
- Proposed floor plans and elevations - drawing no. ML/TP/5606
- Proposed new access & swept path plan - drawing no. ML/TP/5605C - REV. B

Supporting Reports:

- Design and Access Statement - ML Planning

Reason: To provide clarity to the permission.

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

Reason: In the interests of visual amenity.

4. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the local planning authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: In accordance with Policy EP19 of Fylde Borough Local Plan, as altered (October 2005) and The Conservation of Habitats and Species Regulations 2010 (as amended). The Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006 and Paragraph 118 of the NPPF.

5. The replacement hedge as indicated on drawing no. ML/TP/5605 REV. B shall be provided at the time of the provision of the new access but in any event shall be undertaken no later than the next available planting season. Grass areas forming the sight lines from back of kerb to the new hedge line should be seeded with an appropriate wildflower-rich grass seed which is suitable for the areas beneath hedgerows, such as Emorsgate EH1 or similar. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

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

6. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the aggressive/invasive weed management, protection from pests and livestock, annual cutting to thicken the hedge and the replacement of dead, dying or diseased plant material as necessary. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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

7. The concrete access road and associated turning area shall be constructed prior to the first use of the building hereby approved

Reason: To ensure that satisfactory access is provided to the site in the interests of visual amenity and the safe operation of the facility.

8. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear, with the vehicular turning space laid out and be available for use before first operational use of the building, and maintained thereafter.

Reason: The layout is to assist with the safe and convenient operation of the access and prevent hazards being caused to other road users, for residents and construction vehicles.

9. Prior to the commencement of development a Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The Plan shall include and specify the provisions to be made for the following:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

10. Construction of the building hereby approved shall not be commenced until the sight lines as shown on drawing ML/TP/5605C REV B "Site Plan" have been provided to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the access in the interest of highway safety.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0764	Address Roseacre Hall Farm, Roseacre Road, Wharles	Grid Ref. E.3438 : N.4367	Scale 0 10 20 30 40 m

Item Number: 4

Committee Date: 10 January 2018

Application Reference:	17/0837	Type of Application:	Full Planning Permission
Applicant:	Mr Johnson	Agent :	Harrison Pitt Architects
Location:	LITTLE ORCHARD CARAVAN SITE, BACK LANE, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HN		
Proposal:	CHANGE OF USE OF LAND ASSOCIATED WITH EXISTING CARAVAN SITE TO FORM ADDITIONAL NO12 TOURING CARAVAN PITCHES FOR HOLIDAY USE AND OVER WINTER STORAGE OF CARAVANS ON THESE PITCHES, INCLUDING FORMATION OF IMPROVED AND EXTENDED ACCESS ROAD		
Ward:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	14	Case Officer:	Ruth Thow
Reason for Delay:	Held in abeyance at applicant's request		

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

<https://www.google.co.uk/maps/@53.8166116,-2.9146083,680m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks permission for a change of use of the land to provide 12 no. pitches for touring caravans for holiday use and the over winter storage of caravans

This application site is located in the countryside and forms part of a well established holiday caravan site. Permission has recently been granted for a change of part of the site from touring caravans to statics.

The principle of a small scale extension to the existing holiday use is considered to support sustainable rural tourism that benefit businesses in rural areas, communities and visitors and subject to effective landscaping, will not have any significant visual impact on the countryside.

The vicinity is very quiet in general due to its rural location and is marketed on this basis. Issues have been raised in regards to noise from the adjoining fishery site. In order to manage this problem and the site in general, a Camping Management Plan has been submitted with the application.

As there is no planning link between the applicant's property and the caravan site a management plan is considered necessary in this instance to ensure control over the operation of the caravan site.

Subject to conditions the proposal is considered to accord with the relevant development plan policies and the aims of the National Planning Policy Framework and is therefore recommended for approval by Members.

Reason for Reporting to Committee

The application site and proposal are adjacent and similar to the application that is on this agenda at the 'Fylde Fishery' site. On this basis the Head of Planning and Housing has concluded that it is appropriate that both are considered by the Planning Committee.

Site Description and Location

The application site is known as Little Orchard Caravan Park which is situated to the north of Shorrocks Barn, Back Lane, Weeton, and provides for a total of 45 touring and static pitches.

In particular the area of land in this application is between the existing caravan site at Little Orchard and the Fylde Fishery site to the north. The site measures 3,739 square metres and is approximately triangular in shape and bounded with existing mature landscaping, including a high mature hedge is along the boundary with the site and the highway.

The site is a family run caravan site for holiday use, which consists of three separate areas of land which provide caravan pitches with a mix of touring caravans and static pitches. The static pitches were recently approved under application 16/0315 refers.

The site is in an area allocated as countryside on the Fylde Borough Local Plan, as altered (October 2005) and this allocation is carried forward in the submission version of the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for a change of use of the land to provide 12 no. pitches for touring caravans for holiday use and the over winter storage of caravans on these pitches. The application also includes the formation of an improved and extended access track and proposes some additional landscaping.

During the course of the application the landscaping scheme has been revised and the comments below refer to the latest plan - drawing no. 1984-12 Revision D.

Relevant Planning History

Application No.	Development	Decision	Date
16/0315	CHANGE OF USE OF PART OF EXISTING TOURING CARAVAN SITE TO ACCOMMODATE 18 STATIC CARAVAN PITCHES	Granted	28/06/2016
12/0701	REMOVAL OF CONDITION 7 OF PLANNING PERMISSION 09/0095 AND CONDITION 9 OF PLANNING PERMISSION 06/0621 TO ALLOW CARAVANS TO REMAIN ON THE SITE FOR MORE THAN 28 CONSECUTIVE DAYS WITHOUT THE PROVISIO FOR NOT RETURNING WITHIN 48 HOURS.	Granted	20/02/2013
09/0095	CHANGE OF USE OF AGRICULTURAL LAND ADJACENT LITTLE ORCHARD CARAVAN PARK TO EXTENSION OF TOURING CARAVAN PARK	Granted	10/06/2009
06/0621	CHANGE OF USE OF LAND TO EXTEND EXISTING CARAVAN PARK TO INCREASE NUMBER OF	Granted	09/10/2006

	VANS FROM 20 TO 30 AND RE-SITE EXISTING ENTRANCE.		
03/0880	RE-SUB OF 03/331 FOR CHANGE OF USE OF LAND TO EXTEND EXISTING CARAVAN PARK INCREASE NO. OF VANS FROM 12 - 20 & RESITING OF AMENITY BLG.	Granted	12/11/2003
03/0331	CHANGE OF USE OF LAND TO FORM EXTENSION TO EXISTING TOURING CARAVAN PARK AND PROPOSED TOILET BLOCK	Refused	09/05/2003
99/0554	USE OF LAND FOR TOURING CARAVANS, EXTENDED FROM 5 TO 12 AND ERECTION OF WC/SHOWER BUILDING	Granted	26/01/2000

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is in the area of **Weeton with Preese Parish Council** who were notified on 09 October 2017 and comment:

“Parish Council has no objections to make on the application but has concerns over the condition of Back Lane. This highway is the only access and egress point to the site and considerably more traffic will be generated as a result of further development. The highway is prone to flooding and is in need of serious and urgent attention to the surface. It is proposed that Fylde Borough Council supports the Parish Council in urging Lancashire County Council Highways to action repairs to the surface as a matter of urgency and seriously considers a flood-management risk assessment.”

The site is adjacent to the area of **Greenhalgh with Thistleton Parish Council** who were notified on 09 October 2017 and comment:

“Greenhalgh Parish Council has no specific observations to make on the application.”

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Landscape and Urban Design)

Initial Comments

Whilst the principle of an extension to the existing caravan site may be acceptable in this location, the proposals submitted on the Block Plan (hpa drawing number 1984-11A) raise some concerns and do not provide sufficient information to enable me to recommend the scheme for approval.

The proposed development would be in conjunction with the existing caravan park but would result in the increased visibility of the facility within the wide, open landscape to the north and northeast of the site. The submitted design and access statement notes that the design follows the existing road layout and is nestled into the existing landscaping. However, it is my view that the existing landscape planting which has been carried out on the bund to the south of the entrance track would be considerably disrupted by the new layout and loop road, leaving the pitches exposed. The existing hedgerow to the north of the track would not mitigate these views.

Additional planting should be accommodated within the scheme and detailed on the proposed layout plan with proposed species, sizes, densities and numbers. The applicant should also clearly indicate any planting which is to be removed as part of the proposed scheme. Maintenance of any new soft landscape must be specified and undertaken for a period of no less than 10 years. All work is to be carried out in accordance with the following British Standards to ensure the successful establishment of soft landscape:

- *BS 3882 Specification for topsoil*
- *BS 3936 Specification for Nursery Stock*
- *BS 8545 Trees: from nursery to independence in the landscape – Recommendations*

Further Comments

The surfacing is certainly more permeable. I don't think that tarmac shavings are the most aesthetically pleasing surface for a rural area, however if they tie in with the existing road surfaces on the site, then I think it will be acceptable.

Lancashire CC Flood Risk Management Team

No comments received at time of writing report.

Environmental Protection (Licensing)

No comments received at time of writing report.

Environmental Protection (Pollution)

There are no objections to the above proposals in principle, but I have the following comments to make.

There has been a history of complaints against the neighbouring property of noise from their camping guests. Investigations by officers from this Department have not determined a statutory nuisance. It is envisaged that subject to the implementation of the Campsite Management Plan that a statutory nuisance would be unlikely.

The proposed extension and additional caravans are no nearer to the campsite pods than other caravans already in situ. I expect that again subject to the implementation of the management plan that both the existing and expanded site can operate without negative influence from the neighbouring site.

Neighbour Observations

Neighbours notified:	09 October 2017
Site Notice Date:	12 October 2017
Number of Responses	1 letter received
Summary of Comments	<ul style="list-style-type: none"> • Back Lane and Greenhalgh Lane in poor state of repair more caravans will add to condition of lane • Caravans make it more hazardous for residents travelling on lanes • Unreasonable to be asked to accept more wide and heavy vehicles.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
TREC07	Touring Caravan & Camping Sites
EP10	Protection of important landscape and habitat features
EP14	Landscaping of new developments

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving good Design in Development
EC7	Tourism Accommodation
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

The application site is greater than 1 hectare in size. A separate application has also been made for extension of the neighbouring caravan park. On this basis it is considered that the proposal, in combination with other applications, falls within Schedule 2, 12 (e) (permanent camp sites and caravan sites) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Notwithstanding, the proposed development, in combination with other application, is unlikely to give rise to significant environmental effects and so does not require the submission of an Environmental Statement.

Comment and Analysis

This application seeks permission for a change of use of land to provide a further 12 caravan pitches at 'Little Orchard Caravan Park'. The site is an existing caravan site with a total of 45 caravan pitches for holiday use over the whole of the site, with 18 of those pitches approved (under application no. 16/0315) for static caravans and the remaining 27 for tourers approved under a series of earlier permissions as the site has evolved over time.

The application includes the up-grading of the existing access track, the reformation of an existing landscape bund to facilitate entrance to the application area and additional landscaping. Low level lighting bollards at 1.1m high are to be provide to each pitch at positioned at strategic points along the access.

Background

As reported the site is an existing caravan site that was originally a Certified Location and was granted permission in 2000 to become a caravans site with 14 touring vans on the area of land immediately to the rear of the boundary fronting Back Lane/Greenhalgh Lane. In 2006 permission was granted for a further 16 pitches and in 2009 for an additional 15. In June last year permission was granted for a change of use of 18 pitches to allow the stationing of static caravans.

Policies

Policies SP2, TREC7, EP10 and EP14 of the Fylde Borough Local Plan and Policies GD4, EC7, ENV1 and ENV2 of the submission version of the Fylde Local Plan to 2032 are relevant to this application together with the aims of the National Planning Policy Framework and the Planning Practice Guidance.

Policy SP2/GD4 of the local plan refers to development in countryside areas and this is carried through to the submission version of the local plan at Policy GD4. These policies allow for uses appropriate to a rural area including those provided for in other policies which would help to diversify the rural economy, including small scale tourism development.

Policy TREC7 states that touring and caravan sites will be permitted, in areas where existing provision is inadequate and providing that all the criteria can be met.

Policy EC7 of the FLP32 advises that a limited increase in static and touring caravan and camping pitches will be permitted within existing site boundaries in order to enable environmental improvements.

Policies EP10 and EP14 refers to landscaping and the protection of habitats.

The NPPF advises at paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 28 relates specifically to the rural economy and encourages the support of sustainable tourism and leisure development that benefit business in rural areas, communities and visitors, and which respect the character of the countryside.

Principle

The land the subject of this application is located within the designated countryside. It is a triangular shaped piece of land to the north of the existing caravan pitches and south of the access road which serves the caravan site and so its uses for any agricultural purposes are limited due to its scale, location and the proximity of the caravan use. Criterion 1 of Policy TREC7 requires that the caravan site is not within the Green Belt. In this instance the site is located within the defined countryside and so is in compliance with this aspect of the policy. In addition the principle of the use of the land for caravans in this area has been accepted by the previous approvals at the site. The current application to extend the area of that use would also be supported by the local plan policies and by paragraph 28 of the NPPF, subject to assessment of character, appearance and neighbour impact.

Existing provision and need

Policy TREC7 states *"touring caravan and camping sites will be permitted in areas where existing provision is inadequate and providing that the criteria can be met."*

Policy EC7 of the local plan to 2032 refers to holiday caravans and camping pitches. *"Holiday caravan pitches will be retained for holiday use. Proposals to allow residential use of existing holiday caravan pitches and holiday park homes will be resisted. Conditions will be imposed on any permissions granted for additional holiday caravan pitches and holiday park homes to ensure that they are retained for holiday use. A limited increase in static and touring caravan and camping pitches will be permitted within existing site boundaries in order to enable environmental improvements".*

Whilst no supporting information has been submitted with this application in respect of the need for further touring caravan pitches in the Fylde area, the recent loss of 18 touring van pitches at the site to allow static use is considered sufficient to justify a requirement for 12 touring pitches subject to there being no harm caused by this as is assessed below.

Impact on character and visual amenity

As previously reported the proposal is an extension to an existing site which consists of three areas separated by landscaping. The application site currently provides a bund to the north side with some mature planting and this proposal will result in the 'breaking through' of the bund to allow vehicular access to the land.

The site is generally well screened to roadside boundary due to the existing trees and hedgerows and within the site from landscaping planted by the applicant. The caravans are reasonably low level structures which would be discreetly sited within the existing landscaping and this is to be supplemented by additional planting to the northern boundary.

Accordingly it is not considered that the breaking through of the landscaping and the use of the area for the pitches would have a significant impact on the character and appearance of the area. The development is therefore not likely to cause any detrimental impact on the visual amenity of the area as a whole, subject to compliance with the submitted landscaping scheme.

Flooding

The Environment Agency's web site shows the application site to be in a Flood Zone 1 area and hence is not at significant risk from flooding, and not of a scale that requires the submission of a Flood Risk Assessment. The surface water drainage of the site will be via soakaway through the permeable track and grassed areas which complies with the drainage hierarchy. The foul drainage will be treated as is the case with that from the remainder of the site. This will ensure compliance with criteria 8 of Policy TREC7.

Loss of agricultural land

Criterion 4 of Policy TREC7 refers to the loss of agricultural land. Grades 1, 2 and 3A being the best and most versatile, and development will not be permitted which would involve the permanent loss of this land where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land.

The land for the proposed caravan pitches is located on Grade 3 agricultural land which is low grade land and together with its scale and location its use for agricultural purposes is limited. Accordingly, the proposal is considered to comply with this aspect of Policy TREC7 of the local plan.

Impact on neighbours

Criterion 6 of Policy TREC7 refers to the impact of the development on the amenities of adjacent or nearby dwellings and requires that the proposal would not promote conflict with any other nearby land uses or operations, including farming operations.

The site is to the north side of Shorrocks Barn where there are several residential neighbours, Shorrocks Barn and Kirkbys Farm which are occupied by the applicant's and 'Derby Granary', 'The Old Shippon' and 'Swallows Rest' are residential barn conversions where it is understood that the occupants are not associated with the caravan site.

Given the intervening land use between those residential neighbours not associated with the caravan site operation, it is considered that the additional caravans may result in some additional noise and disturbance but this is unlikely to be at a level which will result in a detriment to the amenity of neighbours at the above mentioned dwellings.

Access

Criterion 7 of TREC7 requires that the site must have or be capable of being provided with safe and satisfactory vehicular access; and should be capable of being adequately served by the local highway network.

Access to the site would be via the existing entrance off Back Lane with some amendments to the internal layout to facilitate access to all pitches and improvements to the surfacing of the track are also proposed. This access currently provides the access to the existing caravan pitches and has good visibility and the junction with Back Lane, and it is considered that the proposal will not have a significant impact on highway capacity or safety.

Whilst the Parish Council have commented on the condition of Back Lane and visitors to this site may have contributed to some degree to the poor state of the road it would be unreasonable to require the applicants to contribute to maintenance of the road surface and the Parish Council should pursue its resurfacing with LCC directly.

Accordingly it is considered that the development complies with Policy TREC7 in regards to highway matters.

Ecology

Whilst an ecological survey has not been submitted with this application the site is not within any special designation and there are no known ecological concerns with the site. It is not expected that the development will lead to any harm to matters of ecological importance subject to standard precautionary conditions.

Other matters

The application site is adjacent to the 'Fylde Fishery' site and application no. 17/0572 is also on the agenda for Members determination. This application seeks permission to regularize the use of the camping pods which are used to provide accommodation for visitors that are not undertaking any fishing activity at the site, with use of the existing facilities building, car park and other ancillary elements to support that use, in essence a general camping use.

Concerns in regards to noise have been expressed by the applicants in this application in respect of the use of the site next door at Fylde Fishery for general camping. The proposal at Little Orchard will introduce caravans close to the boundary with Fylde Fishery site and there is a potential for conflict with the two uses in such close proximity. However, neither site is restricted in terms of the outdoor activities which could be undertaken, and it is inevitable that some noise will emanate from the proposed touring site as well as the camping site next door. A management plan is proposed to ensure appropriate protection from noise generated activities related to the camping use at Fylde Fishery, and it is appropriate that a similar management plan be imposed at this site for consistency.

In order to mitigate any potential for conflict landscaping is required on both sides of the boundary to provide screening and softening of views of the development in the countryside and to provide a buffer for noise disturbance. Good management of both sites either side of the boundary should prevent harm to the generally very quiet rural location and a Camping Management Plan has been submitted with the Fylde Fishery application to ensure that the quiet character of the area is maintained.

Little Orchard is currently managed by the Johnson family from the nearby Shorrocks Barn and Kirbys Farm however there is nothing historically to tie the occupation of these properties to the caravan site to ensure that the caravan site is appropriately managed.

In order to ensure that there is control over the caravan site a management plan will also be required as a condition of this application.

Conclusions

The application proposes an 'extension' to an existing caravan site in the countryside. The extension will result in an increase of the existing site provision, both in terms of its scale and in the numbers of pitches proposed. Policy TREC7 of the Fylde Borough Local Plan, as altered, (October 2005) allows for touring caravan and camp site where the existing provision is inadequate. Policy EC7 of the local plan to 2032 allows for 'a limited increase' 'within existing site boundaries'.

The applicant is proposing landscaping of the site which will provide some mitigation for the visual and noise implications arising from the extended site.

There are no other technical issues which would warrant refusal of the proposal, and accordingly it is considered that the application complies with the policies of the adopted and submission version of the local plan and is supported by the NPPF paragraph 28 in that support for the scheme encourages economic growth in rural areas and enhances the rural tourism offer in this part of the borough. As such the scheme justifies a recommendation for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

Approved plans:

- Location Plan - drawing no. 1984-001 REV. B
- Proposed block plan - drawing no. 1984-11 REV. B
- Proposed site layout - drawing no. 1984-10 REV. B
- Proposed landscaping plan - drawing no. 1984-12 REV. D

Supporting Reports:

- Design and Access Statement, Sustainability & Flood Risk Assessment - HPA
- Thorn Promenade LED bollard lighting

Reason: To provide clarity to the permission.

3. Prior to first use of the site for a touring caravan site, hereby approved; a 'Management Plan' shall be submitted to the Local Planning Authority and agreed in writing. This management plan shall set out details of where the caravan site is managed from, the time periods the 'Manager's office' will be manned, security arrangements for the site, contact details out of hours for the Manager, emergency procedures etc. Thereafter the agreed management plan shall be implemented and operated in accordance with the agreed plan.

Reason: To provide adequate supervision and security on the site.

4. The site hereby approved is for touring caravan pitches for holiday use only and the number of caravans on site at any one time shall not exceed 12 caravans.

Reason: In the interests of visual amenity in the countryside location in accordance with Policy SP2 and TREC7 of the Fylde Borough Local Plan, as altered (October 2005), Policy GD4, GD7 of the submission version of the Local Plan to 2032 and the aims of the NPPF .

5. None of the accommodation provided on site i.e. any touring caravans/motor homes using the holiday pitches, shall be occupied as a persons permanent, sole or main place of residence.

Reason: The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of SP2 of the Fylde Borough Local Plan, as altered (October 2005), Policy GD4 of the submission version of the Local Plan to 2032 and the aims of the NPPF .

