



Agenda

Planning Committee

Date:	Wednesday, 7 October 2020 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Please Note: This meeting is being held remotely via Zoom. To access the meeting please click on the link below.

Join Zoom Meeting :- <https://us02web.zoom.us/j/81847443366?pwd=c0JQbDBmVThGQ2srWWtHZCtvMzZ3UT09>

Meeting ID: 818 4744 3366

Passcode: 251917

Public Speaking at the Planning Committee

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

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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 16 September 2020 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Background Papers

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 Local Government Act 1972:

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2019
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available online at www.fylde.gov.uk/resident/planning

Planning Committee Schedule

07 October 2020

Item Number: 1

Committee Date: 07 October 2020

Application Reference:	20/0113	Type of Application:	Outline Planning Permission
Applicant:	Mr Butters	Agent :	Keystone Design Associates Ltd
Location:	67 CLARENDON ROAD, LYTHAM ST ANNES, FY8 3HX		
Proposal:	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO STOREY BLOCK OF FOUR APARTMENTS (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR WITH LANDSCAPING RESERVED) - RESUBMISSION OF APPLICATION 18/0861		
Ward:	CENTRAL	Parish:	St Anne's on the Sea
Weeks on Hand:	33	Case Officer:	Matthew Taylor
Reason for Delay:	Awaiting Further Information		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a detached, two storey dwelling occupying a corner plot at the junction of Clarendon Road and Rossendale Road, Lytham St Annes. The proposal seeks outline planning permission – including matters of access, layout, scale and appearance (with landscaping reserved) – for the demolition of the existing dwelling and the erection of a two storey block of four apartments.

The site occupies a residential setting within the settlement boundary of St Annes as defined on the Fylde Local Plan to 2032 Policies Map. St Annes is identified as a Key Service Centre within the settlement hierarchy and is one of the four Strategic Locations for Development towards which the development strategy of the local plan seeks to direct the majority of future growth across the borough up to 2032. The proposal would make efficient use of land that is largely previously developed in a highly accessible location within the settlement boundary. Accordingly, the principle of residential development is acceptable, and the site represents a suitable location for housing.

The site is located amongst mature housing which includes a mix of detached, semi-detached and terraced two storey dwellings on Clarendon Road and Rossendale Road to the northwest, southwest and southeast; along with a row of detached bungalows orientated at right angles on Rossendale Road to the northeast. While larger than the existing dwelling it would replace, the proposed apartment building would have a lower ridge height; its layout respects existing building lines that extend around the junction of Rossendale Road and Clarendon Road; its scale in relation to the street frontages of Clarendon Road and

Rossendale Road would not