6. The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of individual caravans, their main home addresses, and the period of occupancy including date of arrival and date of departure from the caravan site. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to Policy SP2 of the Fylde Borough Local Plan As Altered October 2005, Policy GD4 of the submission version of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

7. No pitch hereby permitted shall be occupied until a sustainable drainage scheme and management plan for the site has been completed and submitted to the Local Planning Authority. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: To ensure that the drainage for the proposed development can be adequately maintained., and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage

system. This is in accordance with Policy TREC7 and EP25 of the Fylde Borough Local Plan, as altered (October 2005) and Policy EC7 and INF1 of the submission version of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

8. That the development hereby approved shall be implemented in full accordance with the landscape details as shown on the Harrison Pitt Architects drawing no. 1984-12 REV. D. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved in writing by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season following the site being first brought into use. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality in accordance with Policies SP2 and TREC 7 of the Fylde Borough Local Plan As Altered October 2005, Policies GD4, ENV1 and EC7 of the submission version of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

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

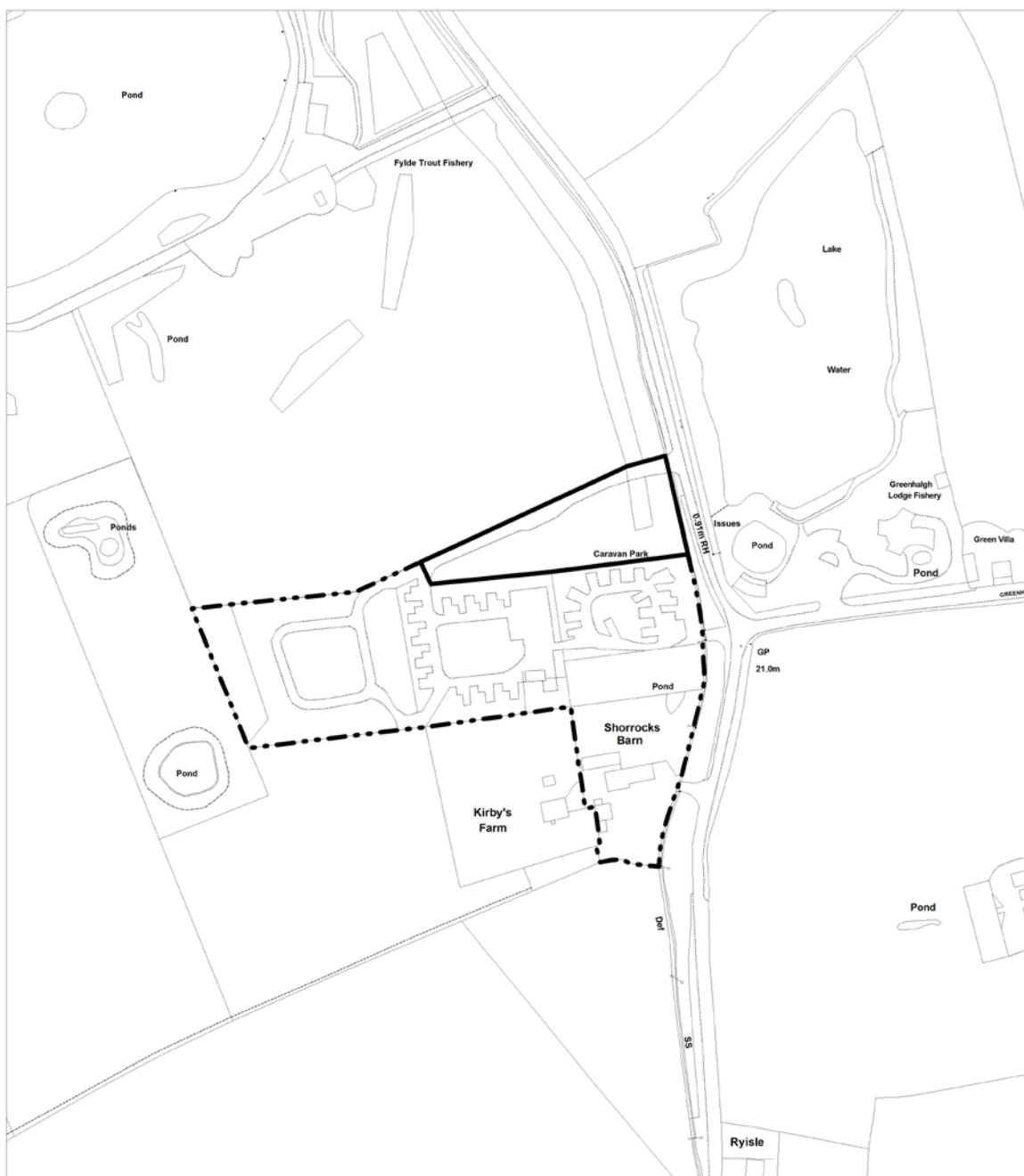
Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

10. No works to trees or shrubs shall occur between the 1 March and 31 August in any year unless a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981, Policy EP19 of the Fylde Borough Local Plan, as altered (October 2005), Policy ENV2 of the submission version of the Local Plan to 2032 and the National Planning Policy Framework, Section 11.

11. Prior to commencement of development, the site shall be provided with bat boxes and owl boxes to encourage biodiversity and within the site, details of the provision of these boxes, including the number, design and position within the site hereby approved, shall be submitted to an agreed in writing with the Local Planning Authority and thereafter the agreed boxes shall subsequently be fitted and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of providing roosting opportunities for bats and owl as the species is protected by the Wildlife and Countryside Act 1981 and in accordance with Policy EP19 of the Fylde Borough Local Plan, as adopted (October 2005) and Policy ENV2 of the submission version of the local plan to 2032 and the aims of the NPPF.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0837	Address Little Orchard Caravan Site, Back Lane, Weeton	Grid Ref. E.3399 : N.4358	Scale 0 10 20 30 40 m

Item Number: 5

Committee Date: 10 January 2018

Application Reference:	17/0856	Type of Application:	Change of Use
Applicant:	Mr Mason	Agent :	Architectural Design Associates
Location:	157 INNER PROMENADE, LYTHAM ST ANNES, FY8 1DW		
Proposal:	RE-SUBMISSION OF PLANNING APPLICATION 16/0845 TO CHANGE USE OF DWELLING TO FORM 4 NO. FLATS WITH REVISED ALTERATIONS TO FACILITATE CHANGE INCLUDING FORMATION OF BALCONY AND ALTERED GABLE TO FRONT ELEVATION, ADDITION OF 3 X DORMERS TO REAR ELEVATION, AND PARKING AREA TO FRONT GARDEN		
Ward:	FAIRHAVEN	Area Team:	Area Team 2
Weeks on Hand:	13	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7420932,-3.0171743,170m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the conversion of a single dwelling into 4 self-contained flats and relating additions and alterations at a dwelling in the settlement of Lytham St Annes. Having viewed the proposal and assessed the issues raised, it is considered that the proposal will allow for additional residential units to be formed in a property that is of a scale that can accommodate this more intensive form of development without detriment to planning interests. This will allow a more efficient use of the site that is in a sustainable location and will help meet the borough's needs for housing, and in particular smaller properties.

The proposal accords with Policy HL5 of the Fylde Borough Local Plan, and Policy GD7 of the Fylde Local Plan to 2032. It is also considered that there will be no conflict with Policy HOU2 of the St Annes Neighbourhood Plan. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Planning Committee as the officer recommendation for approval conflicts with the objection raised by St Anne's Town Council.

Site Description and Location

The application property is a large detached dwelling fronting Inner Promenade within the settlement of St Annes. The property is two-story in height with further accommodation within the roof space. There have been previous extensions to the front, side and rear and it is provided with a

pair of vehicular access points to Inner Promenade. The neighbouring properties either side are similarly large detached dwellings with detached bungalows to the rear.

Details of Proposal

This application is a re-submission of previous approved application ref: 16/0845 for the change of use of the property to form 4 self-contained flats. In addition there are external works proposed which include the addition of 3 pitched roof rear dormers, 2nd floor balcony and the conversion of the existing integral garage into living accommodation and ground floor patio areas.

The rear dormers are of a dual pitched roof style. The central one measures 2.9m wide with the other two measuring 2.6m wide. They are of the same height with the eaves being 1.6m and the ridge 3m high. The second floor balcony serves Flat 4 with the living room balcony projecting 1.3m and being 7.5m wide.

Other works include the creation of parking areas in the front garden and the erection of fencing and the alteration of some ground floor windows.

The difference between the previous approved scheme is the addition of the three rear dormers rather than the single centrally located box dormer and the increase in size of the second floor front elevation balcony area.

Relevant Planning History

Application No.	Development	Decision	Date
17/0727	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 16/0845 TO INCREASE THE SIZE OF THE SECOND FLOOR FRONT BALCONY, RENDER AND TIMBER BOARD TO THE EXTERNAL WALLS AND INCREASE THE SIZE OF THE REAR DORMER EXTENSION TO THE SECOND FLOOR FLAT, REVISED LANDSCAPING SCHEME	Refused	22/09/2017
16/0845	CHANGE OF USE OF EXISTING DWELLINGHOUSE TO FORM 4 NO. FLATS AND ALTERATIONS TO FACILITATE CHANGE INCLUDING DORMER TO FRONT, BALCONY TO FRONT, PARKING AREA TO FRONT GARDEN, AND NEW WINDOWS TO REAR	Granted	09/02/2017
07/0805	TWO STOREY FRONT EXTENSION & ALTERATIONS TO FRONT ELEVATION, SINGLE STOREY SIDE/REAR EXTENSION AND CONSERVATORY TO REAR ELEVATION	Granted	07/09/2007
07/0369	RE SUBMISSION OF PLANNING APPLICATION 07/0010 FOR TWO STOREY FRONT EXTENSION AND SINGLE STOREY REAR EXTENSION	Refused	29/06/2007
07/0010	TWO STOREY FRONT EXTENSION AND SINGLE STOREY REAR EXTENSION	Refused	08/02/2007
03/0842	PROPOSED FLAT DEVELOPMENT	Refused	17/12/2003
98/0109	TWO STOREY FRONT GABLE, SINGLE STOREY SIDE EXTENSION TO FORM GARAGE WITH ROOF LINE EXTENDING OVER FRONT PATIO AREA,	Granted	22/04/1998

84/0234	NEW FRONT DORMERS, REAR VELUX WINDOWS, ADDITIONAL WINDOWS TO EAST/WEST ELEVATIONS ROOFLINE, VELUX WINDOWS TO REAR AND ADDITIONAL WINDOWS IN OTHER ELEVATIONS. ALTERATIONS, EXTENSIONS TO FORM KITCHEN, DINING ROOM, VESTIBULE, W.C., SUN LOUNGE, BALCONY, DOUBLE GARAGE	Granted	23/05/1984
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Relevant Planning Appeals History

Application No.	Development	Decision	Date
03/0842	PROPOSED FLAT DEVELOPMENT	Withdrawn	05/11/2004

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 11 October 2017 and comment:

Object - The front elevation looks cluttered and creates a piecemeal view. It creates a very unbalanced effect overdevelopment of a residential property. Also, contrary to HOU2 (e) in the Neighbourhood Plan.

Statutory Consultees and Observations of Other Interested Parties

None

Neighbour Observations

Neighbours notified:	11 October 2017
Number of Responses	2 responses received
Summary of Comments	Is a Party Wall agreement required? Loss of privacy

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Site Constraints

None

Environmental Impact Assessment

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

Comment and Analysis

The application is a re-submission of previously approved application ref: 16/0845. The main issues regarding this proposal are:

The principle of the development
Design and impact to visual amenity
Impact to neighbouring properties
Impact to highway safety

The principle of the development

The application site sits within the settlement boundary of St Annes and is a single residential unit. The proposal for the conversion of the property into 4 self-contained flats is compatible with adjacent land uses and the use of the building remains in residential use. The principle of the development is therefore considered acceptable and compliant with Policy SP1/GD1 of the Fylde Borough Local Plan. Planning permission has also been granted under reference 16/0845 for the building to be converted to the 4 flats proposed here with lesser physical alterations.

Design and impact to visual amenity

Policy HL5 of the adopted Fylde Borough Local Plan refers specifically to alterations and extension to Houses but it is still considered relevant in this case given the context of the proposal.

It is considered that the additions to the front of the property will have minimal impact to its overall appearance. The proposed balconies will not appear out of character with the wider area as balconies are a common feature along the promenade, and with the varied designs of dwellings in the area the alterations proposed are not a particular concern. The size of the property remains the same and the minimal alterations, including the dormers to the rear do not drastically change the character of the property or the street scene.

Policy HOU2 of the St Annes Neighbourhood Plan outlines criteria where conversions to flats are acceptable. One of these criteria is that there is adequate provision and screening of waste and recycling facilities. Although not shown on the submitted plans it is considered that there is sufficient space for adequate provision for the 4 units therefore a suitably worded condition can be attached to any consent requiring the provision of waste and recycling areas prior to first occupation of the units.

Policy HOU2 also seeks to ensure that development of this nature benefit from appropriate levels of amenity space. The two ground floor units will have their own dedicated amenity space to the rear of the building and the first and second floor units have dedicated balcony areas to the front of the building. In addition to this the property is located across the road from the Promenade which provides large areas of unrestricted public amenity space.

The proposal is therefore considered to comply with Policy HL5/GD7 of the Fylde Borough Local Plan.

Impact to neighbouring properties

The proposed rear dormers will not have a detrimental impact on the privacy of the neighbouring properties to the rear due to the distance to the rear boundary, approximately 19m. The second floor balcony serving the living room will create some loss of privacy to the neighbouring property to the east however this impact is considered acceptable as it will be on the front garden which is a large hardstanding area for the parking of vehicles rather than a formal amenity space. As there are no significant additions to the property there will be no impact in terms of overbearing nor loss of light.

The proposal is therefore considered to comply with Policy HL5/GD7 of the Fylde Borough Local Plan.

Impact to highway safety

The alterations to the front garden allows for sufficient off street parking and the site retains the existing access points which are considered appropriate. There will be no detrimental impact to highway safety.

Other matters

The proposal requires works close to the boundaries of the neighbouring properties. Issues with regard to Party Wall matters are governed by the Party Wall Act, and are therefore a separate matter that is not a material planning consideration.

Conclusions

The application relates to the conversion of a single dwelling into 4 self-contained flats and relating additions and alterations at a dwelling in the settlement of Lytham St Annes. Having viewed the proposal and assessed the issues raised, it is considered that the proposal will allow for additional residential units to be formed in a property that is of a scale that can accommodate this more intensive form of development without detriment to planning interests. This will allow a more efficient use of the site that is in a sustainable location and will help meet the borough's needs for housing, and in particular smaller properties.

The proposal accords with Policy HL5 of the Fylde Borough Local Plan, and Policy GD7 of the Fylde Local Plan to 2032. It is also considered that there will be no conflict with Policy HOU2 of the St Annes Neighbourhood Plan. Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Approved plans:

- Location Plan
- Proposed Flat 1 & 2 Layout Plans Sheet 1/2 - IP/ADA/02/A Rev B
- Proposed Flat 1 & 2 Layout Plans Sheet 2/2 - IP/ADA/03/A Rev C
- Proposed Flat 3 Layout Plans - IP/ADA/04/A Rev C
- Proposed Flat 4 Layout Plans - IP/ADA/05/A Rev B
- Proposed Building Elevations - IP/ADA/04/A Rev B

Reason: To provide clarity to the permission.

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

In the interests of visual amenity.

3. Prior to the first occupation of the units, hereby approved, details of all fencing, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, with any gate adjacent the public highway designed to only open away from the highway. The development shall be implemented in accordance with these approved details.

Reason: To ensure an appropriate standard of design is achieved within the Conservation Area and prevent a potential source of danger to other road users.

4. Prior to the first occupation of the units, hereby approved, samples of all hard and soft landscape works (including the access driveway and parking areas of the site) shall be submitted to and confirmed in writing by the Local Planning Authority. The works shall be carried out using the agreed materials.

Reason: To ensure a satisfactory appearance.

5. Prior to the first occupation of the units, hereby approved, the site access shall and parking areas shall be laid out as shown on the approved Site Plan (ref: IP/ADA/02/A Rev B) and before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reason: To ensure adequate access to the site for all users and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

6. Prior to the first occupation of the units, hereby approved, a scheme for an area dedicated for storage of waste and recycling and its means of enclosure shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable provision of waste and recycling facilities in compliance with Policy HOU2 of the St Annes Neighbourhood Plan and Policy GD7 of the Submission version of the Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0856	Address 157 Inner Promenade, Lytham St Annes	Grid Ref. E.3329 : N.4277	Scale 0 6 12 18 24 m

Item Number: 6

Committee Date: 10 January 2018

Application Reference:	17/0895	Type of Application:	Full Planning Permission
Applicant:	Clifton Park Hotel	Agent :	Carter-Zub Building Consultancy Ltd
Location:	CLIFTON PARK HOTEL, 299-301 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8 1HN		
Proposal:	ERECTION OF REPLACEMENT SINGLE STOREY EXTENSION TO FRONT ELEVATION TO PROVIDE GLAZED LOBBY, EXTERNAL SEATING AREA WITH FRAMELESS GLASS BALUSTRADE AROUND AND 2 NO WATER FOUNTAIN FEATURES		
Ward:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	11	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7488791,-3.0287381,170m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is the Clifton Park Hotel, which is an existing hotel located within the Secondary Holiday area in the defined settlement of St Annes on Clifton Drive. The proposal is part of an internal and external refurbishment of the premises, with the works relating to an extension to the front of the building at ground floor level to provide a new feature entrance and outdoor seating area together with alterations to provide up-dated balcony screening to a first floor bedroom.

The works proposed are considered to be of an appropriate design and scale and update the frontage of the premises in a style that remains in keeping with the character of the surrounding area. The additional external seating area has generated some objections over the potential for noise disturbance, but with the well-established nature of the existing facility, the scale of the new seating area and the separation distance from the nearest residential neighbours it is considered that this cannot justify a refusal of the application.

The proposed works are an enhancement of the existing hotel and so it is recommended that planning permission be granted by Members.

Reason for Reporting to Committee

The application is on the agenda as the views of St. Annes on the Sea Town Council are contrary to the views of the officer.

Site Description and Location

The application site is 299-301 Clifton Drive South, Lytham St. Annes. In particular the proposal

relates to a detached four storey property in use as the Clifton Park Hotel. The property has previously been altered and extended to include a flat roof extension to the ground floor, front elevation and a flat roof side extension.

The hotel is situated where there are a mix of residential and commercial uses on one of the main thoroughfares into the town which is designated as Secondary holiday area on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Local Plan to 2032.

Details of Proposal

This application seeks permission for the erection of a single storey extension to the front elevation to provide a glazed lobby, external seating area with frameless glass balustrade and feature fountains. The extension is to replace the existing reception and outdoor seating area.

The proposal also includes the replacement of the existing concrete balustrade at first floor level with a glazed balcony screen.

The extension measures 1.5 metres beyond the projection of the existing lobby extending for 14.5 metres across the front of the building with the design indicating a flat roof with stone cornice to an overall height of 4.2 metres. The stone detail is continued in six columns across the front elevation with glazed walling with integrated bi-fold doors between columns.

Relevant Planning History

Application No.	Development	Decision	Date
02/0657	COVERED WALKWAY AT GROUND LEVEL (WEST SIDE), SIDE EXTENSION AT FIRST FLOOR & RE-POSITIONING OF EXTERNAL STAIRCASE	Granted	13/12/2002
02/0165	EXTENSION TO REAR TO FORM SWIMMING POOL & CHANGING ROOMS	Granted	27/03/2002
01/0794	PROPOSED EXTENSIONS TO 4 EXISTING HOTEL BEDROOMS	Granted	28/11/2001
01/0544	EXTENSION TO EXISTING FUNCTION ROOM AND CREATION OF CONSERVATORY TO REAR	Granted	05/09/2001
01/0130	CHANGE OF USE OF MANAGER'S FLAT TO FORM 2 NO. ADDITIONAL HOTEL BEDROOMS	Granted	28/03/2001
00/0626	TWO STOREY EXTENSION TO REAR TO FORM NEW KITCHEN AND SWIMMING POOL AT GROUND FLOOR LEVEL AND THREE NEW BEDROOMS AT FIRST FLOOR	Granted	04/10/2000
00/0449	ADVERTISEMENT CONSENT TO REPOSITION NEON SIGN FROM FASCIA TO FIRST FLOOR LEVEL, REPLACE FASCIA SIGN WITH NON ILLUMINATED SIGN AND ERECT ILLUMINATED FREESTANDING SIGN ON FORECOURT	Advert Part Approved/Part Refused	09/08/2000
98/0533	ALTERATIONS TO FRONT ELEVATION OF HOTEL INCLUDING REPLACEMENT WINDOWS,	Granted	09/09/1998

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 02 November 2017 and comment:

"Object. Whilst we appreciate the attractiveness of the design the proposal goes beyond the building line (approx. 3m) and will result in the loss of car parking spaces. This will put pressure on the existing parking arrangements locally.

A reduced parking area is likely to impact negatively on coach parking on the site."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

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

It noted the site is within a sustainable location with a bus stops within close vicinity to the property.

Cllr E. Nash

Happy to support this application.

Neighbour Observations

Neighbours notified:	02 November 2017
Site Notice Date:	17 November 2017
Number of Responses	2 letters received
Summary of Comments	<ul style="list-style-type: none">• How will new extension affect coach parking• Would seating area be further source of noise• downspout still not put right• does clean garage or veranda tops• wall has a filthy appearance• gutter broken• hotel has not met conditions we suggested in past• windows not painted at year

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
TREC02	Secondary Holiday Areas

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
EC6	Leisure, Culture and Tourism Development
EC7	Tourism Accommodation
GD7	Achieving Good Design in Development

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Environmental Impact Assessment

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

Comment and Analysis

This application proposes an extension and other works to the front elevation of an existing hotel within the designated holiday area in the settlement of St. Annes.

Policies

The application site is within the settlement of Lytham St. Annes and so Policy SP1 of the Fylde Borough Local Plan and Policy GD1 of the Fylde Local Plan to 2032 are relevant. These policies direct development to settlement areas and so the proposal is in compliance with these policies.

The site is also within the Secondary Holiday Area in the adopted plan and therefore Policy TREC2 of that Plan is applicable. This Policy permits the development of new hotels, guest houses, holiday flats and extension to existing facilities.

Policies EC6 and EC7 of the submission version of the Fylde Local Plan to 2032 are also relevant.

Policy EC6 promotes St. Annes as a classic seaside resort. *Encouraging daytime and evening business, leisure, cultural and heritage based tourism facilities, such as hotels, restaurants, cinemas, theatres, museums, swimming pools and leisure centres within town centres in Key Service Centres and in Local Service Centres. (e)*

Policy EC7 advises "*High quality tourism accommodation (e.g. hotels) will be encouraged in the holiday areas in St. Annes, as defined on the Policies Proposals Map, provided that proposals:*

- a) respect the character of the area;*
- b) do not prejudice the visual and other amenities of nearby residential properties; and*
- c) do not adversely affect the nature conservation assets of the coastline and protected species, including the Ribble and Alt Estuaries SPA/Ramsar site.*

Non serviced tourism accommodation uses in these areas will be resisted."

The St Annes Neighbourhood Plan also applies and deals with tourism facilities through Policy E6 and tourism accommodation through Policy E7, making this latter policy of greatest relevance and states:

High quality serviced tourism accommodation (e.g. hotels) will be encouraged in the Holiday Areas, as defined on the Policies Map, provided that proposals:

- a) respect the character of the area; and*
- b) do not prejudice the visual and other amenities of nearby residential properties.*

Design and impact to the character of the building and surrounding area

The proposed extension introduces a new glazed facade with feature stone columns and stone fascia. Whilst stone columns are not evident on other properties along Clifton Drive, the use of stone in other buildings and as a fascia banding can be seen in close proximity, in particular on The Drive Methodist Church and the Post Office building opposite the site. Stone is also an architectural feature on several of other older buildings along this section of Clifton Drive around window and door openings. Columns are also a feature on the entrance to the Bedford Hotel, albeit these are in metal.

Paragraph 60 of the NPPF advises *Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

As a consequence it is considered that the proposed extension to provide the new entrance feature reflects several architectural elements that are evident along Clifton Drive which form the overriding characteristics of the area. It will also allow the current dated exterior of the building to be modernised and given a lighter feel through the use of large areas of glazing. This aspect will be enhance the character and appearance of the area and will benefit the visual amenity as a whole in accordance with the development plan policies above.

Impact to neighbouring amenity

To the east side of the site are the residential neighbours at Clifton Court apartments. Comments have been received from some of the occupiers of these apartments in respect of the proposed development. One of the issues raised refers to the outside seating and the potential for noise impact.

Whilst there is an increase in overall area, the external seating area in the proposed development will not extend as far towards the flats as the existing external seating area does, and will be contained to the opposite side of the building away from the flats. As a consequence it is considered that the potential for noise nuisance is likely to be reduced.

Other comments raised refer to parking and maintenance of the hotel. Maintenance is not a planning matter which can be taken into account in determining this application. Car parking issues are discussed below.

The property to the west side of the site is also a hotel and so no residential occupiers will be affected on this side. Those properties opposite, as previously discussed, are commercial and public buildings and so no residential neighbours are likely to be detrimentally affected by these proposals. This aspect therefore complies with the remaining element of St Annes Policy E7 and emerging Plan Policy EC7.

Impact to highway safety

Concern has been expressed by both the Town Council and neighbours in regards to the loss of car parking, in particular coach parking as a result of the forward projection of the extension.

The Clifton Park Hotel extends from Clifton Drive through to Orchard Road to the rear (north side). 10 car parking spaces are currently provided to the front side of the hotel with a further 8 on the

Orchard Road side of the hotel.

The car parking spaces are arranged centrally between the two entrance/exit points with bus parking located alongside the boundary with the Clifton Court apartments. The proposed extension will result in a loss of 2 spaces to the front whilst maintaining the capability for coach parking in the current space.

Many of the visitors to the Clifton Park arrive by bus or coach thereby reducing the demand for car parking spaces on site. As part of the application process LCC Highway Engineers have been consulted who have not raised any objection to the development in respect of highway safety or loss of car parking due to the sustainability of the location and its proximity to alternative means of transport. This is considered to be a reasonable stance given the nature of the hotel, and whilst the observations of the Town Council are noted in this respect, it is not considered that the loss of 2 parking spaces can be considered sufficient to justify the refusal of the application.

Conclusions

The proposed development will up-date the overall appearance of an existing hotel in the Secondary Hotel area in St. Annes. It is considered that the scheme enhance the character of the building and its contribution to the wider area. In addition there will be no detrimental impact to the amenity of the neighbouring residential properties. The scheme is therefore considered to comply with the aims NPPF and Policies SP1 and TREC2 of the adopted Fylde Borough Local Plan, Policies GD1, EC6, EC7 and GD7 of the submission version of the Fylde Local Plan to 2032, and Policy E7 of the St Annes Neighbourhood Plan as such it is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

Approved plans:

- Location Plan - Carter-Zub
- Proposed site plan - drawing no. SP-0001 REV. P2
- Proposed roof plan - drawing no. SP-0002 REV. P1
- Proposed ground floor plan - drawing no. GA-0001 REV. P1
- Proposed elevations - drawing no. EL-0001 REV. P2

Supporting Reports:

- Design and Access Statement

Reason: To provide clarity to the permission.

3. That prior to the commencement of any works to construct the development hereby approved as

listed in condition 2 to this planning permission a specification to confirm full details of the materials of its construction including the stone and materials for windows and doors (with samples provided where requested as being necessary), shall be submitted to and approved in writing by the Local Planning Authority. The extension shall then only be constructed using these approved materials.

Reason: To secure a satisfactory finish to the building in accordance with Policy TREC2 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD7 and EC7 of the submission version of the Local Plan to 2032 and the aims of the NPPF.

Item Number: 7

Committee Date: 10 January 2018

Application Reference:	17/0899	Type of Application:	Change of Use
Applicant:	For Viva	Agent :	Croft Goode Limited
Location:	93 ST ALBANS ROAD, LYTHAM ST ANNES, FY8 1XD		
Proposal:	CHANGE OF USE OF EXISTING SINGLE DWELLING INTO TWO FLATS		
Ward:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7544967,-3.0218304,170m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application property is a mid-terraced dwelling located in a predominantly residential area of St Annes, but facing the YMCA Sports Centre and close to other neighbourhood amenities.

The application seeks planning permission for the change of use of the vacant single dwellinghouse into two residential flats. The property was the subject of a compulsory purchase by Fylde Borough Council in 2016 and this proposal would result in the property being renovated and brought back into habitable use; contributing to the overall housing supply within the borough. The development has been assessed against the relevant policies of the Fylde Borough Local Plan and the St Annes Neighbourhood Plan and is considered to be acceptable in accordance with the relevant development plan policies. The application is therefore recommended for approval.

Reason for Reporting to Committee

Due to the council's interest in the property following its compulsory purchase.

Site Description and Location

The application site is a three storey terraced dwelling located directly opposite the YMCA building on St Albans Road in St Annes. The property is currently vacant and in a poor state of repair, and was compulsory purchased by the council in 2016.

Details of Proposal

Planning permission is sought for the conversion of the property from a single dwelling into two residential flats (1 x one bedroom and 1 x two bedroom). The only external alterations proposed

are the raising of the sills of the ground floor windows on the rear outrigger gable end.

Relevant Planning History

None.

Relevant Planning Appeals History

None.

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 03 November 2017 and comment:

Support.

- 1. Brings back into use a property providing affordable rented accommodation.*
- 2. Contributes to the housing supply.*
- 3. The Town Council would encourage the adoption of renewable generation of energy in respect of HOU4 of the Neighbourhood Plan.*

Statutory Consultees and Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified:	03 November 2017
Number of Responses	None at the time of writing

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	St Annes Neighbourhood 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 Fylde Borough Local Plan policies relevant to the determination of this application are SP1 and HL2. Policy SP1 permits development within settlements, subject to the provisions of other relevant Local Plan policies. In this instance the application site is within the settlement of Lytham St Annes and hence accords with SP1. Policy HL2 permits new housing proposals provided that they accord with its eleven criteria. In this instance the property is an existing single dwelling located within a residential area and as such only criteria 2, 4 and 9 are considered relevant, these being examined below. The St Annes Neighbourhood Plan is also relevant and is also considered below.

Visual Impact

The property is currently in a very poor visual state of repair, with the ground floor windows boarded over, damaged upper floor windows, and damaged roof covering. As such it provides no positive contribution to the visual amenity of the surrounding streetscape. This proposal would require the property to be fully refurbished and hence the resulting property would be visually enhanced and thus positively contribute to the amenity of the area.

Neighbour Amenities

The property would remain in residential use and so is compatible with the neighbouring residential uses, and no aspect of the proposal is considered likely to impact on the amenity of neighbouring properties.

Access and Parking

The site does not benefit from its own dedicated off street parking spaces and whilst on street parking is available in the area, it is limited in capacity to serve all the residential properties along this stretch of St Albans Road. However the site is located between St Annes Town Centre and St Albans Road Local Shopping Centre, with both providing community services, facilities and bus stops all within easy walking distance (approximately 200 metres and 100 metres respectively). As such the application site is sustainably located and the lack of dedicated off street parking is not considered to be an overriding issue in this instance as the location is a highly sustainable one. LCC highways have raised no objection to the proposal.

Neighbourhood Plan

As is the case with the Fylde Borough Local Plan and the Fylde Local Plan to 2032 which will replace it, the St Annes Neighbourhood Plan encourages effective use of brownfield sites in the settlement boundary and so this proposal complies with that. The Plan provides a specific policy for the conversion of properties into flats in Policy HOU2. This includes a series of criteria for such developments, which relate to matters such as the standard of amenity for occupiers and neighbours, the level of parking provision, the level of outdoor amenity space and that appropriate refuse storage arrangements are made. This application complies with this Policy in all respects other than the provision of car parking, with that matter addressed in the preceding section of this report. With the conversion works being undertaken on behalf of a Register Provider they will be bound to comply with energy efficiency measures in the conversion works of a standard that is at least compatible with building regulations and so will meet the requirements of Policy Hou4 of the Neighbourhood Plan.

Conclusions

The proposed change of use of the dwelling to two residential flats is considered to be acceptable and appropriate, and in accordance with policy HL2 of the Fylde Borough Local Plan and the St Annes Neighbourhood Plan. Members are therefore requested to approve the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

Approved plans:

- Location Plan - Dwg no. 17 2311 PN001, dated 04 October 2017
- Proposed Floor Plans, Elevations and Sections - Dwg no. 17 2211 PN102, dated 26 October 2017

Reason: To provide clarity to the permission.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0899	Address 93 St Albans Road, Lytham St Annes	Grid Ref. E.3326 : N.4291	Scale 0 5 10 15 20 m

Item Number: 8

Committee Date: 10 January 2018

Application Reference:	17/0970	Type of Application:	Householder Planning Application
Applicant:	Miss Elaine Silverwood	Agent :	David Partington
Location:	28 MEDLAR LANE, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HR		
Proposal:	RESUBMISSION OF APPLICATION 17/0155 FOR ERECTION OF TWO STOREY SIDE EXTENSION		
Ward:	SINGLETON AND GREENHALGH	Area Team:	Area Team 2
Weeks on Hand:	8	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8138083,-2.8915567,170m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application property relates to the extension of a semi-detached house located within a cluster of other such properties in Greenhalgh. The site is located within the Countryside in the Fylde Borough Local Plan and as carried forward in the Fylde Local Plan to 2032.

The proposal is a two storey extension to the side of the property. It provides a study and wetroom at ground floor with a platform lift leading to an open lounge area at first floor.

The extension is a re-submission of an earlier application that was refused by Committee due to concerns over the scale of the previous extension and its conflict with policies that seek to maintain the supply of smaller properties in rural areas. This proposal is a reduction over the scale of the previous scheme, but remains a sizeable extension to the property that impacts on the scale of the dwelling as it appears alongside its direct neighbours, in the wider group of properties, and in the wider countryside. This impact is such that it is in conflict with the scale requirements of Policy H7 of the Fylde Local Plan to 2032. It also conflicts with the scale aspect of the supporting text to Policy HL4 of the Fylde Borough Local Plan, although a balanced view of the actual impact is such it is not sufficient to demonstrate conflict with that Policy.

During its consideration officers have sought to secure a further reduction to the scale of the proposal to allow compliance with policy, but the applicant's agent has expressed a preference that the application be determined as submitted, hence the application is on this agenda with a recommendation for refusal.

Reason for Reporting to Committee

The applicant is a serving Councillor and so the application must be considered by the Planning Committee under the Scheme of Delegation irrespective of officer recommendation.

Site Description and Location

The application site is one of a pair of two-storey semi-detached dwellings situated on the south side of Medlar Lane to the east of Fleetwood Road and is situated in an area designated as countryside within both the Fylde Borough Local Plan and the submission version of the Fylde Local Plan to 2032. To the rear and side of the dwelling is open countryside, with further residential properties to the other side and opposite but with countryside beyond them.

A Public Right of Way (PROW) crosses the field at the rear and so offers long range views of the rear and gable elevations of the application site from both Medlar Lane and this PROW.

Details of Proposal

This is a re-submission of 17/0155, which sought planning permission for the construction of a two storey side extension with rear projection and front porch. Permission was refused by the planning committee on 30 June 2017 on the grounds that its scale, design and massing would harm the appearance and character of both the host dwelling and wider rural character, and conflict with the scale of other dwellings. These impacts were such that the resulting development would have been in conflict with the visual and scale requirements of Policy HL4 of the Fylde Borough Local Plan, and the scale requirements of Policy H7 of the Fylde Local Plan to 2032.

This application seeks to address the above reasons for refusal by reducing the side projection of the two storey extension from 5 metres down to 4.3 metres and omitting the side extension's 5 metre rearward projection so that it would now be flush with the rear elevation of the existing dwelling. The side extension would also now match the ridge and eaves heights and roof profile of the existing dwelling. The porch proposed under 17/0155 has also been removed from the scheme. The external materials of the extension are to be facing brickwork and grey slate roof covering, both to match the main dwelling. New windows and doors are proposed to be brown upvc.

Application ref. 17/0155 also proposed the removal of an existing detached garage, however this is to be retained under this proposal.

Relevant Planning History

Application No.	Development	Decision	Date
17/0155	PROPOSED ERECTION OF TWO STOREY SIDE AND REAR EXTENSION WITH JULIETTE BALCONY AND ERECTION OF FRONT PORCH.	Refused	30/06/2017
91/0660	SIDE EXTENSION TO FORM GARAGE WITH 2 BEDROOMS OVER	Granted	04/12/1991

Relevant Planning Appeals History

None

Parish/Town Council Observations

Greenhalgh with Thistleton Parish Council notified on 15 November 2017.

No comments had been received at the time of writing this report, and any that are received will be reported to Committee as part of the Late Observations Schedule.

Statutory Consultees and Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 15 November 2017
Number of Responses: None received

Relevant Planning Policy

Fylde Borough Local Plan:

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

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H7	Replacements and Extensions in Countryside

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

Principle

The application site is located in the Countryside area under Policy SP2 of the Fylde Borough Local Plan, and will be carried forward as such in Policy GD4 of the emerging Fylde Local Plan to 2032. In such areas the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5 of the adopted Plan and Policy GD7 of the emerging Plan. A further assessment applies in countryside areas which relates to the overall scale of the extension to the property and how it impacts on the open character of the countryside and to the scale of surrounding properties as required by Policy HL4 of the adopted Plan and Policy H7 of the emerging Plan.

Scale of Proposal in Countryside

The property forms part of a small cluster of development featuring a number of semi-detached properties that were built with the application property, a restaurant, and a number of more recent properties that have been constructed on the site of the Blue Anchor pub that was demolished around 5 years ago. These combine to have an impact on the character of the surrounding countryside. However, the application property is at the edge of the cluster and so has a greater impact than others given that it is viewed across open countryside from the rear and side, and in longer views from the front across the dwellings opposite.

Policy HL4 of the Fylde Borough Local Plan was introduced in an attempt to ensure that where extensions (or replacements) of existing countryside properties are proposed these are not so excessive in scale that the extension would dominate the surrounding countryside or be out of scale with its neighbours. The supporting text refers to a maximum of a 33% increase in the volume of the original dwelling as being a guideline to assess whether a particular extension is likely to cause such harm, although as this is not part of the Policy there is a need to assess the impact on a case-by-case basis to ensure the rural character of an area is preserved by each particular proposal. Policy H7 of the emerging Fylde Local Plan to 2032 continues the requirement to retain the rural character of the area but also refers to the justification for the policy being to retain the stock of smaller properties in rural areas. This Policy also looks at the design of a particular extension, but introduces a requirement that no extension can exceed a 33% increase in the ground floor area of the original dwelling.

Policy HL4 has development plan status and so full weight in the decision making process. Policy H7 has less weight given that the plan is currently mid-way through its examination, but it is prepared with up-to-date evidence and has not been subject to significant levels of objection in the examination process so must be given considerable weight.

With regard to the 'scale' element of Policy HL4 of the adopted Plan, the extension involves a 47% increase in the volume of the original dwelling (excluding the detached garage that exists on site but is not original). This clearly conflicts with the supporting guidance to that Policy, and in reality the impact is greater as the scale of the garage will cause additional impact to the countryside.

With regard to the 'scale' element Policy H7 of the emerging Plan, the extension involves a 47% increase in the footprint of the original dwelling (again excluding the garage as is required by the Policy) and so also conflicts with that Policy.

Policy HL4 requires an assessment to be made of the actual impact of the proposed extension on the character of the surrounding rural area. This revised scheme has removed the rearward projection of the proposed two storey side extension from the previous scheme so it would now be flush with the rear of the existing dwelling rather than projecting 5 metres beyond. Furthermore the side projection has been reduced by 0.7 metres. The combined effect of these revisions would reduce the visual impact of the extension, particularly when viewed in the long view from the east on Medlar Lane, whilst views from directly to the front of the property would be largely unchanged from those which would have occurred under 17/0155, but such views are from a limited narrow perspective. Hence the revised scheme is considered to have a much lesser visual impact on the wider rural character than the previous submission. With this in mind it is considered on balance that whilst the extension would be at odds with the 33% increase referred to in the preamble to HL4 it would not unacceptably dominate the surrounding countryside and its scale would not be unacceptably incongruous relative to neighbouring properties. Hence overall the revised scheme is considered to accord with Policy HL4.

With regard to policy H7 of the emerging local plan, this also requires an assessment of the visual impact, but this is only where the 'scale' test is passed and so a proposal that is above a 33% increase in the original footprint is contrary to the Policy irrespective of any assessment of its impact on the countryside. For this reason the revised scheme remains in conflict with policy H7 and so this remains a reason for refusal of the application.

Design and Appearance

Criteria 1 of Policy HL5 of the Fylde Borough Local Plan requires that an extension is in keeping with the existing building and streetscene in terms of its design and scale. This is reflected in the emerging Plan through criteria 'c' of Policy GD7 which requires that new development has (amongst other factors) a scale, design, architectural character, proportion that relates well to the surrounding context; and criteria 'g' relating to development being sympathetic to the visual amenities of the area. Further guidance on this is provided by the Joint House Extensions Guide with Design Note 1 saying the main design features of the original dwelling should be reflected in an extension, and Design Note 2 explaining that an extension should have a bulk and scale that is subordinate to the original property. In this instance whilst the proposed extension would mirror the existing ridge and eaves heights of the original dwelling (and thereby not have a subordinate appearance) it would mirror the design features of the dwelling and is not considered to have the appearance of overdevelopment within the plot boundaries.

The extension would feature an overly large window at first floor in the side facing window which this officer feels would detract from the overall character and appearance of the property. However the applicant has expressed an intention to retain this sized window and it is not considered that the window is so harmful as to justify a reason for refusal. Hence overall and on balance it is considered that the design and appearance of the extension are acceptable within its context and accords with the aims of policy HL4.

Relationship to Neighbours

Whilst the application property is semi-detached the spatial relationship of the proposed extension relative to all neighbouring properties is such that it would have no impacts on neighbour amenity. Hence the proposal is considered to have an acceptable relationship to its neighbours in all regards and accords with criteria 2 of Policy HL5, and Policy GD7 in that respect.

Scale of development on the plot

The proposal retains appropriate levels of amenity space and so complies with criteria 3 of Policy HL5, and Policy GD7.

Parking and Access Arrangements

The proposal retains an appropriate level of parking for the site and does not compromise the access arrangements or highway safety and so complies with criteria 4 and 5 of Policy HL5, and Policy GD7.

Other Matters

There are no other material considerations of note to influence the decision.

Conclusion

Whilst the proposed extension is not judged to cause harm to the visual amenity of either the immediate locale or wider countryside, the scale of the extension (by way of the total resulting increase in ground floor area) is such that it conflicts with the requirements of policy H7 of the submission version of the Fylde Local Plan to 2032.

Section 38 (6) of the Town & Country Planning Act 1990 (as amended) states that, "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" The emerging local plan is in the late stages of examination and given that policy H7 has not been subject to significant levels of objection, the emerging policy is a material consideration that carries considerable weight. The applicant has not presented any other information that would amount to a material consideration in support of the proposal, and hence the application falls to be determined in accordance with policy H7. Accordingly the conflict between the proposed development and the requirements of this policy is such that members are recommended to refuse planning permission.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The scale of the proposed extension is such that it will harmfully exceed the limits on the expansion of dwellings located in countryside locations imposed under Policy H7 of the Submission Version to the Fylde Local Plan to 2032. This policy aims to ensure development has an appropriate scale in rural areas and so is consistent with guidance in para 58 of the NPPF and so the proposal is also contrary to that guidance.

Item Number: 9

Committee Date: 10 January 2018

Application Reference:	17/0111	Type of Application:	Full Planning Permission
Applicant:	Mr Bray	Agent :	PWA Planning
Location:	LAND TO THE REAR OF DEEWAY, DIVISION LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 5EA		
Proposal:	ERECTION OF DETACHED BUNGALOW FOLLOWING DEMOLITION OF EXISTING BUILDINGS.		
Ward:	HEYHOUSES	Area Team:	Area Team 2
Weeks on Hand:	62	Case Officer:	Andrew Stell
Reason for Delay:	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7734653,-3.0114969,554m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the erection of a dwelling on an area of land located to the rear of a property in the green belt between St Annes and Blackpool. As this represents inappropriate development it would not normally be supported. However, in this case the application is submitted alongside a Certificate of Lawfulness application which indicates that there is a reasonable likelihood that the use of the site for car sales and storage has been established for a sufficient period to be lawful, and that there has certainly been a sizeable building on the site for a period that would make it lawful. The application therefore requests that the council considers the proposal in the context of para 89 of the NPPF which allows for residential development where it would not have a greater impact on the openness of the site than the existing development.

In this case the proposed dwelling is of a similar size to the existing building, and would bring visual benefits from the removal of the car storage use and amenity benefits from the removal of the activity that is associated with it. It will also deliver a dwelling in a location that is relatively sustainable by virtue of its proximity to services and has no technical issues through ecology, highway safety, Arboricultural or other issues.

The proposal is therefore considered to comply with the requirements of Policy SP3 of the FBLP as it will maintain the openness of the green belt and not conflict with the purpose of including land within it, with Policy GD2 of the FLP32 which relates development to national green belt policy, and with para 89 of the NPPF which is that national Policy. The details of the development comply with the requirements of HL2 of the FBLP and GD7 of the FLP32 as required and so planning permission should be granted.

Reason for Reporting to Committee

The proposal involves 'inappropriate development' in the Green Belt, and the Head of Planning and Regeneration has resolved that this warrants consideration of members at Planning Committee.

Site Description and Location

The application site is 'Land to the rear of Deeway', Division Lane, St. Annes. In particular the land is to the south of the above property and measures 31 metres by 67 metres, at the longest boundary shared with 'Woodlands' and by 53 metres to the boundary shared with 'Camelot'. A single storey, flat roofed bricked built building measuring 6 metres by 24 metres is located in close proximity with the boundary to the west at 'Camelot'.

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

Details of Proposal

The application is a full application for the erection of a detached dwelling on the site. This provides accommodation on single storey only with the building of a size and location to reflect that established by an existing building. The proposed dwelling is 26m in length and 7.5m in width with a mixture of mono pitch and flat roofs that have a maximum ridge height of 4.2m.

The dwelling provides a garage and utility facing the driveway entrance which is obtained alongside the dwelling at Deeway with a kitchen / lounge to the rear of that and a corridor leading from that to serve 3 bedrooms and a bathroom. With the dwelling being sited alongside one side boundary of the property that elevation is blank with each room lit from windows facing to the open garden side facing elevation of the property and served by a mixture of sliding doors, traditional doors and windows.

The materials are to be timber and aluminium framed windows to reflect the modern styling to the dwelling.

Relevant Planning History

Application No.	Development	Decision	Date
17/0110	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND AND BUILDINGS FOR RETAIL SALES AND STORAGE OF MOTOR VEHICLES.	Undetermined at time of writing report	
16/0450	CERTIFICATE OF LAWFULNESS FOR EXISTING USE FOR THE SALE AND STORAGE OF MOTOR VEHICLES.	Withdrawn by Applicant	10/02/2017
90/0295	SWIMMING POOL EXTENSION AT REAR	Granted	20/06/1990
74/0141	EXTENSION TO KITCHEN TO FORM BREAKFAST ROOM AND KITCHEN.	Granted	22/05/1974
85/0017	2 STOREY EXTENSION TO FORM DINING ROOM, BEDROOM AND SHOWER ROOM.	Granted	30/01/1985
85/0408	EXTENSION TO FORM GARAGE.	Granted	17/07/1985
85/0723	EXTENSION FOR FORM GAMES ROOM, GARAGE AND W.C.	Granted	04/12/1985

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 10 February 2017 and comment:

The Town Council has no observations.

Statutory Consultees and Observations of Other Interested Parties

Blackpool Borough Council

No comments have been received.

Regeneration Team (Trees)

He refers to the lack of trees within the site, but the presence of a number of significant trees that are immediately adjacent to it, with the existing building sited within their RPA. He assumes that this is built on a concrete slab given that it has seemingly not damaged their roots.

The proposed building will also be within that area and so needs to follow specific construction techniques to avoid harming the roots to these trees as they are important in assimilating the dwelling into the landscape.

He refers to the need for better tree management on the site to ensure the health of the trees around the site and to provide new planting within it to improve the tree cover generally and assist with the appearance of the dwelling in the streetscene and the privacy available in its garden.

United Utilities

Raise no objection to the development subject to standard conditions being imposed relating to the site drainage being on separate systems and in accordance with the drainage hierarchy.

Neighbour Observations

Neighbours notified:	10 February 2017
Site Notice Date:	24 February 2017
Number of Responses	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP03	Development in green belt
HL02	Development control criteria for new housing proposals

Fylde Local Plan to 2032:

SL5	Development Sites outside Strategic Locations for Devt
GD4	Development in the Countryside

Other Relevant Policy:

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

Site Constraints

Green Belt

Environmental Impact Assessment

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

Comment and Analysis**Local Plan Position**

The application site is located within the green belt that separates St Annes from Blackpool. This area is limited in width and contains a number of dwellings and other buildings that have largely been constructed (or significantly extended) at a time when the green belt designation did not apply.

The development plan is the Fylde Borough Local Plan of 2005 with Policy SP3 designating the area is green belt and controlling development to those elements that are defined as appropriate for green belt areas in national legislation applicable at the time. The only time that 'inappropriate development' can be supported is if other material planning considerations are such that 'very exceptional circumstances' are demonstrated by the proposal.

The green belt designation is carried through in the emerging Fylde Local Plan to 2032. This is mid-Examination at present and so can only be given moderate weight, although there is little objection to the continuation of this area as green belt or the application of the slightly revised green belt policies of the NPPF in this area.

Principle of development

The relevant considerations for this assessment are firstly whether the development is contrary to green belt policy, then whether it has a harmful impact on the open character of the green belt, and then whether there are any mitigating circumstances of such weight to outweigh any harm caused.

The starting point is that as the proposal is to erect a new dwelling it is inappropriate for the green belt and so contrary to the adopted and emerging policies in that regard.

However, there are clearly existing buildings on the site and the application is submitted alongside one that seeks a Certificate of Lawful development to argue that the site has a lawful use for car sales from a building on site. The motive of this application is that this would establish it as 'previously development land' and so capable of benefiting of the final bullet point to para 89 of the NPPF which lists a series of exemptions to inappropriate development in the green belt and states

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

There is an assessment therefore as to whether that use is lawful, whether the building to provide that use is lawful, and whether the proposed development has a greater impact on the openness of the greenbelt.

The Certificate application has not been progressed because there are some concerns over the nature of the evidence that is provided, and that some of those providing the evidence have been found guilty of dishonesty offences which undermines the weight that can be attributed to their evidence. Notwithstanding that, the council does not have any evidence to disprove the claim in the Certificate application either. In its favour aerial photographic records seemingly indicate the presence of a building on the site for more than the requisite period and that there have been car related uses undertaken on it to varying degrees during that time, with these at a scale that would be beyond that expected if the land was in a domestic use.

As a conclusion to this, it is not accepted that the lawful use of the site has been definitely proved to be for the car sales and storage as claimed in application 17/0110. However, it is considered that there is a reasonable prospect of this, and a certainty that the building is lawful. Accordingly it is considered that para 89 final bullet point is engaged. The comparative impacts of the development proposed to the existing are assessed in the following section.

Impact on Openness

The building that the car sales use operates out of is a single storey structure that is sited along the western boundary of the site and has dimensions of 184m², which gives a volume of 550m³.

The proposed building is single storey and rectangular in form to replicate that of the existing building. It has a footprint of 168m² and volume of 630m³.

As such the proposal has a floor area that is 10% less than the existing, and a volume that is 13% greater. The proposed building is also sited slightly inside of the western boundary to achieve a suitable separation from the RPAs of the trees that stand on that side of the site.

The final bullet point to para 89 applies where there is no greater impact on the openness of the green belt. In this case the balance is a fine one, but the proposed residential use will have a further benefit in that it will remove the prospect of the indiscriminate storage of cars across the site that is likely to continue were the Certificate of Lawful Use to be granted to confirm it was lawful (and even if it wasn't). This will be a benefit to the openness of the green belt and to the wider visual amenity of the area.

Accordingly it is concluded that the proposal does accord with the requirements of para 89 in that it will not have a greater impact on the openness of the green belt than a car sale/storage use that is reasonably likely to be lawful and an associated building that is almost certainly lawful.

Other Visual Impacts

The proposal will not be seen from Division Lane, or from other properties that front onto that road. It will however, be visible from Queensway which it shares a boundary with, albeit that the extent of the vegetation on the highway ensures that views will realistically be quite limited. There are no proposals to reduce landscaping, and as this is out of the site it would not be possible anyway, with the likelihood being that additional planting will be undertaken to ensure privacy for the occupiers of the dwelling.

The building is modern in its styling and materials, but has a simple form that is appropriate for its

backland location as it does not provide the same indulgent design features that are characteristic of other properties on Division Lane and would be unsuited to this location. The design is relatively subtle and with the limited scale will not be obtrusive visually in the landscape. The associated domestic use of the site will have some impact, but this will be modest and can be effectively mitigated by landscaping to assist in screening the site and providing privacy to its occupants.

Access arrangements and accessibility

The proposal is to utilise the existing access point to the site which is shared with the property at Deeway and runs alongside that dwelling. The level of use associated with a dwelling will be minimal and less than that currently undertaken with the car sales and storage use which seemingly has featured occasional visits by car transporters. Division Lane is of a standard that can accommodate the additional single dwelling traffic and there are no overriding concerns with this element of the proposal.

With the site being in the green belt there are potential issues with it being isolated from services. However, it is close to the edge of the green belt and has a reasonably close location to a range of services in St Annes and with the primary school on School Road and the various retail and employment opportunities on Squires Gate Lane which are within 2km of the site and so in walking and cycling distance. Accordingly it is considered that the site has a suitable accessibility to services.

Other aspects

- Tree protection – There are no trees on the site, but the Tree Officer notes that the existing and proposed buildings are close to important trees that lie off-site. He does not oppose the development, but requests that it is undertaken with regards to these trees. These views are relevant and accepted. Accordingly a condition is proposed that requires details of the foundations to be submitted and agreed, and that a tree management plan is submitted and implemented to ensure appropriate maintenance to the areas within the RPA of the off-site trees.
- Drainage – The site is located in Flood Zone 1 and so is at the lowest risk of flooding. A condition is appropriate to ensure that the foul and surface water drainage arrangements are agreed prior to the commencement of any development.
- Levels – The site is generally level and at a level that is below that of the surrounding road. One of the key elements in the assessment of the application is the scale of the proposed building and so the visual impact that it could have on the green belt and the area in general. To ensure that this is maintained in the building of the property a condition is appropriate to ensure that the ground and slab levels to the dwelling are agreed.
- Ecology – being located on the edge of the built area with open countryside that provides habitat for protected and priority species there is a need to establish if there are any ecological issues with the development. The application is supported with an Ecological report by a qualified ecologist which is based on desktop and field work study. This confirms that there will be limited loss of habitat with that restricted to poor quality scrub. The report recommends that all trees are protected during the development, but that there would be no other ecological implications from the development. This is considered to be a reasonable conclusion, with the tree protection to be secured by condition.

Conclusions

The application relates to the erection of a dwelling on an area of land located to the rear of a property in the green belt between St Annes and Blackpool. As this represents inappropriate development it would not normally be supported. However, in this case the application is submitted alongside a Certificate of Lawfulness application which indicates that there is a reasonable

likelihood that the use of the site for car sales and storage has been established for a sufficient period to be lawful, and that there has certainly been a sizeable building on the site for a period that would make it lawful. The application therefore requests that the council considers the proposal in the context of para 89 of the NPPF which allows for residential development where it would not have a greater impact on the openness of the site than the existing development.

In this case the proposed dwelling is of a similar size to the existing building, and would bring visual benefits from the removal of the car storage use and amenity benefits from the removal of the activity that is associated with it. It will also deliver a dwelling in a location that is relatively sustainable by virtue of its proximity to services and has no technical issues through ecology, highway safety, Arboricultural or other issues.

The proposal is therefore considered to comply with the requirements of Policy SP3 of the FBLP as it will maintain the openness of the green belt and not conflict with the purpose of including land within it, with Policy GD2 of the FLP32 which relates development to national green belt policy, and with para 89 of the NPPF which is that national Policy. The details of the development comply with the requirements of HL2 of the FBLP and GD7 of the FLP32 as required and so planning permission should be granted.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

Approved plans:

- Location Plan - Streetwise Maps Ltd
- Proposed Site plan - 3D.G Design Project 010-433 Drawing 01 Rev A
- Proposed Floor plan - 3D.G Design Project 010-433 Drawing 11 Rev A
- Proposed Elevations 1 of 2 - 3D.G Design Project 010-433 Drawing 12 Rev A
- Proposed Elevations 2 of 2 - 3D.G Design Project 010-433 Drawing 13 Rev A

Supporting Reports:

Planning Statement - PWA Planning February 2017

- Bat Building and Extended Phase 1 Habitat Survey - Simply Ecology February 2017
- Report on Trees - Ian G Tupling January 2017

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

3. Notwithstanding any description of materials in the application, no above ground works for the construction of the dwelling shall take place until samples or full details of all materials to be used on the external surfaces of that building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved

materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

4. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
- Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - Flood water exceedance routes, both on and off site;
 - A timetable for implementation, including phasing as applicable;
 - Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of the approved dwelling. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development

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

Reason: To ensure the site and development are adequately drained, as required by Policy HL2 of the Fylde Borough Local Plan.

6. Prior to the commencement of any development a survey of the existing ground levels and the

existing and proposed ground and Finished Floor Level for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved levels.

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

7. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 5. Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained;
 6. Details of any excavation to take place within the root protection areas of those trees to be retained;
 7. Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

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

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Borough Local Plan policies EP12 and EP14.

8. Prior to the first occupation of the dwelling hereby approved all existing buildings, containers and other items that are sited or stored within the area edged in red in this application shall be demolished in their entirety and all resultant material removed from the site.

Reason: To ensure that the development preserves the open character of the green belt by limiting the extent of built development on the site as required by Policy SP3 of the Fylde Borough Local Plan.

9. Prior to the commencement of development a landscaping scheme shall be provided to indicate the species, planting location, planting density, phasing of planting and maintenance regime for the landscaping of the southern site boundary to assist in screening views between the site and Queensway. This landscaping scheme is to be implemented and maintained in accordance with the approved scheme.

Reason: To ensure that the development reinstates and then preserves the rural character of the area as required by Policy SP3 and EP10 of the Fylde Borough Local Plan.

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

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and

Countryside Act 1981 (as amended) and the National Planning Policy Framework.

11. Prior to commencement of development, details of provisions for the nesting of bats and barn owls within the site or upon any structure shall be submitted to an agreed in writing with the Local Planning Authority and thereafter subsequently implemented and maintained to the satisfaction of the Local Planning Authority.

Reason: In order to provide opportunities for the use of the new dwellings by these protected species so as to enhance the biodiversity of the area in accordance with Policy EP19 of the Fylde Borough Local Plan.

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

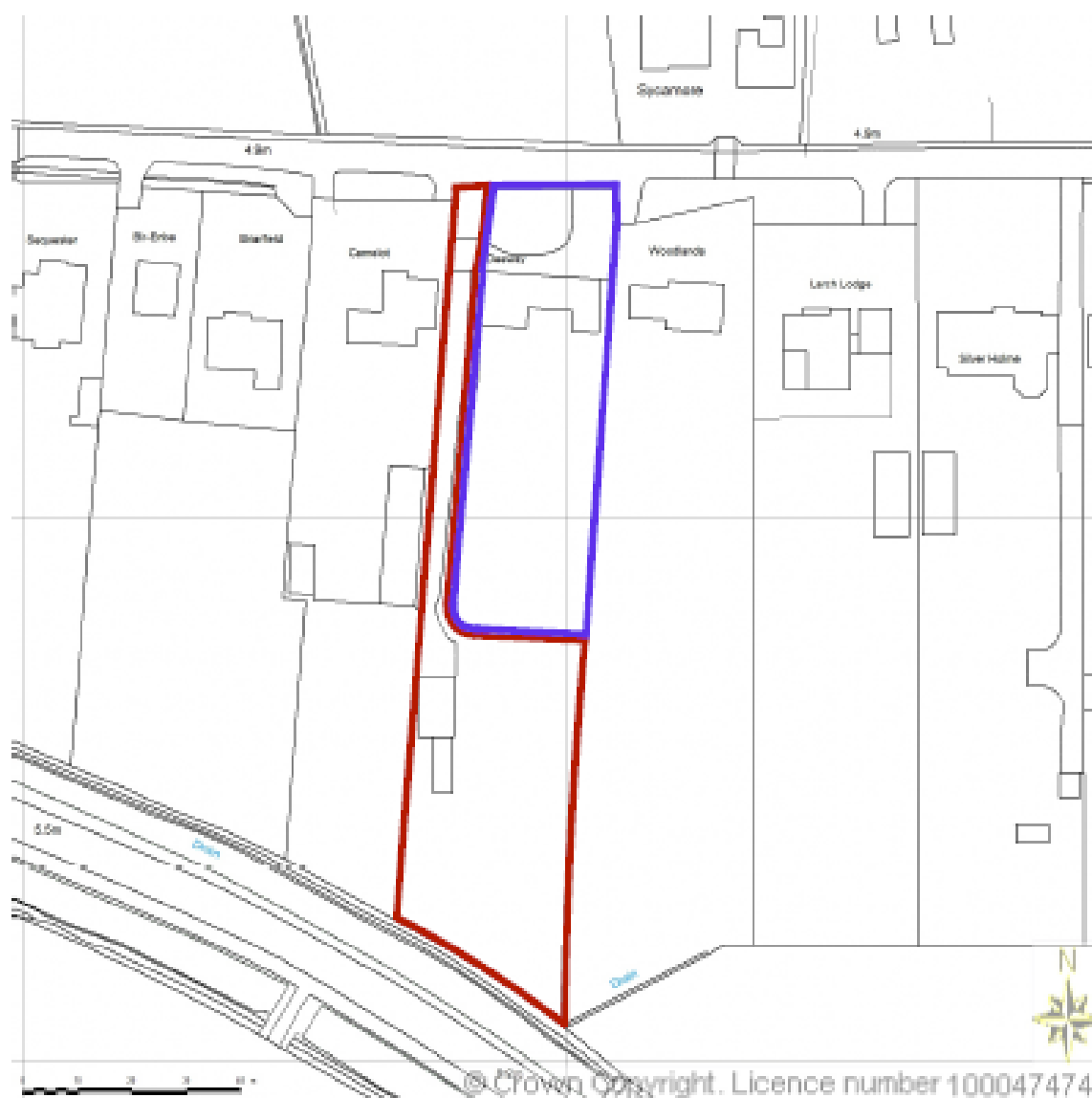
Reason: In order to prevent additional development of the property that could itself have an adverse impact on the openness of the green belt and the aims of including land within it as required by Policy SP3 of the Fylde Borough Local Plan, Policy GD2 of the Fylde Local Plan to 2032 and Para 89 of the NPPF.

13. No works shall commence until a site specific method statement to outline how the foundation details of the dwelling hereby approved and the construction details of the access road has been submitted to and approved in writing by Fylde Borough Council. The approved details shall utilise methods that ensure the potential for damage to the canopy and roots of trees that are within or neighbouring the site as a consequence of the development are minimised.

The development shall only be undertaken in full accordance with the agreed method statement.

Reason: To ensure protection of these trees in the interests of the character of the area as required by Policy EP14 of the Fylde Borough Local Plan, as altered (October 2005) and Policy GD7 of the Fylde Local Plan to 2032.

SITE LOCATION PLAN
AREA 4 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 333488 , 431282



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INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	10 JANUARY 2018	5
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 24/11/17 and 21/12/2017.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

APPEAL DECISIONS

The following appeal decisions were received in the period 24 November 2017 to 21 December 2017. The appeal decision letters follow.

Rec No: 1 06 June 2017	16/0180	LAND NORTH OF MILL LANE, ELSWICK OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Informal Hearing Case Officer: RB
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Fylde Dec. Level Appeal Decision:	COMM Allowed: 28 November 2017
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Rec No: 2 11 May 2017	16/0645	LAND NORTH OF, BEECH ROAD, ELSWICK ERECTION OF 50 DWELLINGS TO BE ACCESSED FROM BEECH ROAD WITH ASSOCIATED LANDSCAPING, PARKING, PUMPING STATION AND ELECTRICITY SUB-STATION FOLLOWING DEMOLITION OF EXISTING AGRICULTURAL BUILDING	Informal Hearing Case Officer: KPB
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Fylde Dec. Level Appeal Decision:	COMM Allowed: 28 November 2017
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Rec No: 3 21 September 2017	17/0050	99 BALLAM ROAD, LYTHAM ST ANNES, FY8 4LF ERECTION OF A THREE STOREY APARTMENT BUILDING CONTAINING EIGHT APARTMENTS WITH ASSOCIATED CAR PARKING AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING DWELLING	Written Representations Case Officer: AS
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Fylde Dec. Level Appeal Decision:	COMM Allowed: 30 November 2017
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Rec No: 4 19 October 2017	17/0271	12 THE CRESCENT, FRECKLETON, PRESTON, PR4 1UL OUTLINE APPLICATION FOR TWO SEMI-DETACHED BUNGALOWS TO THE REAR OF EXISTING PROPERTY (ACCESS, SCALE & LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Written Representations Case Officer: AP
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Fylde Dec. Level Appeal Decision:	DEL Dismiss: 30 November 2017
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Rec No: 5 13 November 2017	17/0261	5 BROMPTON CLOSE, LYTHAM ST ANNES, FY8 4QP RETROSPECTIVE APPLICATION FOR ERECTION OF 1.85M HIGH BOUNDARY FENCE TO SIDE OF PEBBLED WALL.	Householder Appeal Case Officer: RC
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Fylde Dec. Level Appeal Decision:	DEL Dismiss: 20 December 2017
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Rec No: 6 23 October 2017	17/0388	5 CAMBRIDGE ROAD, LYTHAM ST ANNES, FY8 5PJ	Householder
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REMOVAL OF SECTION OF GARDEN WALL TO
CAMBRIDGE DRIVE TO PROVIDE VEHICULAR ACCESS
WITH ERECTION OF 1.6M HIGH GATE ACROSS
OPENING WITH SUPPORTING POSTS. FORMATION OF
DRIVEWAY AND RAISED BED TO PROPERTY FRONTAGE

Appeal
Case Officer: AP

Fylde Dec. Level DEL
Appeal Decision: Dismiss: 27 November 2017

Appeal Decision

Hearing Held on 1 November 2017

Site visit made on 1 November 2017

by David Richards BSocSci DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2017

Appeal Ref: APP/M2325/W/17/3172835 Land North of Mill Lane, Elswick, PR4 3ZH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Story Homes against the decision of Fylde Borough Council.
 - The application Ref 16/0180, dated 15 March 2016, was refused by notice dated 8 February 2017.
 - The development proposed is outline application for residential development of up to 50 dwellings and associated infrastructure (access applied for with all other matters reserved).
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 50 dwellings and associated infrastructure (access applied for with all other matters reserved) at Land North of Mill Lane, Elswick, PR4 3ZH in accordance with the terms of the application, Ref 16/0180, dated 15 March 2016, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are the effect on the character and appearance of Elswick and its setting in the countryside, and whether Elswick is an appropriate location for housing development, having regard to accessibility to services, facilities and public transport.

Reasons

3. The application site is adjacent to the eastern boundary of Elswick, being bounded by housing to the west on Linden Fold/ Ash Close, two dwellings to the south on Lodge Lane/ Mill Lane, and farm holdings to the north on Bonds Lane and to the east. There is also a dwelling just to the east of the site on Bonds Lane. The site is 4.7 hectares in size and is almost rectangular in form, comprising of a relatively flat, grassed parcel of land with centrally located pond. Trees, hedgerow and residential fencing define the current site boundaries.
4. The site is designated as Countryside in the adopted Fylde Borough Local Plan (LP) and Submission Version of the Fylde Local Plan 2032 (the emerging plan).
5. Outline planning consent is sought for up to 50 dwellings on the site, seeking approval of vehicular access arrangements only. Detail relating to appearance,

landscaping, layout and scale are to be determined through the reserved matters procedure.

6. Prior to the Council's determination of the application an amendment to the original submission was submitted which reduced the number of dwellings from 100 to 50. The appeal is to be decided on this basis. Access is proposed via a new access road to the north of Mill Lane. This proposed arrangement will result in a change of priority with vehicles using the access road having priority over those vehicles using the existing Mill Lane carriageway.
7. The revised indicative layout shows blocks of housing which are sited adjacent to the eastern edge of the village envelope. The road layout illustrates that housing would be generally outward facing where adjacent to the countryside boundaries of the site. The Planning Statement refers to scale of buildings being 2 storey, though the Design and Access Statement (DAS) refers to housing being predominantly 2 – 2.5 storeys in height, intended as a modern version of traditional suburban architecture similar to that in the locality.

Planning Policy

8. The development plan for the area consists of the saved policies of the Fylde Borough Local Plan, as altered in 2005 (FBLP). Saved policy SP02 restricts development in the countryside, other than for specified categories of development which do not include that under consideration in this appeal.
9. The LP predates the National Planning Policy Framework (the Framework) and this has implications for the weight to be accorded to its policies which I shall consider in the relevant sections of this decision below.
10. A new local plan for the Borough is in course of preparation, the Fylde Borough Local Plan to 2032 (the emerging plan). It has been submitted for examination by an Inspector, which is continuing, with further hearing sessions programmed for December 2017. The emerging plan promotes development in sustainable locations in accordance with the Framework. Policy S1 establishes a settlement hierarchy in which Elswick is identified as a 'Tier 2' settlement, that is a 'Smaller Rural Settlement' capable of taking limited growth – 50 dwellings over the plan period to 2032, having regard to the level of facilities and services available in the village. However the settlement boundary has been retained unaltered from the current adopted LP, with the intention set out in Policy SL5 that sites for the provision of 50 homes should be identified through the preparation of a Neighbourhood Plan for Elswick.
11. As it has yet to be adopted, the weight to be attached to its policies must be considered in accordance with the advice in paragraph 216 of the Framework.
12. I was informed at the hearing that the Parish Council no longer intends to prepare a Neighbourhood Plan, on the basis that they consider that the need for 50 dwellings is already met by existing planning permissions. Accordingly the Parish Council has requested that the emerging LP is altered to reflect this.

Effect on the character and appearance of Elswick and its setting in the countryside

13. While this issue did not form part of the reasons for refusal, it was of concern to many residents. The site lies on the eastern edge of the settlement boundary of Elswick and forms part of an area of open countryside which extends to the north and east of the village. The site's eastern and southern

boundaries about the built up area of the village adjacent to dwellings on Lodge Lane, Linden Fold and Ash Close. Existing dwellings have a rear facing aspect to the countryside with rear gardens and associated boundary treatment adjoining countryside. A mix of trees and hedgerows form established natural screening on the other boundaries of the site.

14. The applicant submitted a Landscape and Visual Appraisal of the development which concluded that there would be a moderate effect on the local landscape during the initial construction phase, reducing to slight-moderate following the establishment of landscaping. It is stated that the application site lies between Mill Lane and Bonds Lane, which contains the effect on the wider character area, resulting in a low change which corresponds to a slight-moderate effect on wider landscape character. A high degree of visual change is reported for housing adjacent to the application site, and a low change to public footpaths once landscaping is established.
15. The officer's report to Committee accepted that the site is not considered to be in a particularly prominent location, with only glimpsed views through open fields, trees and existing housing being obtainable when approaching the village along Lodge Lane.
16. The illustrative framework plan splits the application site in two, with housing to the village side of a deep landscape buffer which incorporates an existing pond which would be retained. The officer's report comments that *'this would be a natural expansion of Elswick which relates well to the defined village boundary designated in the adopted FBLP. The proposal provides opportunity for an outward facing development, with significant landscaping buffer and retained natural features that will act as a soft barrier to assimilate the proposal into the countryside setting, enhancing the appearance of the village edge. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against the countryside encroachment.'*
17. I acknowledge that the proposal would result in a limited degree of urbanisation of what is presently countryside, with attendant harm to countryside character. That would be true of most development on the edge of an existing settlement. Nevertheless in this case the degree of harm would be minimised by the relationship of the development with existing buildings on the settlement edge, the opportunity to retain existing established vegetation and site features and the provision of extensive new landscaping.
18. Residents referred to the popularity of a circular walk from the village using Bonds Lane, the bridleway to the east and Mill Lane. I accept that the rural experience of users would be adversely affected. However this would only affect the walk for relatively short stretches, and I do not consider that this adds materially to the overall degree of harm.
19. With regard to the outlook and privacy of existing dwellings, the application is in outline and I consider that, with adequate separation distances which is a matter within the planning authority's control, the amenity of existing residents could be protected. I acknowledge that some residents would lose their outlook over an open field. However, it is not the role of the planning system to existing protect private views.

20. I conclude that the assessments of impact in the LVIA, and in the Committee Report are fair and reasonable. The slight-moderate harm to the setting of Elswick is a matter to be weighed in the overall planning balance.

Whether Elswick is an appropriate location for housing development, having regard to accessibility to services, facilities and public transport

21. The Council's first reason for refusal states that: *'The development of the site for up to 50 dwellings will, in combination with recent planning approvals, exceed that assumed in the emerging Fylde Local Plan, which is at an advanced state of preparation, and identified Elswick as a Tier 2 settlement expected to support only limited expansion. In the absence of any significant community facilities within the village, and a limited public transport service in the village, the proposal would result in increased journeys by private motor vehicle and so would be economically, socially and environmentally unsustainable and contrary to the provisions of Policy S1 of the emerging Fylde Local Plan to 2032.'*
22. The committee report recommended that permission should be granted for the development, subject to the completion of a Section 106 obligation. It is common ground between the main parties that Elswick has a number of local services within its envelope, including a village store, Elswick Memorial United Reformed Church, two public houses, a Village Hall/Community Centre, Hair and Beauty Salon, equipped play area, all weather pitches and a bowling club. All of these facilities are within 800 metres walking distance of the appeal site. Great Ecclestone Copp Church of England School is some 1.1 km walking distance of the northern boundary of the site. For most of this distance Copp Lane has a 40 mph speed limit and a 1m wide footway.
23. The village centre of Great Ecclestone is located some 2.3 km to the north of the site. It offers a range of additional facilities including a medical centre, dental surgery, post office, pharmacy, three churches, three public houses, a café, a hairdressers, a Nisa convenience store, a market, a newsagent and off-licence, a takeaway and a fashion retailer.
24. I acknowledge that the range of services available in Elswick itself is limited, and residents would need to travel to larger centres for many purposes, including supermarket shopping. However the village shop allows for top-up shopping without having to rely on a car and is an important local facility in this respect. The proximity of the primary school is also, to my mind, an important facility that cannot be ignored. I deal with issues of highway safety in more detail below, and recognise that many existing and potential parents and guardians would not consider Copp Lane as a safe route for their children to walk to school, given the relative narrowness of the footway, the speed of traffic and the need to cross the road to get to the school. Nevertheless the school is close to the site, and while I recognise that traffic conditions at drop-off and pick-up time are likely to very be busy, and require the exercise of considerable caution, this is true of many schools in urban and rural areas. I do not consider that the likely increase in numbers of children attending the school resulting from the development would result in a significant worsening of an existing and by no means unusual problem.
25. Paragraph 55 of the Framework advises that housing should be located where it will enhance or maintain the vitality of rural communities, to promote sustainable development in rural areas. Where there are groups of smaller

settlements, development in one village may support services in a village nearby.

26. Objectors to the development, including the Parish Council representatives present, stated that medical services in the area are already overstretched, with a ratio of one GP per 2000 population, compared with a national average of one per 1700. It was stated that it could take 4- 5 weeks to get an appointment at the Great Eccleston medical practice. It would appear that a triage system is in operation, with greater priority (and earlier appointments) given in urgent cases. The list remains open, and the practice is still accepting new NHS patients. While I understand the perception that existing services are operating under stress, it is also the case that new housing is required to meet identified needs in Fylde Borough as elsewhere in the nation, and that consequent necessary adjustments to service provision cannot always take place in advance of the housing being provided. I do not consider that the circumstances in the locality are so unusual or exceptional as to amount to a sufficient justification for dismissing the appeal in the absence of other material considerations that indicate that permission should be refused.
27. Turning to consider public transport connectivity, the closest operational bus stop to the appeal site is located on Lodge Lane, some 190 metres south-west of the centre of the appeal site, and there are further bus stops within convenient walking distance on Beech Road and Copp Lane, within 440 metres of the centre of the appeal site.
28. The 80 service operates a two hourly service Monday to Saturday, (from 0730 and 1800) from Myerscough to Preston calling at Great Eccleston, Inskip and Preston. The approximate journey time from Elswick to Great Eccleston is 5 minutes, and to Preston 38 minutes. The 75A service also operates a two hourly service from Copp Lane, (Monday to Saturday between 0640 – 1900) from Fleetwood to Preston calling at Kirkham, Great Eccleston, Weeton, Singleton and Poulton-le-Fylde. The approximate journey times from Elswick to Great Eccleston is 5 minutes, Kirkham 12 minutes, Poulton-le-Fylde 19 minutes, Preston 38 minutes and Fleetwood one hour. In total that amounts to some 13 buses a day Monday to Friday (at approximately one hourly intervals) to surrounding service settlements, with 11 services per day on a Saturday. The earliest bus to Preston from Elswick on a weekday is at around 0727 which arrives in Preston at 0806 and the last bus to depart Preston on a weekday leaves at 1930. On a Saturday the earliest service to Preston is circa 0737, which arrives at Preston at 0814, whilst the last return bus from Preston is at 1930.
29. Objectors pointed out the shortcomings of existing public transport provision, in particular the lack of evening services, and the lack of a direct service connecting Elswick with Blackpool, of particular importance for post-secondary and continuing education, for example, apprenticeship schemes. While there are connecting services to Blackpool, these are unlikely to be practicable for early starts and late returns, and I accept that they are unlikely to be attractive for regular use, requiring some alternative arrangement to be made probably involving car journeys. The Parish Council representative referred to a survey carried out in the village, which indicated high numbers of households owning two cars, and making an average of 5 vehicle trips per day per household. However the survey results were not submitted, and participation was partial, raising legitimate questions about its representativeness. Nevertheless it is

- reasonable to conclude that many of the additional trips generated by the development would be car borne, notwithstanding the availability of alternatives.
30. Residents also drew attention to the high costs of reliance on public transport as an option for regular commuting, and the additional expense that would be incurred by new residents without a car. It was suggested that this would be a deterrent to potential occupiers of affordable housing.
 31. While these concerns are not without some foundation, I consider that the public transport connections described above offer a reasonable public transport alternative for shorter journeys, to take advantage of facilities in Great Eccleston, and longer trips to larger centres such as Poulton-le Fylde and Preston. I appreciate that the locational strategy set out in the emerging LP, in line with the advice in the Framework, is so far as possible to ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However Paragraph 34 of the Framework also advises that this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.
 32. Policy S1 of the emerging plan sets out a fourfold settlement hierarchy with key service centres at the top, local service centres (urban areas) occupying the next rung, after which come Tier 1 larger rural settlements (Newton, Staining and Wrea Green, providing small scale essential services, as well as local opportunities for employment and Tier 2 smaller rural settlements (Clifton, Elswick, Singleton and Weeton), described in the policy as having fewer essential services and employment opportunities, and limited transport connections with the Key Service Centres and Strategic Locations for development. Development that is appropriate to the scale and character of settlements at each level of the settlement hierarchy will be promoted in accordance with the development strategy. Policy DLF1 identifies the four strategic development locations relating to the key services centres, but also refers to non-strategic development sites (of between 10 and 99 dwellings) within principal development locations but also within or adjacent to the Tier 1 settlement at Newton, and Tier 2 smaller rural settlements at Clifton and Elswick. Policy SL5 does not make a specific allocation for Elswick, but proposes a development of 50 dwellings to be brought forward through a Neighbourhood Plan. As confirmed above, the Parish Council no longer intends to proceed with a neighbourhood plan. There is no specific justification in the plan for the levels of development proposed but paragraph 7.21 refers to a Settlement Hierarchy Background Paper which identifies Tier 1 settlements as being suitable for 100 to 150 homes over the plan period, and Tier 2 settlements as being suitable for up to 50 homes.
 33. The background paper gives scores to each settlement assessing accessibility to a range of services and facilities, including the availability and frequency of public transport connections. Elswick was originally included as a Tier 1: larger rural village with a score of total score of 13. Tier 1 settlements are described as follows: 'The larger rural settlements provide small scale essential local services, as well as local opportunities for employment. They can therefore be regarded as sustainable communities, albeit with a dependency on, and sustainable transport connection to/from the Key Service Centres and Local Service Centres.

34. In response to objections to the inclusion of Elswick within Tier 1, the Council revisited the settlement classification in 2017. On the basis that Elswick scores below Singleton and Weeton, identified as Tier 2 settlements, the background paper recommends that Elswick be reclassified as a Tier 2 settlement, and this has been carried forward in the submitted version of the emerging plan. The lack of a primary school within the village and the loss of the bus service to St Annes and Blackpool were key considerations in this reclassification. This reduced Elswick's score from 13 to 11.
35. I acknowledge that since the date of the background paper, Bond's restaurant has closed, but it was indicated at the hearing that the new owners intend to re-open it. The nursery has also closed. Ultimately the settlement hierarchy is a matter for the emerging local plan. However to my mind the scoring system adopted undervalues some key elements, such as the extent of existing service provision in the village and particularly the proximity of the primary school at Copp. While it is not within the village, it is very close, and would have attracted an additional 5 points if it had been included. There is no specific reference to the two public houses which could be considered valuable community assets, as well as providing some employment. There is no recognition of the additional facilities available at Great Ecclestone, some 2.3km north of Elswick, and accessible by public transport.
36. The Borough Council accepts that Elswick is a sustainable location for some development, but does not put forward a specific justification for limiting development in Elswick to 50 dwellings. The Parish Council's view, supported by many local residents, is that the 'target' of 50 dwellings for Elswick set out in policy SL5 has been reached through the grant of permissions, and there is accordingly no longer a need to proceed with a neighbourhood plan. I note that a number of these sites are within the settlement boundary or involve conversions of existing buildings, and would normally be regarded as windfalls. There is also a site at Copp Lane for 25 dwellings, outside the development boundary. It is stated that 50 dwellings would represent an 11% increase, and that granting this permission would double that. Having regard to the level of service provision in Elswick and the nearby settlement of Great Ecclestone, I do not consider that a development of the scale under consideration in this appeal, and another appeal at Beech Road, amounting to 100 dwellings in total, in addition to those already granted permission (which may or may not come forward for development), would put an intolerable strain on existing services, or the capacity of the village to absorb new residents.
37. The emerging plan, though at an advanced stage, is not yet adopted, and the weight to be attached to it is limited. While the broad development strategy of directing most development to the more sustainable locations is in accordance with guidance in the Framework, it is acknowledged that Elswick has capacity for some housing development. There are outstanding objections to the emerging plan which have yet to be resolved, particularly as regards the status of Elswick as a Tier 2 settlement. I accept that these objections are from would be developers, but as stakeholders in the process they have a right to submit representations. (It was also reported that there are objections to any development at Elswick, having regard to the pressure on existing services and the capacity of the road network). Bearing in mind that some development will have to occur on the edge of settlements if housing need as quantified in the emerging plan is to be met, the harm to the countryside would be slight-

moderate at most. I do not consider that there would be material conflict with policy HL02 of the LP in respect of the proposed scale of development.

Other matters

Highway safety

38. The proposal involves a simple priority junction from the development onto Mill Lane, the effect of which would be to change priorities so that the access would have priority over the cul-de-sac part of Mill Lane. The highway authority, Lancashire County Council (LCC), has agreed that these arrangements meet the design standards and are acceptable. Alterations are required where Mill Lane joins Lodge Lane to ensure that sightlines appropriate for the measured speed can be met. This will involve a slight narrowing of the carriageway of Lodge Lane and has been agreed as acceptable by LCC.
39. The trip rates used by the developer indicate that 29 vehicle movements would occur in the AM peak (7 in and 22 out) and 33 in the PM peak (22 in and 11 out). The Parish Council disputed these figures, arguing that the survey undertaken in connection with the neighbourhood plan showed high levels of car ownership, and an average daily trip rate of 5 movements per dwelling. However, as previously discussed, the return on the survey was partial, and as such cannot be relied upon as an objective study of trip rates. It was not made available to the Appellant for comment. The Appellants trip rates were taken from a standard industry database (TRICS) and were agreed as appropriate by LCC. The distribution of trips to various junctions were also found to be acceptable. LCC did not comment on the impact on the A585 junctions, but recommended the views of Highways England (HE) were sought, as the body responsible for Trunk Roads.
40. Highway safety was not cited as a refusal reason by the Borough Council. However local residents, Councillors and the Parish Council do not consider that proper consideration has been given to the potential cumulative effects of this and other developments on the existing highway network, particularly the junctions with the A585 at Thistleton. Residents have described crossing the A585 at the northerly Thistleton junction as 'a nightmare' and turning left at the southerly junction as 'highly dangerous' due to heavy traffic and limited visibility to the right. It is said that excessive waiting times, particularly at peak periods, encourage frustrated drivers to take chances by pulling out in front of fast moving traffic. Car ownership is a necessity and the majority of trips from Elswick and nearby villages, including Great Eccleston, involve joining or crossing the A585.
41. HE commented that 'there are known issues with the Thistleton junction.' The Appellants technical note (TN) demonstrated that the development would generate between 15 and 16 trips that would use the Thistleton junction in the AM or PM peak hours, equating to one additional vehicle every 3 – 4 minutes. There would be 6 right turners from Thistleton Road in the AM peak and 9 right-turners from Mile Road in the PM peak, equating to an additional right turning vehicle every 10 and 15 minutes. On this basis the Appellant's TN concludes that the forecast increases are minimal, and will not result in any material changes to the operation or highway safety of the junction. Notwithstanding, HE commented that 'the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward that is served by the Thistleton junction in areas such as Elswick.'

42. An analysis of the accident record showed that between 2011 and 2016 11 accidents occurred at the junction, six accidents during 2016 alone. 9 involved vehicles using the junction and making turning manoeuvres at the junction. 8 occurred outside of peak times. HE conclude that this is likely to be due to inadequate gap acceptance by drivers, and can occur at any time during the day, having regard to the weight of traffic throughout the day on the A585.
43. I note that various options to improve the safety of the A585 junction have been considered by HE, including improvements to markings, signalisation, a roundabout and installation of a cycle crossing, but have been placed on hold pending consideration of a major scheme to improve the A585 between Windy Harbour and Skippool junctions. Furthermore previous improvement schemes were considered to increase delays to traffic using the A585 to the extent that they outweighed the accident saving benefits. I acknowledge the thorny nature of these issues, but it does not seem to me that development needed to boost the supply of housing should be placed on hold pending the resolution of these issues, provided there is no overwhelming evidence of adverse safety outcomes. HE have expressed concerns about the cumulative impacts of development on the A585 junctions, but have not expressly objected to this or other applications in Elswick, and consequently were not present at the hearing. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. I am not aware of any detailed evidence from HE or others that this threshold would be crossed as a result of development proposals currently under consideration in the locality.
44. I was informed at the hearing that HE were not re-consulted on the 25 dwelling proposal at Copp Lane, as it was considered to be within the allocation of 50 dwellings within the emerging LP. I was also informed of an unauthorised commercial development on Lodge Lane giving rise to additional heavy commercial vehicles on the local road network, and the prospect of additional traffic in connection with a fracking application in the locality yet to be determined. While I fully understand the concern of local residents, there is no detailed evidence before me of the effects, if any, of these schemes on highway safety. These are matters which will no doubt be given detailed consideration through the appropriate planning procedures.
45. I note also that there are other developments proposed and underway in the adjoining Wyre Borough which have implications for the junctions with the A585, but again I have no detailed information which would allow me to reach a justifiable conclusion that the cumulative effects of development in the localities would have unacceptable effects on the operational safety of the A585 junctions.
46. In summary, I consider that LCC's conclusion that the impacts of a development of this scale on the local highway network would be acceptable are justifiable and reasonable, and, on the basis of the evidence before me, I do not consider that the limited number of additional peak hour movements predicted at the Thistleton junctions would have a materially adverse effect on the operational safety of those junctions. Accordingly I conclude that the traffic effects of the proposal would not amount a justifiable reason to refuse permission for the development.

47. A number of residents also raised concerns over potential impacts on wildlife, and flood risk. With regard to wildlife impacts, the Greater Manchester Ecology Unit (which provides advice to authorities in Lancashire amongst others) accepted that with reasonable avoidance measures any residual risk to amphibians could be removed. No significant impacts on bat activity were identified. A substantial area of the site would be retained as open land with potential to provide habitat for birds and other wildlife, through an ecological management plan which can be secured by condition. I consider that the scheme would make satisfactory provision for wildlife to ensure that there would be no significant habitat loss, with opportunities for compensatory provision in the retained open areas of the site.
48. With regard to the potential for flooding, the site lies entirely in Flood Zone 1, in the lowest risk category. The scheme includes sustainable drainage techniques to attenuate flows of surface water by means of detention basins, attenuation ponds and other measures to compensate for any loss of permeable surfaces. Such measures are widely used to avoid the risk of flooding both on-site and downstream of the development and in my view are a satisfactory means of addressing the issue.

Section 106 obligation and conditions

49. The appellant has submitted an executed Section 106 obligation, which addresses matters raised by the County and Borough Councils. The obligation would secure 30% of the dwellings as affordable housing, with a scheme to be submitted for approval before development commences. It would also secure a contribution to secondary school provision made necessary by the development, in accordance with the methodology prepared by the education authority.
50. A contribution of £100,000 would be payable to be used to enhance existing bus services and/or to provide new services routed through Elswick. The Appellant initially questioned the necessity of a bus contribution in view of the existing level of services and public transport in the village. However it is clear to me that the viability of existing bus services are subject to review, and a contribution to support acceptable levels of service, to provide continuing realistic alternatives to reliance on the private car for residents of the development, is both necessary and proportionate.
51. The Council provided a Statement of compliance with the Community Infrastructure Levy (CIL) provisions. In my judgement the provisions of the obligation comply with the requirements of Regulation 122 in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
52. A draft schedule of conditions was submitted to the hearing. I have considered the suggested conditions in the light of advice in the guidance and where necessary have made minor amendments in the interests of clarity and precision.
53. In addition to a timetable for reserved matters and commencement, conditions specifying and requiring compliance with the approved plans is necessary to define the permission and in the interests of proper planning. Conditions addressing landscaping and requiring details of floor levels to be approved are

needed to secure a satisfactory appearance. Conditions addressing surface water drainage are required to avoid on-site and downstream flooding risk. Approval of a Construction Method Statement is necessary to protect site trees and in the interests of amenity. Highway conditions, including access details, pedestrian provision, and wheel washing are necessary in the interests of highway safety and amenity. A travel plan is needed to reduce reliance on the private car as a means of transport. Protection of trees during construction is necessary to retain established features on the site, and in the interests of wildlife conservation. Conditions limiting hours of working and requiring a scheme to suppress dust and vibration are necessary to protect the amenity of neighbours. An ecological management plan is necessary to protect wildlife and secure ecological mitigation. A condition requiring Reasonable Avoidance Measures is necessary to mitigate potential impact on any amphibians present during site works.

54. The S106 requires an affordable housing scheme to be submitted for approval in writing before development commences which requires the mix of housing to be agreed, and at least 30% of the dwellings to be affordable housing. In my judgement this would give the Council an opportunity to influence the type and tenure of affordable housing to be provided, and would be unnecessarily duplicated by the Council's suggested affordable housing condition. I note that the Council did not suggest a similar condition in respect of the Beech Road appeal (Ref APP/M2325/W/17/3172438).

Planning balance

55. The development plan remains the starting point for determination of the appeal. However, it was common ground between the main parties that the Council cannot currently demonstrate a 5 year supply of housing land, and that development plan policies relevant to the supply of housing, including the currently defined settlement boundary for Elswick, are out of date. Paragraph 14 of the Framework is applicable, which means that the appeal should be determined in accordance with the first limb of Paragraph 14 of the NPPF. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
56. The development would conflict with Policy SP02 of the LP, as it is outside the development boundary for Elswick and in the countryside. However it is accepted that existing development boundaries in Fylde will have to change to accommodate identified housing needs.
57. I give considerable weight to boosting the housing supply, including the provision of affordable housing. There would also be economic benefits which weigh positively in the balance. I accept there would be some harm to the countryside and the setting of Elswick, but in view of the current lack of a 5 year housing supply and the limited extent of the harm, this objection carries limited weight.
58. With regard to the emerging plan, I acknowledge that the development hierarchy, which seeks to focus most development in the most sustainable locations, is broadly in accordance with advice in the Framework. However the issue of whether or not Elswick should be identified as a large or small village remains the subject of objection. This limits the weight I can give to the relevant emerging policies. The Council accepts that Elswick is a sustainable

location and to my mind has not fully justified its stance that Elswick should be treated as a smaller settlement suitable for only 50 dwellings.

59. I acknowledge that some local services are under pressure, though businesses in the locality would in general benefit from new custom. Pressure on local services is often cited as a justification for restricting development, but it also important to bear in mind the urgent need to provide more housing which is at the heart of national planning policy.
60. I also acknowledge the strength of concern about highway safety, though that does not alter my conclusion that the effects of the development would not be so serious as to warrant dismissal of the appeal.
61. Accordingly, I conclude that the adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and that the appeal should be allowed.

David Richards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dan Mitchell	Barton Willmore
Tim Russell	Croft Transport Solutions
Hannah Walker	Barton Willmore

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Ellis	Urban Vision
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INTERESTED PERSONS:

Paul Hayhurst	County and Borough Councillor, and Chair of Elswick Parish Council
John Hobday	Elswick resident
Mark Reed	Chair of Governors, Copp Primary School and vice-chair of Elswick parish Council
Dave Francis	Elswick resident
Maxine Chew	Borough Councillor
Ann Stupple	Elswick resident
Mr Rowe	

DOCUMENTS

- 1 Letter of notification of hearing
- 2 Final S106 obligation
- 3 CIL compliance statement
- 4 Photograph of low loader
- 5 Highways England consultation Ref: 16/0846 (Copp Lane application)
- 6 Local Plan Inspector's note

Appeal Ref APP/M2325/W/17/3172835

Schedule of conditions

- 1) Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than:
 - the expiration of three years from the date of this permission; or,
 - two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:
 - Layout.
 - Scale.
 - External appearance.
 - Landscaping.
- 3) This permission relates to the following plans:
 - Drawing number 15-063 LP01 (Site Location Plan).
 - Amended drawing number 15-063 FP02 revision H (Framework Plan).
 - Drawing number 0826-F02 revision C (Proposed Access Arrangement).

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to the means of access to the site and the maximum number of 50 dwellings.

- 4) Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall accord with the parameters shown on amended drawing number 15-063 FP02 revision H:
 - the developable areas of the site.
 - the areas to be laid out as open space and landscape buffer.
 - the scale of development being no greater than 2 storeys in height.
- 5) Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated on drawing number 15-063 FP02 revision H. The scheme shall include, but not be limited to, the following details:
 - retention of existing trees, hedgerows and other vegetation on/overhanging the site.
 - a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development.
 - the introduction of a landscape buffer and public open space to the east of the built form proposed.

- the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
- the type, size, species, siting, planting distances and the programme of
- planting of hedgerows, trees and shrubs.

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

- 6) No development shall be commenced unless and until details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 7) As part of any reserved matters application and prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. Those details shall include, as a minimum:
 - Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD.
 - The drainage strategy should demonstrate the surface water run-off in relation to the pre-development greenfield runoff rate.
 - Details of any off site works required.
 - Flood water exceedance routes, both on and off site.
 - A timetable for implementation, including phasing as applicable.
 - Evidence of an assessment of the site conditions to include site investigation
 - and test results to confirm infiltrations rates.
 - Details of water quality controls, where applicable.

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

- 8) None of the dwellings hereby approved shall be first occupied unless and until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 6 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

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

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

- 9) All detention basins and flow control devices/ structures are to be constructed and operational prior to the occupation of any other development and prior to any development phase.
- 10) No development including site set up and the removal of any trees or shrubs shall be commenced unless and until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- construction vehicle routes to and from the site.
 - arrangements for the parking of vehicles for site operatives and visitors.
 - details of areas designated for the loading, unloading and storage of plant and materials.
 - details of the siting, height and maintenance of any security hoarding.
- 11) No development shall be commenced unless and until, a detailed design of the site access, including the junction of the application site with Mill Lane and junction of Mill Lane with Lodge Lane, shall be submitted to and approved in writing by the Local Planning Authority. The approved access

design shall be implemented prior to commencement of the development and retained thereafter.

- 12) No development shall be commenced unless and until wheel wash facilities shall be provided within the site which will be used to clean the wheels of vehicles before leaving the site. The wheel wash facilities shall be available for use throughout the construction period.
- 13) No development shall be commenced unless and until a scheme for the construction of off site highway works has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but is not limited to, the following:
 - continuation of existing footpath network on Lodge Lane to Mill Lane.
 - pedestrian environment improvements to Lodge Lane, including kerb realignment at the junction of Lodge Lane and Roseacre Road.
 - provision of raised boarding areas to local bus stops in vicinity of the site.

The approved scheme of off site highway works shall be implemented prior to the first occupation of any part of the development and retained thereafter.

- 14) Prior to occupation of any part of the development hereby approved, a Travel Plan including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage alternative sustainable modes of transport by prospective occupants of the development. The approved Travel Plan must be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority for a minimum of 5 years following the first occupation of any part of the development.
- 15) Prior to occupation of any part of the development hereby approved, a Travel Plan including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage alternative sustainable modes of transport by prospective occupants of the development. The approved Travel Plan must be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority for a minimum of 5 years following the first occupation of any part of the development.
- 16) No development shall be commenced unless and until a scheme to protect retained trees and hedgerows during the construction period has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerows 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 BS5837: 2012 and shall be maintained as such during the entirety of the construction period.

- 17) No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.
- 18) On site works 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.
- 19) No development shall be commenced unless and until a scheme for the control of noise, vibration and dust during the period of construction has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be used throughout the construction process.
- 20) No development shall be commenced unless and until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the plan must include:
 - on site mitigation for loss of semi improved grassland.
 - on site mitigation for any changes to the open water habitat on site, to include full design details for any alterations to the pond.
 - replacement trees and hedgerows on the site.
 - enhancement of retained hedgerows on or overhanging the site.
 - provision of bat and bird boxes within the development.
 - lighting scheme to avoid lighting to the pond and immediate surrounding vegetation.
 - a five year implementation and management plan.

The approved planting will be implemented in accordance with the approved details during the first planting season after the development is substantially completed. Any trees or hedgerow removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The approved bat/ bird boxes and lighting shall be implemented prior to last occupation of the development and be retained on the site in perpetuity.
- 21) No development or other on site works, including site set up and the removal of any trees or shrubs, shall be commenced unless and until a Reasonable Avoidance Measures (RAM) method statement for amphibians has been submitted to and approved in writing by the Local Planning Authority. The method statement shall outline the RAM measures to safeguard amphibians during any on site works associated to the

development. The approved RAM measures shall be implemented for duration of the construction period in accordance with the approved details.

Appeal Decision

Hearing held on 31 October 2017

Site visit made on 31 October 2017

by David Richards BSocSci DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2017

Appeal Ref: APP/M2325/3172438

Land north of Beech Road, Elswick, Lancashire, PR14 3ZQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Prospect (GB) Limited against the decision of Fylde Borough Council.
 - The application Ref 16/0645, dated 19 August 2016, was refused by notice dated 15 March 2017.
 - The development proposed is demolition of an existing agricultural outbuilding and erection of 50 dwellings (use class C3) set in attractive landscaping with associated car parking; an adoptable pumping station; a sub-station and new access from Beech Road.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing agricultural outbuilding and erection of 50 dwellings (use class C3) set in attractive landscaping with associated car parking; an adoptable pumping station; a sub-station and new access from Beech Road at Land north of Beech Road, Elswick, Lancashire, PR14 3ZQ in accordance with the terms of the application, Ref 16/0645, dated 19 August 2016, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are the effect on the character and appearance of Elswick and its setting in the countryside, and whether Elswick is an appropriate location for housing development, having regard to accessibility to services, facilities and public transport.

Reasons

3. The appeal site is irregular in shape and extends to approximately 2.6 hectares in area. It is located on the north-western edge of Elswick, on the north side of the B5269 'Beech Road'. The land lies within the open countryside as defined on the Fylde Borough Local Plan proposals map (2005). The site presently comprises grazing land and includes an existing agricultural outbuilding, two existing ponds, and mature trees and hedgerows delineating field boundaries.
4. The site adjoins the currently defined development boundary. Immediately to the south is a grass verge containing a group of mature trees and flower beds. Directly opposite the site are residential properties fronting Beech Road. To the west of the site there are three residential properties on the north side of

Beech Road, beyond which there is more grazing land and then Meagles Lane. The eastern boundary of the site borders open grazing land, beyond which is Copp Lane. To the north, there are open fields, and an existing pond, with Langtree Lane beyond.

5. The land is shown as Grade 3b agricultural land (good to moderate quality) with generally flat topography which falls away gradually to the north.

Planning Policy

6. The development plan for the area consists of the saved policies of the Fylde Borough Local Plan, as altered in 2005 (LP). Saved policy SP02 restricts development in the countryside, other than for specified categories of development which do not include that under consideration in this appeal.
7. The LP predates the National Planning Policy Framework (the Framework) and this has implications for the weight to be accorded to its policies which I shall consider in the relevant sections of this decision below.
8. A new local plan for the Borough is in course of preparation, the Fylde Local Plan to 2032 (the emerging plan). It has been submitted for examination by an Inspector, which is continuing, with further hearing sessions programmed for December 2017. The emerging plan promotes development in sustainable locations in accordance with the Framework. Policy S1 establishes a settlement hierarchy in which Elswick is identified as a 'Tier 2' settlement, that is a 'Smaller Rural Settlement' capable of taking limited growth – 50 dwellings over the plan period to 2032, having regard to the level of facilities and services available in the village. However the settlement boundary has been retained unaltered from the current adopted LP, with the intention set out in Policy SL5 that sites for the provision of 50 homes should be identified through the preparation of a Neighbourhood Plan for Elswick.
9. As it has yet to be adopted, the weight to be attached to its policies must be considered in accordance with the advice in paragraph 216 of the Framework.
10. I was informed at the hearing that the Parish Council no longer intends to prepare a Neighbourhood Plan, on the basis that they consider that the need for 50 dwellings is already met by existing planning permissions. Accordingly the Parish Council has requested that the emerging LP is altered to reflect this.

Effect on the character and appearance of Elswick, and its setting in the countryside

11. The Council considers that the appeal site is located at a critically sensitive transitional location on the northern edge of the village where the character of the open countryside predominates. It is argued that residential development in this location will detract from the rural character both by the nature of the land use and the loss of open countryside views from Beech Road and the existing edge of settlement properties along that road which as a result, cannot be considered to be sustainable development.
12. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA). It describes the landscape character as being fairly typical of the Fylde Landscape Character Area¹, specifically: gently undulating,

¹ 'A Landscape Strategy for Lancashire': Landscape Character Area 15D: The Fylde.

improved pasture land, with hawthorn dominant boundary hedges and field ponds. External visual influences include pylons, road traffic and the distant Bowland Fells. The existing hedgerows are generally in reasonable condition, though the southern boundary to the road is incomplete, only enclosing the western side of the frontage.

13. Due to the edge of village location, the site is essentially rural in character. To the north, west and east the views are principally of farm land, with only occasional clusters of housing or farm buildings visible. Hedgerows and tree cover break up the views of nearby clusters of housing in these directions. The main built form, visible from the site, is the housing on Beech Road itself.
14. The LVIA states that the site is visually well contained to the east, south and west, by housing along the southern boundary of the site, and by established hedgerows to the east and west. To the north, however the site is very open and the views, both into and out of, the site are extensive. The potential for views, in both directions are strengthened because of some areas of higher ground, notably at Copp, at the northern end of Meagles Lane and at Great Ecclestone. There are numerous public viewpoints to the north including from highways and other rights of way. Within these public views, the site currently merges with the surrounding rural fabric and forms part of the landscape character type. The landscape sensitivity is assessed as being medium-high.
15. With regard to visual impact, the principal views from the north are from Langtree Lane, a minor road serving a small number of properties. Public views from the north are fairly extensive and available to pedestrians and vehicles using the adjacent highways and other rights of way. The impact from public viewpoints is assessed as medium, as the viewers are transitory, while to occupants of nearby properties, the impact is likely to be of medium-high sensitivity.
16. Public views from the east, from Copp Lane are generally curtailed by intervening hedges and planting and as such the impact is assessed as being low-medium sensitivity. Views from private housing are assessed as having medium-high sensitivity.
17. Principal views from the south are from the highway, Beech Road, though the proposal would also be in the direct line of view from a number of properties fronting Beech Road. The impact on views from the highway are assessed as being medium-high impact, and from private properties high impact.
18. Principal views from the west are from Meagles Lane, a minor road running from Elswick to Great Ecclestone. These views are restricted by high hedges along the land, with only glimpses available through gaps such as field gates. The impact on public views is assessed as being low-medium, with impact from the dwellings on the north side of Beech Road assessed as high.
19. The scheme includes proposals to secure mitigation of the landscape and visual impacts, which could be achieved by the attachment of conditions. This would include retention and management of existing landscape features where possible, together with careful landscaping of the site boundaries, to include tree planting, hedge planting and native woodland buffer planting where appropriate, with extensive landscape treatment to the northern boundary to address potential visual impact in views from the north.

20. The LVIA concludes that *'the development will, without doubt, change the character of the area, with a loss of open, rural land and its replacement with residential housing. The proposed new housing will, essentially move the residential edge of Elswick further north; however it is within an area already partly defined by the extent of existing housing development. As a result the proposal is not unacceptable in planning terms. It is acknowledged that there will be a visual impact, despite landscape treatment of the site boundaries.*
21. *A comprehensive package of landscape mitigation will be provided as part of the development proposal. New landscape will add substantially to tree and hedgerow cover the area and will act not only to further filter views, but also to enhance the area. The planting will also be designed to create new habitats to encourage biodiversity. All retained new landscape will be subject to suitable management ... ensuring that it remains a viable legacy. This is of particular importance when considering the long term future of the existing trees and hedgerows on the site.*
22. *Whilst the proposed development does fit in with the settlement pattern in an acceptable manner and is of similar character to previous village growth, there will be a visual impact. As such, the overall magnitude of the visual impact would be medium adverse.'*
23. The Committee report recommended approval of the development. With regard to landscape impact, the Council's officers noted that the shape of the development site and the location of the site to the north of Beech Road means that the development would not be in character with the historic settlement pattern, and would result in a reduction of the view from Beech Road looking north. However, the site was not considered to be in a particularly prominent location, with only glimpsed views through open fields, trees and individual houses being obtainable when entering the village by road. It was concluded that the harm from allowing the development would not warrant refusal of permission. Officers concluded that *'the application proposes an outward facing development, with significant landscape buffer and retained natural features that will act as a soft barrier to assimilate the proposal into the countryside setting. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against countryside encroachment.'*
24. I acknowledge that the proposal would result in urbanisation of a countryside location with resultant harm to landscape character. This is the case with many potential developments in rural locations which border existing settlements. While the countryside on this edge of Elswick has an attractive character, it is not a designated landscape, and it has not been argued that it is part of a valued landscape as referred to in Paragraph 109 of the Framework. It is strongly influenced by the existing settlement edge housing. The development would only be glimpsed from Copp Lane and the southern part of Meagles Lane due to prominent intervening hedgerows. In the short term following the completion of development it would appear more intrusive when viewed from the north, from the right of way near Little Ecclestone and from Langtree Lane. However the proposed boundary planting would quite quickly mitigate this impact, and screening would be increasingly effective in the medium and longer term. I consider that the judgements made in the Appellant's LVIA are fair and reasonable, and that the harm to the countryside

would be at most moderate. This is a matter to be weighed in the overall planning balance.

Whether Elswick is an appropriate location for housing development, having regard to accessibility to services, facilities and public transport?

25. The Council's first reason for refusal states that: *'The development of the site for 50 dwellings will, in combination with recent planning approvals, exceed that assumed in the emerging Fylde Local Plan, which is at an advanced state of preparation, and identified Elswick as a Tier 2 settlement expected to support only limited expansion. In the absence of any significant community facilities within the village, and a limited public transport service in the village, the proposal would result in increased journeys by private motor vehicle and so would be economically, socially and environmentally unsustainable and contrary to the provisions of saved Policy SP2 of the Fylde Borough Local Plan 2005 and Policy S1 of the emerging Fylde Local Plan to 2032.'*
26. The committee report recommended that permission should be granted for the development, subject to the completion of a Section 106 obligation. It is common ground between the main parties that Elswick has a number of local services within its envelope, including a village store, Elswick Memorial United Reformed Church, two public houses, a Village Hall/Community Centre, Hair and Beauty Salon, equipped play area, all weather pitches and a bowling club. All of these facilities are within 800 metres walking distance of the appeal site. Great Ecclestone Copp Church of England School is some 1.1 km walking distance of the northern boundary of the site. For most of this distance Copp Lane has a 40 mph speed limit and a 1m wide footway.
27. The village centre of Great Ecclestone is located some 2 km to the north of the site. It offers a range of additional facilities including a medical centre, dental surgery, post office, pharmacy, three churches, three public houses, a café, a hairdressers, a Nisa convenience store, a market, a newsagent and off-licence, a takeaway and a fashion retailer.
28. I acknowledge that the range of services available in Elswick itself is limited, and residents would need to travel to larger centres for many purposes, including supermarket shopping. However the village shop allows for top-up shopping without having to rely on a car and is an important local facility in this respect. The proximity of the primary school is also, to my mind, an important facility that cannot be ignored. I deal with issues of highway safety in more detail below, and recognise that many existing and potential parents and guardians would not consider Copp Lane as a safe route for their children to walk to school, given the relative narrowness of the footway, the speed of traffic and the need to cross the road to get to the school. Nevertheless the school is close to the site, and while I recognise that traffic conditions at drop-off and pick-up time are likely to very be busy, and require the exercise of considerable caution, this is true of many schools in urban and rural areas. I do not consider that the likely increase in numbers of children attending the school resulting from the development would result in a significant worsening of an existing and by no means unusual problem.
29. Paragraph 55 of the Framework advises that housing should be located where it will enhance or maintain the vitality of rural communities, to promote sustainable development in rural areas. Where there are groups of smaller

settlements, development in one village may support services in a village nearby.

30. Objectors to the development, including the Parish Council representatives present, stated that medical services in the area were already overstretched, with a ratio of one GP per 2000 population, compared with a national average of one per 1700. It was stated that it could take 4- 5 weeks to get an appointment at the Great Eccleston medical practice. It would appear that a triage system is in operation, with greater priority (and earlier appointments) given in urgent cases. The list remains open, and the practice is still accepting new NHS patients. While I understand the perception that existing services are operating under stress, it is also the case that new housing is required to meet identified needs in Fylde Borough as elsewhere in the nation, and that consequent necessary adjustments to service provision cannot always take place in advance of the housing being provided. I do not consider that the circumstances in the locality are so unusual or exceptional as to amount to a sufficient justification for dismissing the appeal in the absence of other material considerations that indicate that permission should be refused.
31. Turning to consider public transport connectivity, the closest operational bus stop to the appeal site is located on Main Street, some 340 metres away from the appeal site.
32. The 80 service operates a two hourly service Monday to Saturday, (from 0730 and 1800) from Myerscough to Preston calling at Great Eccleston, Inskip and Preston. The approximate journey time from Elswick to Great Eccleston is 5 minutes, and to Preston 38 minutes. The 75A service also operates a two hourly service from Copp Lane, Monday to Saturday between 0640 – 1900) from Fleetwood to Preston calling at Kirkham, Great Eccleston, Weeton, Singleton and Poulton-le-Fylde. The approximate journey times from Elswick to Great Eccleston is 5 minutes, Kirkham 12 minutes, Poulton-le-Fylde 19 minutes, Preston 38 minutes and Fleetwood one hour. In total that amounts to some 13 buses a day Monday to Friday (at approximately one hourly intervals) to surrounding service settlements, with 11 services per day on a Saturday. The earliest bus to Preston from Elswick on a weekday is at around 0727 which arrives in Preston at 0806 and the last bus to depart Preston on a weekday leaves at 1930. On a Saturday the earliest service to Preston is circa 0737, which arrives at Preston at 0814, whilst the last return bus from Preston is at 1930.
33. Objectors pointed out the shortcomings of existing public transport provision, in particular the lack of evening services, and the lack of a direct service connecting Elswick with Blackpool, of particular importance for post-secondary and continuing education, for example, apprenticeship schemes. While there are connecting services to Blackpool, these are unlikely to be practicable for early starts and late returns, and I accept that they are unlikely to be attractive for regular use, requiring some alternative arrangement to be made probably involving car journeys. The Parish Council representative referred to a survey carried out in the village, which indicated high numbers of households owning two cars, and making an average of 5 vehicle trips per day per household. However the survey results were not submitted, and participation was partial, raising legitimate questions about its representativeness. Nevertheless it is reasonable to conclude that many of the additional trips generated by the

- development would be car borne, notwithstanding the availability of alternatives.
34. Residents also drew attention to the high costs of reliance on public transport as an option for regular commuting, and the additional expense that would be incurred by new residents without a car. It was suggested that this would be a deterrent to potential occupiers of affordable housing.
35. While these concerns are not without some foundation, I consider that the public transport connections described above offer a reasonable public transport alternative for shorter journeys, to take advantage of facilities in Great Eccleston, and longer trips to larger centres such as Poulton-le Fylde and Preston. I appreciate that the locational strategy set out in the emerging LP, in line with the advice in the Framework, is so far as possible to ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However Paragraph 34 of the Framework also advises that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
36. Policy S1 of the emerging plan sets out a fourfold settlement hierarchy with key service centres at the top, local service centres (urban areas) occupying the next rung, after which come Tier 1 larger rural settlements (Newton, Staining and Wrea Green, providing small scale essential services, as well as local opportunities for employment, and Tier 2 smaller rural settlements (Clifton, Elswick, Singleton and Weeton) described in the policy as having fewer essential services and employment opportunities, and limited transport connections with the Key Service Centres and Strategic Locations for Development. Development that is appropriate to the scale and character of settlements at each level of the settlement hierarchy will be promoted in accordance with the development strategy. Policy DLF1 identifies the four strategic development locations relating to the key services centres, but also refers to non-strategic development sites (of between 10 and 99 dwellings) within principal development locations and within or adjacent to the Tier 1 settlement at Newton and Tier 2 smaller rural settlements at Clifton and Elswick. Policy SL5 does not make a specific allocation for Elswick, but proposes a development of 50 dwellings to be brought forward through a Neighbourhood Plan. As confirmed above, the Parish Council no longer intends to proceed with a neighbourhood plan. There is no specific justification in the plan for the levels of development proposed but paragraph 7.21 refers to a Settlement Hierarchy Background Paper which identifies Tier 1 settlements as being suitable for 100 to 150 homes over the plan period, and Tier 2 settlements as being suitable for up to 50 homes.
37. The background paper gives scores to each settlement assessing accessibility to a range of services and facilities, including the availability and frequency of public transport connections. Elswick was originally included as a Tier 1: larger rural village, with a score of total score of 13. Tier 1 settlements are described as follows: 'The larger rural settlements provide small scale essential local services, as well as local opportunities for employment. They can therefore be regarded as sustainable communities, albeit with a dependency on, and sustainable transport connection to/from the Key Service Centres and Local Services.

38. In response to objections to the inclusion of Elswick within Tier 1, the Council revisited the settlement classification in 2017. On the basis that Elswick scores below Singleton and Weeton, identified as Tier 2 settlements, the background paper recommends that Elswick be reclassified as a Tier 2 settlement, and this has been carried forward in the submitted version of the emerging plan. The lack of a primary school within the village and the loss of the bus service to St Annes and Blackpool were key considerations in this reclassification. This reduced Elswick's score from 13 to 11.
39. I acknowledge that since the date of the background paper, Bond's restaurant has closed, but it was indicated at the hearing that the new owners intend to re-open it. The nursery has also closed. Ultimately the settlement hierarchy is a matter for the emerging local plan. However to my mind the scoring system adopted undervalues some key elements, such as the extent of existing service provision in the village and particularly the proximity of the primary school at Copp. While it is not within the village, it is very close, and would have attracted an additional 5 points if it had been included. There is no specific reference to the two public houses which could be considered valuable community assets, as well as providing some employment. There is no recognition of the additional facilities available at Great Eccleston, some 2.3km north of Elswick, and accessible by public transport.
40. The Borough Council accepts that Elswick is a sustainable location for some development, but does not put forward a specific justification for limiting development in Elswick to 50 dwellings. The Parish Council's view, supported by many local residents, is that the 'target' of 50 dwellings for Elswick set out in policy SL5 has been reached through the grant of permissions, and there is accordingly no longer a need to proceed with a neighbourhood plan. I note that a number of these are within the settlement boundary or involve conversions of existing buildings, and would normally be regarded as windfalls. There is also a site at Copp Lane for 25 dwellings, outside the development boundary. It is stated that 50 dwellings would represent an 11% increase, and that granting this permission would double that. Having regard to the level of service provision in Elswick and the nearby settlement of Great Eccleston, I do not consider that further development of the scale under consideration in this appeal, and another appeal at Mill Lane, amounting to 100 dwellings in total, in addition to those already granted permission (which may or may not come forward for development) would put an intolerable strain on existing services, or the capacity of the village to absorb new residents.
41. The emerging plan, though at an advanced stage, is not yet adopted, and the weight to be attached to it is limited. While the broad development strategy of directing most development to the more sustainable locations is in accordance with guidance in the Framework, it is acknowledged that Elswick has capacity for some housing development. There are outstanding objections to the emerging plan which have yet to be resolved, particularly as regards the status of Elswick as a Tier 2 settlement. I accept that these objections are from would be developers, but as stakeholders in the process they have a right to submit representations. (It was also reported that there are objections to any development at Elswick, having regard to the pressure on existing services and the capacity of the road network). Bearing in mind that some development will have to occur on the edge of settlements if housing need as quantified in the emerging plan is to be met, the harm to the countryside would be moderate at

most. I do not consider that there would be material conflict with policy HL02 of the LP in respect of the proposed scale of development.

Other matters

Highway safety

42. Access to the site would be from Beech Road, via a simple priority junction. Lancashire County Council have no objection to the proposed access, subject to the provision of a junction table near the proposed access, gateway signing, and modification to the junction between Beech Road and Thistleton Road to reduce speeds.
43. The Appellant prepared a detailed Transport Statement and two supplementary technical notes, included estimated additional trip generation using the TRICS database. The trip rates associated with the appeal scheme equate to 7 arrivals and 22 departures at AM weekday peak, and 22 arrivals and 11 departures at PM peak.
44. The Parish Council disputed these figures, arguing that the survey undertaken in connection with the neighbourhood plan showed high levels of car ownership, and an average daily trip rate of 5 movements per dwelling. However, as previously discussed, the return on the survey was partial, and as such cannot be relied upon as an objective study of trip rates. It was not made available to the Appellant for comment. The Appellants trip rates were taken from a standard industry database (TRICS) and were agreed as appropriate by LCC. The distribution of trips to various junctions were also found to be acceptable. LCC did not comment on the impact on the A585 junctions, but recommended the views of Highways England (HE) were sought, as the body responsible for Trunk Roads.
45. Highway safety was not cited as a refusal reason by the Borough Council. However local residents, Councillors and the Parish Council do not consider that proper consideration has been given to the potential cumulative effects of this and other developments on the existing highway network, particularly the junctions with the A585 at Thistleton. Residents have described crossing the A585 at the northerly Thistleton junction as 'a nightmare' and turning left at the southerly junction as 'highly dangerous' due to heavy traffic and limited visibility to the right. It is said that excessive waiting times, particularly at peak periods, encourage frustrated drivers to take chances by pulling out in front of fast moving traffic. Car ownership is a necessity and the majority of trips from Elswick and nearby villages, including Great Ecclestone, involve joining or crossing the A585.
46. HE commented that 'there are known issues with the Thistleton junction.' The Appellants technical note (TN) demonstrated that the development would generate between 15 and 16 trips that would use the Thistleton junction in the AM or PM peak hours, equating to one additional vehicle every 3 – 4 minutes. There would be 6 right turners from Thistleton Road in the AM peak and 9 right-turners from Mile Road in the PM peak, equating to an additional right turning vehicle every 10 and 15 minutes. On this basis the Appellant's TN concludes that the forecast increases are minimal, and will not result in any material changes to the operation or highway safety of the junction. Notwithstanding, HE commented that 'the risk of incidents happening at the

junction will undoubtedly increase incrementally as development comes forward that is served by the Thistleton junction in areas such as Elswick.

47. An analysis of the accident record showed that between 2011 and 2016 11 accidents occurred at the junction, six accidents during 2016 alone. 9 involved vehicles using the junction and making turning manoeuvres at the junction. 8 occurred outside of peak times. HE conclude that this is likely to be due to inadequate gap acceptance by drivers, and can occur at any time during the day, having regard to the weight of traffic throughout the day on the A585. Calculations presented in the TN
48. I note that various options to improve the safety of the A585 junction have been considered by HE, including improvements to markings, signalisation, a roundabout and installation of a cycle crossing, but have been placed on hold pending consideration of a major scheme to improve the A585 between Windy Harbour and Skipppool junctions. Furthermore previous improvement schemes were considered to increase delays to traffic using the A585 to the extent that they outweighed the accident saving benefits. I acknowledge the thorny nature of these issues, but it does not seem to me that development needed to boost the supply of housing should be placed on hold pending the resolution of these issues, provided there is no overwhelming evidence of adverse safety outcomes. HE have expressed concerns about the cumulative impacts of development on the A585 junctions, but have not expressly objected to this or other applications in Elswick, and consequently were not present at the hearing. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. I am not aware of any detailed evidence from HE or others that this threshold would be crossed as a result of development proposals currently under consideration in the locality.
49. I was informed at the hearing that HE were not re-consulted on the 25 dwelling proposal at Copp Lane, as it was considered to be within the allocation of 50 dwellings within the emerging LP. I was also informed of an unauthorised commercial development on Lodge Lane giving rise to additional heavy commercial vehicles on the local road network, and the prospect of additional traffic in connection with a 'fracking' application in the locality yet to be determined. While I fully understand the concern of local residents, there is no detailed evidence before me of the effects, if any, of these schemes on highway safety. These are matters which no doubt be given detailed consideration through the appropriate planning procedures.
50. I note also that there are other developments proposed and underway in the adjoining Wyre Borough which have implications for the junctions with the A585, but again I have no detailed information which would allow me to reach a justifiable conclusion that the cumulative effects of development in the localities would have unacceptable effects on the operational safety of the A585 junctions.
51. In summary, I consider that LCC's conclusion that the impacts of a development of this scale on the local highway network would be acceptable are justifiable and reasonable, and, on the basis of the evidence before me, I do not consider that the limited number of additional peak hour movements predicted at the Thistleton junctions would have a materially adverse effect on the operational safety of those junctions. Accordingly I conclude that the traffic

effects of the proposal would not amount a justifiable reason to refuse permission for the development.

Wildlife

52. A resident of Beech Road was concerned that the development would cause loss of habitat and be harmful to wildlife. An ecological survey was submitted with the application and considered by the Greater Manchester Ecology Unit which provides advice to local authorities. The Unit noted that the site itself is not designated for its nature conservation value. Although it is within 3km of Morcambe Bay/Wyre Estuary protected sites, the character of the site means that it does not have significant value for the bird communities associated with the Estuary/Bay. It is recognised that ponds, hedgerows and trees of most significance for wildlife could be retained as part of the scheme and managed to benefit wildlife. The availability of extensive alternative habitat would prevent any long term harmful effect on feeding bat populations. On this basis I conclude that wildlife interests are capable of being satisfactorily addressed by the attachment of appropriate conditions.

Flooding

53. A Flood Risk Assessment was submitted with the application. It proposes to avoid flood risk by designing the drainage system to provide rain-water storage on-site, and reduce the rate of discharge to adjacent water courses to that which would occur if the site remained in agricultural use. There are no objections from relevant consultees, and I consider that the use of sustainable drainage techniques would avoid any risk of the development increasing the potential for flooding on or off site.

Section 106 obligation and conditions

54. The appellant has submitted an executed Section 106 obligation, which addresses matters raised by the County and Borough Councils. The obligation would secure 30% of the dwellings as affordable housing, with a scheme to be submitted for approval before development commences. It would also secure a contribution to secondary school provision made necessary by the development, in accordance with the methodology prepared by the education authority.
55. A contribution of £100,000 would be payable to be used to enhance existing bus services and/or to provide new services routed through Elswick. The Appellant initially questioned the necessity of a bus contribution in view of the existing level of services and public transport in the village. However it is clear to me that the viability of existing bus services are subject to review, and a contribution to support acceptable levels of service, to provide continuing realistic alternatives to reliance on the private car for residents of the development, is both necessary and proportionate.
56. The Council provided a Statement of compliance with the Community Infrastructure Levy (CIL) provisions. In my judgement the provisions of the obligation comply with the requirements of Regulation 122 in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

57. A draft schedule of conditions was submitted to the hearing. I have considered the suggested conditions in the light of advice in the guidance and where necessary have made minor amendments in the interests of clarity and precision.
58. In addition to the timetable for commencement, a condition specifying and requiring compliance with the approved plans is necessary to define the permission and in the interests of proper planning. Conditions requiring samples of materials and finished floor levels to be approved is necessary to ensure a satisfactory appearance to the development. Conditions addressing drainage are necessary to avoid pollution and the risk of downstream flooding. Highways conditions, including access details, a construction management travel plan, and wheel washing are necessary in the interests of highway safety and amenity. A travel plan is needed to reduce reliance on the private car as a means of transport. Conditions limiting hours of working and requiring a scheme to suppress noise, dust and vibration are necessary to protect the amenity of neighbours. A condition requiring compliance with the method statement within the ERAP report reference 2016-114 is necessary in the interests of wildlife protection during construction.
59. A condition requiring provision of public open space and playspace within the development is necessary to ensure satisfactory provision of open space for recreation. A condition requiring approval of materials for hard surfaced areas and street lighting is necessary to ensure a satisfactory appearance to the development. Conditions restricting permitted development rights are necessary to retain the character and appearance of the development in future, and ensuring garages are retained for parking cars in the interests of highway safety and amenity.
60. Conditions controlling clearance during the bird nesting season and protection of trees during construction are necessary to retain established features on the site, in the interests of amenity and wildlife conservation. A condition requiring obscure glazing to side elevations is necessary to protect the privacy of neighbours.
61. Finally, a condition requiring landscaping to be carried out in accordance with the approved plans is needed to secure a satisfactory appearance.

Planning balance

62. The development plan remains the starting point for determination of the appeal. However, it was common ground between the main parties that the Council cannot currently demonstrate a 5 year supply of housing land, and that development plan policies relevant to the supply of housing, including the currently defined settlement boundary for Elswick, are out of date. Paragraph 14 of the Framework is applicable, which means that the appeal should be determined in accordance with the first limb of Paragraph 14 of the NPPF. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
63. The development would conflict with Policy SP02 of the LP, as it is outside the development boundary for Elswick and in the countryside. However it is accepted that existing development boundaries in Fylde will have to change to accommodate identified housing needs.

64. I give considerable weight to boosting the housing supply, including the provision of affordable housing. There would also be economic benefits which weigh positively in the balance. I accept there would be some harm to the countryside and the setting of Elswick, but in view of the current lack of a 5 year housing supply and the very limited extent of harm, this objection carries limited weight.
65. With regard to the emerging plan, I acknowledge that the development hierarchy, which seeks to focus most development in the most sustainable locations, is broadly in accordance with advice in the Framework. However the issue of whether or not Elswick should be identified as a large or small village remains the subject of objection. This limits the weight I can give to the relevant emerging policies. The Council accepts that Elswick is a sustainable location and to my mind the Council has not fully justified its stance that Elswick should be treated as a smaller settlement suitable for only 50 dwellings.
66. I accept that some local services are under pressure, though businesses in the locality would in general benefit from new custom. Pressure on local services is often cited as a reason for refusing development, but it is also important to bear in mind the urgent need to provide more housing which is at the heart of national planning policy.
67. I also acknowledge the strength of concern about highway safety, though that does not alter my conclusion that the effects of the development would not be so serious as to warrant dismissal of the appeal.
68. Accordingly, I conclude that the adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and that the appeal should be allowed.

David Richards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Philip Robinson	G L Hearn
David Griffin	Trevor Bridge Associates
Andrew Rogers	G L Hearn

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Ellis	Urban Vision
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INTERESTED PERSONS:

Paul Hayhurst	County and Borough Councillor and Chair of Elswick Parish Council
Dave Francis	Elswick Parish Council
John Hobday	Resident
Mark Reed	Chair of Governors, Copp Primary School and vice chairman of Elswick Parish Council
Ann Stupple	Resident
Andrew Scholz	Resident
Peter Hall	Resident
Michael Donnelly	Resident
Mr Rowe	
Malcom Smith	Resident
Beryl Smith	Resident

DOCUMENTS

- 1 Notification of hearing
- 2 Final amended S106 Obligation
- 3 Statement of CIL compliance
- 4 Local Plan Inspector's note

Appeal Decision APP/M2325/W/17/3172438

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on the 19 August 2016, including the following plans:
 - Site Location Plan (drawing ref. 16025_00);
 - Site Layout Plan (drawing ref. 16025_01_Rev_E);
 - Section and Streetscene (drawing ref. 16025_03 Rev B);
 - Boundary Treatment Plan (drawing ref. 16025_04);
 - Affordable Housing Layout Plan (drawing ref. 16025_05 B);
 - House Type Plan - Shallon (drawing ref. 16025_HT01);
 - House Type Plan – Samphire (drawing ref. 16025_HT02);
 - House Type Plan – Samphire Side Aspect (drawing ref. 16025_HT03);
 - House Type Plan – Mallow (drawing ref. 16025_HT04);
 - House Type Plan – Sorrell (drawing ref. 16025_HT05);
 - House Type Plan – Brookline (drawing ref. 16025_HT06);
 - House Type Plan – Charlock (drawing ref. 16025_HT07);
 - House Type Plan – Woodrush (drawing ref. 16025_HT08);
 - House Type Plan – Hollhock (drawing ref. 16024_HT10)
 - Garage Details Plan (drawing ref. 16025_HT09);
 - Sales Centre Details Plan (drawing ref. 16025_HT10);
 - Tree Survey Plan (drawing ref. 5307.01);
 - Tree Protection Plan (drawing ref. 5307.02C);
 - Landscape Proposal Plan (1 of 2) (drawing ref. 5307.03);
 - Landscape Proposal Plan (2 of 2) (drawing ref. 5307.04); and
 - Proposed Site Access Arrangements Plan (drawing ref. SCP/16316/F01 Rev F)
- 3) Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.
- 4) Foul and surface water shall be drained on separate systems.
- 5) No development shall commence unless and until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
 - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post

development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing as applicable;

f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

g) Details of water quality controls, where applicable.

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

- 6) No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 7) No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The development shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the

- sustainable drainage system shall be managed and maintained in accordance with the approved details.
- 8) No development shall commence unless and until facilities have been provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
 - 9) No part of the development shall be commenced unless and until the site access works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
 - 10) No part of the development hereby approved shall be commenced unless and until a scheme for the construction of the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. No part of the development hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the approved details.
 - 11) No part of the development hereby approved shall commence unless and until a Construction Traffic Management Plan been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The Construction Traffic Management Plan shall thereafter be complied with at all times until the development is complete.
 - 12) No development shall be commenced unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
 - 13) No part of the development hereby approved shall be occupied unless and until, a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage alternative sustainable modes of transport by prospective occupants of the development. The approved Travel Plan must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum period of 5 years following the occupation of the last dwelling which forms part of the development.
 - 14) No development shall be commenced unless and until details of finished floor levels and external ground levels for each plot have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
 - 15) No demolition or construction work shall begin unless and until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which

- form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.
- 16) The times of construction shall be restricted to 08.00 – 18.00 Mondays to Friday; 08.00 -13.00 Saturdays and no activity on Sundays or Bank Holidays.
 - 17) The method statement within ERAP report reference 2016-114 shall be implemented in full throughout the construction period.
 - 18) No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.
 - 19) No development shall be commenced unless and until a scheme to protect retained trees and hedgerow during the construction period has been 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.
 - 20) No development shall take place unless and until full details of scheme indicating areas of public open space and / or children's play areas have been submitted to and approved by the Local Planning Authority. Such a scheme shall make provisions in accordance the Council's adopted policy on public open space in terms of layout and requirements, and include a phasing scheme for the construction of this play area and open space. The approved scheme shall be implemented and the areas provided retained as open space and play area thereafter.
 - 21) Samples of materials proposed for all hard surfaced areas and street lighting within the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.
 - 22) Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B, C, D, E, F and G of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.
 - 23) Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the proposed garages shall be retained solely for the housing

of a private motor car, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

- 24) Obscure glazing shall be provided in the first floor side elevation windows of the dwellings hereby approved and shall thereafter be retained.
- 25) All landscape works shall be carried out in accordance with the approved details shown on landscaping proposal sheets 5307.03 and 5307.04 prior to the occupation of any part of the development or in accordance with a program to be agreed in writing with the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

Appeal Decision

Site visit made on 14 November 2017

by S R G Baird BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th November 2017

Appeal Ref: APP/M2325/W/17/3181335
99 Ballam Road, Lytham St Annes, FY8 4LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Purcell Developments against the decision of Fylde Borough Council.
 - The application Ref 17/0050, dated 23 January 2016, was refused by notice dated 24 May 2017.
 - The development proposed is the erection of a 3-storey apartment building containing 8 apartments with associated car parking and landscaping following the demolition of the existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3-storey apartment building containing 8 apartments with associated car parking and landscaping following the demolition of the existing dwelling at 99 Ballam Road, Lytham St Annes, FY8 4LF in accordance with the terms of the application, Ref 17/0050, dated 23 January 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Purcell Developments against Fylde Borough Council. This application is the subject of a separate Decision.

Main Issues

3. These are: (1) the implications for neighbours' living conditions with particular reference to privacy and outlook; (2) the effect on the character and appearance of the area and (3) the significance of No. 99 Ballam Road as a non-designated heritage asset.

Reasons

4. The development plan for the area comprises the Fylde Borough Local Plan (As Altered) - October 2005 (FBLP). The appeal site is located within Lytham St. Annes where FBLP Policy SP1 indicates that subject to compliance with other policies development will be permitted. The emerging Fylde Council Local Plan to 2032 (eFCLP) is currently being examined.

Issue 1 - Neighbours' Living Conditions

5. Criterion 4 of FBLP Policy HL2 and criterion b of eFCLP Policy GD7 indicates that a housing proposal will only be permitted where, amongst other things, it would not adversely affect the amenity and privacy of neighbouring

properties. In addition, the Council has referred to SPD¹ as “...*useful design guidance*”. Given the SPD refers only to house extensions, it is, in my view, inappropriate to seek to apply this to the appeal proposal. Thus, in the absence of any specific guidance on separation distances for this type of scheme, I have assessed the effect of the proposed scheme using professional judgement.

6. The common boundary with No. 1 Lilac Avenue is formed by a wall some 2m high with sporadic shrub and tree planting within the appeal site. No. 1 sits parallel to the proposed west elevation of the flats and the denser evergreen shrub planting along the rearmost part of the side elevation of No. 1 is around 3m high. The western elevation of the first-floor flat (FF) 2 would have a floor to ceiling height window running the full depth of the living room/kitchen and a wrap-around terrace. These features would face a first-floor secondary window to a bedroom and a kitchen window on the ground floor. In addition there would be slightly oblique views of part of the rear garden of No. 1. The separation distances from the full height window to the side elevation of No. 1 would be some 14.3m and from the terrace some 13.2m. As part of the landscaping scheme, it is proposed to retain the existing mainly evergreen planting along the common boundary, which would continue to mature, and to plant 3 trees, some 4.5 to 5m high at the time of planting, in the area between FF 2 and the common boundary with No. 1. The combination of existing and proposed landscaping would acceptably mitigate the potential for direct and perceived overlooking of the side and rear of No. 1. This combination of separation and screening along with the juxtaposition of the existing and proposed properties would ensure that the proposal would not appear materially dominant or overbearing when viewed from No. 1.
7. FF 3 would have a similar configuration of living room/kitchen windows and terrace and any overlooking of the front of and the approach to No. 1 would be acceptably filtered by the existing tree planting along the north-western part of the boundary. The single flat on the second floor and its associated terraces would be set back from the edge of the building. The configuration of this flat and the set-back would ensure there was no direct overlooking of No. 1. Given the proposed separation distances to No. 101 Ballam Road to the north and Watchwood House to the south, I consider there would be no material overlooking or loss of privacy.
8. On this issue, given the degree of separation, the retention of existing planting and the sensitive introduction of additional landscaping, that the proposed scheme would not have an unacceptable effect on the living conditions of nearby residents through a material loss of privacy or outlook.

Issue 2 – Character and Appearance

9. FBLP Policy HL2 (criteria 1 and 2), indicates that a development should be compatible with adjacent land uses and in keeping with the character of the locality in terms of, scale, space around buildings and design. Emerging FCLP Policy GD7 indicates that development should be of a high standard of design taking account of the character and appearance of the local area (criteria c, g, h and j).

¹ Extending Your Home - Supplementary Planning Document Adopted November 2007.

10. Whilst the footprint of the proposed building would be larger than the existing house and garages, it would be contained within a large plot, set well back from Ballam Road and maintain a visually significant gap to Lilac Avenue. In terms of height, the main 2-storey element would be similar to that of the existing house. Whilst the single second-floor flat would increase the overall height of the building to some 9.5m its impact would be materially reduced by its limited footprint and the set back from the main front elevation. In this context the building would not dominate the plot or surrounding buildings and would not appear cramped.
11. Ballam Road and the side roads off it comprise individual large dwellings of varying ages, designs and finishes set in extensive plots. As such there is no one overarching architectural theme defining this area. Although the development is for flats, the building has been cleverly and sensitively designed to appear as an individual dwelling of a scale, mass, finish and position that reflect the existing character and appearance of Ballam Road. Moreover, as the Council recognises, there is no in-principle planning policy bar to the redevelopment of individual plots to flatted development. Overall, the proposed building represents high quality contemporary architecture that would contribute positively to this approach to Lytham St Annes. Whilst the removal of the hedgerow on the Ballam Road frontage would, in the short term, increase the prominence of the hard surfaced access/parking area this impact would be short-lived through its replacement as part of the proposed landscaping scheme.
12. On this issue, I conclude that this development would not have an unacceptable effect on the character and appearance of the area.

Issue 3 – Heritage Asset

13. No development plan policies relating to heritage assets are referred to either in the reason for refusal or the Council's statement. The National Planning Policy Framework (Framework) recognises that heritage assets are an irreplaceable resource to be conserved in a manner appropriate to their significance. The appeal site is not within a Conservation Area; the building is not a Listed Building nor is it identified on a Local List of buildings of historic or architectural significance. As such the existing building does not fall within the Framework definition of a Designated Heritage Asset.
14. No. 99 was built in in the mid-1930s in the modernist Art Deco style as a private house and has remained in private residential use to date. Internally and externally the house has been altered and extended. Externally the main alterations include the removal of the original steel framed windows and the addition of blockwork to the edge of the first-floor terrace. Whilst the original frames have been removed the openings have not been altered and the terrace retains the original handrails behind the decorative concrete blockwork. Both these features could be restored relatively easily. The main additions include a set of detached double garages and a flat-roofed sun room on the rear. Neither of these have a material effect on the Art Deco appearance of the property. Internally the property appears to have undergone a material number of alterations that have altered its original layout/character.
15. There appears to be no dispute that the existing building could be considered as a non-designated heritage asset. Framework paragraph 135 indicates

that in weighing applications that affect non-designated heritage assets a balanced judgement is required having regard to the scale of loss and the significance of the heritage asset. Amongst other things, eFCLP Policy ENV5 identifies that development proposals should protect undesignated heritage assets. Whilst the supporting text to the Policy ENV5 identifies that a Local List of Buildings will be produced, a clear methodology for identifying buildings for local listing and how they will ultimately be selected has yet to be determined.

16. The appellant has part produced a detailed Heritage Appraisal carried out by an in-house heritage professional. The Council, other than providing comments by its Conservation Officer and the Lytham Civic Society, has not carried out a bespoke heritage appraisal. Having regard to the various submissions and given my conclusions regarding the nature of the alterations/extensions, I consider that this building can be regarded as a non-designated heritage asset of medium to low significance.

Other Considerations

17. The Highway Authority has no objection on traffic or highway safety grounds. I have no reason to disagree with that conclusion. The site is within an area identified as Flood Zone 3, an area of high risk. The application was accompanied by a Flood Risk Assessment that was assessed by the competent authority and subject to the imposition of appropriate conditions there is no objection on the grounds of potential flooding. I have no reason to disagree with that conclusion. The application was accompanied by appropriate and proportionate ecological assessments, which did not identify material harm. Whilst the proposal would result in the loss of some existing trees and hedging, this loss would be adequately mitigated by replacements as part of a comprehensive landscaping scheme. The potential for noise and disturbance during the construction phase would be short-lived and is something that the Council could control through existing legislation and could be mitigated by the imposition of appropriate planning conditions. The Council has confirmed that the scale of the proposed development does not require the provision of affordable housing or financial contributions for mitigating the impact of the development on existing community facilities.

Planning Balance and Conclusions

18. Framework paragraph 47 seeks to boost significantly the supply of housing. Councils are to identify and update annually a supply of specific deliverable sites sufficient to provide 5-years' worth of housing land against their housing requirements. Here, based on a 5-year Housing Supply Statement dated 31 March 2017 – Examination in Public Edit July 2017, the Council in its Statement of Case dated October 2017 submits that the supply of housing land exceeds 5 years. However, I have been provided with a copy of a Statement of Common Ground also agreed by the Council in mid-October 2017 in relation to an appeal² relating to land at Mains Lane, Poulton-le-Fylde which accepted that it had a less than 5-year supply of housing land and that Framework paragraph 14 was engaged. In the absence of any further information or explanation, I consider that on the

² APP/M2325/W/17/3174723.

balance of probabilities, the Council cannot demonstrate a 5-year supply of housing land. In this context, the shortfall in housing land supply engages the application of the fourth bullet point of Framework paragraph 14. In this case, based on the evidence before me it is only the first limb of the fourth bullet point that is engaged i.e. that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.

19. The appellant identifies a range of benefits associated with this proposal of which the key benefit is the contribution, albeit small, to the supply of housing. In light of the clearly stated national objective of boosting significantly the supply of housing, I attach significant weight to this contribution. The remaining benefits are generic and non-specific and are no more than would be expected from any development. As such they attract limited positive weight.
20. The proposal would result in harm through the loss of a non-designated heritage asset of medium to low significance. I consider in light of the benefits this development would bring, in particular the contribution to the housing land supply, and given the absence of material harm to neighbours' living conditions or the character and appearance of the area that this adverse impact would not significantly and demonstrably outweigh the benefits of the proposed development. Accordingly, and having taken all other matters into consideration, I conclude that the proposed development would not conflict with the development plan and the Framework when taken as a whole and this appeal is allowed.

Conditions

21. For the reasons set out by the Council, I consider the suggested conditions are reasonable and necessary in the interests of the appearance of the area; to ensure recording of the existing building; to mitigate the impact of the development on neighbours' living conditions, ecology and highway safety and to provide adequate drainage and mitigate the potential of flooding. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions.

George Baird

Inspector

SCHEDULE OF CONDITIONS

1. The development must be begun not later than the expiration of 3 years beginning with the date of this decision.
2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 21/01/2017, including the following plans: Site and location plan as existing – 237448-100 Rev A; First floor and roof plan as existing – 237448-102 Rev A; Elevations as existing – 237448-110; Sections as existing – 237448-120; Demolition – Site and location plan – 237448-201; Ground floor plans as proposed – 237448-202 Rev B; First floor plan as proposed – 237448-203 Rev B; Second floor and roof plan as proposed – 237448-204 Rev B; Elevations as proposed – 237448-210 Rev A; Tree retention and removal plan – PL1655-VW-002-01 Rev 04; Hardworks and Boundaries – PL1655-VW-003-01 Rev 04; Softworks – PL1655-VW-004-01 Rev 04; Landscape levels – PL1655-VW-00501 Rev 02 and Illustrative sections (bin store) PL1655-VW-006-01 Rev 02.
3. Prior to commencement of construction, samples of the materials to be used in the construction of the external surfaces (including elevations, roof, windows, doors, balconies, bin store and hard standing) of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place during the bird nesting season (1 March-31 August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.
5. Prior to the commencement of development a method statement detailing the eradication of and/or control and/or avoidance measures for rhododendron, monbretia and variegated yellow archangel should be supplied to and agreed in writing to the local planning authority. The agreed method statement shall be adhered to and implemented in full.
6. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials the details of which shall first be submitted to and approved in writing by the local planning authority.

7. The existing access (south of Ballam Road) shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access off Ballam Road.
8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly. Development shall be carried out in accordance with the approved details.
9. Prior to the first occupation of the development hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum: arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a residents' management company; and arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
10. The proposed windows identified as '5' on drawing number 237448-210 Rev A shall be glazed with obscure glass of a type to be submitted to and approved in writing with the local planning authority and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.
11. The integral garage and the Amenities/Bike Store indicated on Drawing No. 237448-202 Rev A shall be used for the purposes of housing a motor vehicle and cycle storage respectively and shall be retained available for those uses as indicated at all times thereafter.
12. Prior to the first occupation of any dwelling, the car parking area shall be constructed, drained, surfaced and laid out as shown on the approved plans listed in condition 2. These areas shall thereafter be retained for the purposes of car parking for residents on the site, their visitors or delivery/collection vehicles.

Prior to any development activity commencing, retained trees, either individually or, where appropriate, as groups, will be protected by erecting HERAS fencing at the Root Protection Areas identified in the arboricultural survey. Within, or at the perimeter of, these root protection areas, all of the following activities are prohibited: lighting of

fires; storage of site equipment, vehicles, or materials of any kind; the disposal of arisings or any site waste; any excavation and the washing out of any containers used on site. HERAS fencing must not be removed or relocated to shorter distances from the tree without the prior written agreement of the local planning authority. Any work to retained trees to facilitate development or site activity must (a) be agreed in writing in advance with the local planning authority and (b) must meet the requirements of BS3998:2010 Tree Work - recommendations.

13. Any trees removed without the consent of the local planning authority or trees damaged or becoming severely diseased during the development period shall be replaced during the next planting season with trees of such a size and species as may be agreed with the local planning authority.
14. Prior to the commencement of any development on the site a written schedule of building recording and analysis shall be prepared by an appropriately qualified person, and shall be submitted to and agreed in writing by the local planning authority. The works must then be carried out in accordance with this schedule and the final report produced and submitted to the local planning authority no later than 3 months following demolition of the existing building.
15. There shall be no on site works, including site set up and the removal of any trees or shrubs until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include:
 - a) construction vehicle routes to and from the site;
 - b) arrangements for the parking of vehicles for site operatives and visitors;
 - c) details of areas designated for the loading, unloading and storage of plant and materials;
 - d) details of the timing of deliveries to the site associated with construction works;
 - e) details of the timing of construction activities that are likely to generate noise audible outside of the site;
 - f) details of the siting, height and maintenance of any security hoarding;
 - g) wheel wash facilities;
 - h) measures for the control of noise, vibration and dust disturbance created during any on-site works.
16. All landscape works shall be carried out in accordance with the approved details shown on landscaping proposal plan PL1655-VW-004-01 Rev 04 prior to the first occupation of any part of the development or in accordance with a program to be submitted to and agreed in writing with the local planning authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

17. Prior to the first occupation of the dwellings hereby permitted, the access and visibility splays shown on approved plan Drawing No. 237448-202 Rev B shall be implemented in full.
18. Prior to the first occupation of the dwellings hereby permitted the off-site works detailed in the Mott MacDonald Transport Technical Note dated January 2017 shall be implemented in full.
19. Prior to the commencement of any development, details of the ground and slab levels for the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
20. Prior to the commencement of development full details of foul water drainage shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Costs Decision

Site visit made on 14 November 2017

by S R G Baird BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th November 2017

Costs application in relation to Appeal Ref: APP/M2325/W/17/3181335 99 Ballam Road, Lytham St Annes, FY8 4LF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Purcell Developments for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a 3-storey apartment building containing 8 apartments with associated car parking and landscaping following the demolition of the existing dwelling.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Whilst members are not bound to follow the advice of their professional officers in doing so they are required to properly exercise their development management responsibilities and to rely on reasons for refusal that stand-up to scrutiny on the planning merits of the case. When Members considered the proposal it is accepted that they were advised that the Council did not have a 5-year supply of housing land as required by paragraph 47 of the National Planning Policy Framework (Framework). Where a 5-year supply of housing land cannot be demonstrated, Framework paragraph 14 requires that the tilted balance is applied when assessing the planning merits of a proposal. The tilted balance requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
4. It is for the decision maker to determine what weight to attribute to the various issues that go to make up the planning balance, tilted or otherwise, in any particular case. This can include the scale of the shortfall and the likely duration of that shortfall. However, where there is a lack of a 5-year supply, the starting point has to be the tilted balance. Here, there is nothing in either the evidence submitted on the appeal or in the reasons for refusal, which demonstrates that in coming to the decision in May Members engaged the requirements of Framework paragraph 14.
5. Subsequently, the Council's Statement of Case dated October 2017, based on a Housing Supply Statement dated 31 March 2017 – Examination in Public Edit July 2017, identifies that the supply of housing land exceeds 5 years. As such

the Council concluded that the tilted balance is not engaged. However, that position is wholly inconsistent with the Council's position as set out in the Statement of Common Ground for the Mains Lane, Poulton-le-Fylde appeal¹, also dated October 2017, which unequivocally acknowledges a less than 5-year supply of housing land exists and that the tilted balance is engaged.

6. The Council has, with its Statement of Case, produced evidence to substantiate the reasons for refusal. However, given that the starting point for the planning balance is the application of the tilted balance an approach which has not been applied, the reasons for refusal and the Members' conclusions do not stand-up to scrutiny. Accordingly, in this case the Members have failed to exercise their development management responsibilities properly. This failure amounts to unreasonable behaviour and has resulted in the appellant incurring unnecessary expenditure in pursuing an appeal. Accordingly, a full award of cost is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Fylde Borough Council shall pay to Purcell Developments the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Fylde Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

George Baird

Inspector

¹ APP/M2325/W/17/3174723.



Appeal Decision

Site visit made on 28 November 2017

by S R G Baird BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th November 2017

Appeal Ref: APP/M2325/W/17/3184285

12 The Crescent, Naze Lane East, Freckleton, Preston, Lancashire PR4 1UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Pearce against the decision of Fylde Borough Council.
 - The application Ref 17/0271, dated 3 April 2017, was refused by notice dated 12 June 2017.
 - The development proposed is 2 semi-detached bungalows to the rear of an existing property.
-

Preliminary Matter

1. The application was submitted in outline with all matters other than access, layout and scale reserved for a subsequent application.

Decision

2. The appeal is dismissed.

Main Issues

3. These are: (1) whether the location of the proposed dwelling would accord with development plan¹ (DP) policies regarding the location of residential development; (2) the implications for the living conditions of prospective residents with particular reference to noise and disturbance and (3) the implications of the development for protected species.

Reasons

Issue 1

4. For planning policy purposes the appeal site is located within the countryside. Here DP Policy SP2 indicates that development will not be permitted except where it would accord with exceptions set out by the policy. Market housing does not fall within any of these exceptions. DP Policy HL2 indicates that housing will only be permitted where, amongst other things, it would be in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities. Whilst the appeal site is located adjacent to the Naze Lane Industrial Estate, all the other remaining facilities detailed by the policy are located within Freckleton, some 1.5km to the north. The appeal site would be within the 2 km distance suggested by Manual for Streets where walking offers the greatest potential to replace short car trips. However, for a significant distance Naze Lane East is narrow, has poor forward visibility, has no footpaths and is unlit. The area is

¹ Fylde Borough Local Plan – As Altered October 2005.

not served by public transport. These factors would be a significant disincentive to cycling and walking trips and as such I consider the appeal site would not represent a sustainable location. Accordingly, on this issue, I conclude that the proposed development would conflict with DP Policies HL7 (7) and SP2.

5. In coming to the above conclusion, I have had regard to the appellant's reference to a planning permission for a dwelling at Six Acres on the northern edge of this group of dwellings. Other than an assertion that planning permission has been granted, I have not been provided with any other detail regarding this development. As such I am not in a position to consider whether it forms a material consideration in my assessment of the appeal proposal. I have also noted the reference to a proposed allocation within the emerging local plan for 13 houses at High Meadows, Freckleton and an extension to the Naze Lane Industrial Estate. I have no doubt that these allocations have undergone a sustainability appraisal as part of the emerging local plan. However, again I have not been provided with any detail regarding these allocations. The emerging local plan is still the subject of examination and allocations may change. As such and in the absence of any information I can attach only limited weight to these submissions

Issue 2

6. The appeal site forms part of a group of dwellings located adjacent to the Naze Lane Industrial Estate some of which are served by the partly unmade private road. At the time of my visit the area was relatively tranquil and I have no reason to conclude that this was a unique observation. Moreover there is no indication that operations on this estate or the state of the private road have resulted in complaints from existing occupiers particularly, regarding noise and disturbance. In these circumstances, I conclude that proposed location of the new dwellings would not result in unacceptable living conditions for future occupiers contrary to the objectives of DP Policy EMP4.

Issue 3

7. This development would require the removal of a large, single-storey shed clad in profiled steel sheets. In my experience, this type of building is unlikely to be attractive habitat for bats. Moreover, this is a matter that could reasonably be covered by imposing a planning condition.

Conclusion

8. Notwithstanding my conclusions regarding issues 2 and 3, the proposed development would be in conflict with DP Policies SP2 and HL7 resulting in harm. There are no material considerations that would outweigh this fundamental conflict with the location strategy of the development plan. Accordingly, and having taken all other matters into consideration, the appeal is dismissed.

George Baird

Inspector

Appeal Decision

Site visit made on 11 December 2017

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th December 2017

Appeal Ref: APP/M2325/D/17/3183723

5 Brompton Close, Lytham St Anne's, Lancashire FY8 4QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr William Crabtree against the decision of Fylde Borough Council.
 - The application Ref 17/0261, dated 28 March 2017, was refused by notice dated 22 June 2017.
 - The development proposed is the erection of a 1.85m high boundary fence to side of pebbled wall.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I note the detailed description of the development given on the application form. The more concise description used in the banner heading above, is taken from the decision notice. The fence has already been erected on the site, and I have determined the appeal on that basis.
3. The appellant has questioned whether the boundary fence requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to the Council to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

4. The main issue in the appeal is the effect of the fence on the character and appearance of the area, having particular regard to whether the setting of the Grade II Listed Lytham Hall estate boundary wall has been preserved.

Reasons

5. The rear boundary of the appeal property, which lies on Blackpool Road, is formed by part of what was formerly the boundary wall to the Lytham Hall Estate. This cobblestone wall runs for a considerable distance along this side of Blackpool Road, with just some interruptions where accesses to various developments have been created. The wall is a distinctive feature that makes a significant contribution to the character of the area, as well as being of historical and architectural significance, as shown by it being a listed structure.

6. The close boarded timber fence has been erected immediately to the rear of the wall and projects above it. Its modern materials and suburban appearance contrast with, and detract significantly from, the adjacent boundary wall. As such, it is harmful to the setting of this listed structure. In addition, it sits very uneasily within the street scene. Its height, and the materials in particular, fail to respect the prevailing character of the area, and its location in part of a long uninterrupted and straight stretch of the wall means that it has a particularly harmful visual impact. Consequently, it is overly dominant in its setting, and appears as an incongruous and discordant feature that does not integrate appropriately with its surroundings.
7. The fence may have improved the privacy of the garden, but I observed that many of the other properties have achieved this through the use of vegetation which does not have the same detrimental impact on the setting of the wall, or the character and appearance of the area. It has been suggested that the fence would provide a framework for climbing shrubs and that in time it would not be visible. However, even if some shrubs have already been planted, it may be many years before they cover the fence. Moreover, given this is a private garden, I am not persuaded that a condition to ensure the maintenance and retention of any such planting in perpetuity would be reasonable.
8. In support of the appeal my attention has been drawn to various other fences on properties in the area. However, I saw that high boundary treatments adjacent to the pavement were very much in the minority in the locality. I do not know the full circumstances of these cases but some of the examples are not adjacent to the listed wall and so do not represent a direct parallel to the appeal scheme. In addition, I observed that one of the fences, that the Council had indicated had been refused planning permission, has now been removed. In any event, those I saw confirmed that inappropriate boundary treatments are detrimental to the character and appearance of the area, and so do not set a precedent that should be followed.
9. Having regard to paragraph 134 of the *National Planning Policy Framework* (the Framework), the harm caused to the setting of the listed wall would be less than substantial but there are no public benefits that outweigh the harm caused.
10. Overall, I consider that the fence would unacceptably harm the character and appearance of the area, and would not comply with the statutory duty to have special regard to the desirability of preserving the setting of a listed building. Accordingly the appeal scheme would conflict with guidance in the Framework and to Policies EP4 and HL5 of the *Fylde Borough Local Plan (adopted October 2005)* which seek to ensure that developments do not prejudice the setting of a listed building, and that they do not adversely affect the street scene.
11. The appellant has questioned the relevance of these policies to the appeal scheme. However, Policy EP4 relates to development that affects a listed building or its setting, and although the appeal scheme is not an extension to the house, Policy HL5 indicates that it also relates to other forms of development within the curtilage of a dwelling, which would include boundary fences. Therefore, both these policies are relevant in determining the appeal.

Other matters

12. The appellant has raised concerns with the Council's handling of the application, in particular that it was not determined within the prescribed timescale, and that the decision notice was sent to the wrong email address. However, these are matters that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case. In addition, whether the Council has taken enforcement action over other fences in the locality is not a matter that is before me in this appeal.

Conclusion

13. For the reason set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 14 November 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 November 2017

Appeal Ref: APP/M2325/D/17/3186573

5 Cambridge Road, Lytham St Annes FY8 5PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Attewell against the decision of Fylde Borough Council.
 - The application Ref 17/0388, dated 12 May 2017, was refused by notice dated 1 September 2017.
 - The development proposed is removal of section of garden wall to provide vehicular access. Brick to be reused to create raised bed. Gate added to newly created aperture. New gate added to existing pedestrian entry. New hard-landscaping to front garden to act as driveway.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. At the time of my site visit, works to the site had already been completed. However, it is clear to me that the completed works, including the construction of a pier from the bricks taken from the dwarf boundary wall, do not completely accurately reflect that for which permission is sought. Therefore, for the avoidance of doubt I confirm that my determination of the appeal is based on the drawings submitted and not on the works as constructed.
3. I had been provided with a copy of a map of the wrong Conservation Area within Lytham. However, I was subsequently supplied with a correct version. As I had undertaken a thorough site visit including walking around the wider area, and as I had the benefit of the appellant's evidence which includes a description of the extent of the Lytham Avenues Conservation Area no one's interest has been prejudiced by this.

Main Issue

4. The main issue is whether or not the development the subject of the appeal would preserve or enhance the character or appearance of the Lytham Avenues Conservation Area.

Reasons

5. A Conservation Area Appraisal has not been prepared in respect of the Lytham Avenues Conservation Area. However, from the evidence before me, and from what I have observed, I conclude that a significant aspect of the character of the wider Conservation Area derives from the substantial, predominantly red brick nineteenth century residential properties and mature gardens set in

generous plots, bound by red brick dwarf boundary walls, with original piers and gates. The original walls, piers, gates and gardened areas, make a valuable contribution to the visual cohesiveness of the Conservation Area as a whole.

6. The appeal property is located some 16 metres from the corner of Stanley and Cambridge Roads, on the edge of the Conservation Area opposite a railway line and close to some modern housing. I am aware that Cambridge Road is not in fact an avenue. However, it sits within the Conservation Area, and therefore, I must have special regard to the statutory duty of preserving or enhancing the Conservation Area's character or appearance.
7. The result of the proposed development, the subject of the appeal, would be to remove a substantial portion of the original dwarf wall to enable vehicular access, to erect an additional pier designed to replicate the existing original piers, to replace the original gate to the pedestrian access and to install a metal gate to the driveway. In addition, the area to the front of the property is to be covered in hard standing and a raised bed built utilising the brickwork from the dwarf wall.
8. The substantial reduction in the extent of the red brick dwarf wall, and the introduction of additional and replacement metal gates would undermine and erode both the character and appearance of the Conservation Area. This derives from the predominance of characteristic low brick walls which, together with modest metal gates set between original piers, form the boundary to the original housing plots.
9. Similarly, whilst I note that the area of hardstanding is not designed to extend the whole width of the front area of the property, and that a raised bed is proposed to be built from the bricks taken from the demolished wall, the consequence of the proposed development is to introduce a hard urban townscape which would be highly visible through the metal gates, rather than a softer green suburban appearance derived from a low walled front garden laid to lawn. As a consequence, separately, and in combination, I conclude that the proposed development would have a detrimental impact on the character and appearance of the Conservation Area.
10. In coming to this conclusion, I am aware from the examples provided to me by the appellant, and confirmed from what I saw at my site visit, that there have been a number of instances, within the Conservation Area, where hardstanding has been introduced into the front gardens of properties to allow off street parking with an associated loss of boundary walls. However, I am not familiar with the associated planning circumstances, and in any case, many serve to emphasise the detrimental impact of such developments both on the host properties and on the wider area, which results in an incremental erosion of the character and appearance of the Conservation Area.
11. As such, I am of the view that the harm caused by the proposed development would result in less than substantial harm to the character and appearance of the Conservation Area.
12. In determining this appeal I have been mindful of Paragraph 134 of the Framework, that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal, including its optimum viable use.

13. I understand that the provision of an off street parking space, to which the County Council as Highway Authority has raised no objection, and which would be consistent with Policy TR10 of the Fylde Local Plan (2005) (LP), would allow the appellant's daughter to place her young children in, and take them out, from a car when parked off the public highway. However, no substantive evidence has been put to me that parking on Cambridge Road poses a safety risk, nor do I consider that on street parking has a negative impact on the character or appearance of the Conservation Area.
14. I am also aware that an electric charging point has recently been installed at the property to enable the occupant to charge an electric vehicle. Whilst there are clearly sustainability benefits to be derived from the use of an electric car, I have not been provided with evidence that the only realistic and practical means of charging one is via an off street parking space. Moreover, if it is necessary, I do not consider that this, together with the other benefits of the proposed development would provide a public benefit, which would outweigh the harm to the Conservation Area.
15. Consequently, as the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area it would be contrary to Saved policies HL5 and EP3 of the LP which promote high quality design and the protection of heritage assets. Whilst these policies predate the publication of the Framework I consider them to be broadly consistent with its objectives in relation to design and heritage matters and I therefore accord them significant weight.
16. I have also been referred to the policies GD7 and ENV5 of the emerging Fylde Local Plan. However, I am not aware of the progress of the LP, nor the extent to which there may be objections. However, I note that they appear to be broadly consistent with the policies of the Framework in relation to heritage matters, and therefore I accord them moderate weight in my determination of the appeal before me, and conclude that the proposed development would be contrary to the principles set out within these policies. Therefore, I conclude that the proposed development would be contrary to both the Framework and the development plan as a whole.
17. As such, for the reasons set out above, I dismiss the appeal.

L. Nurser

INSPECTOR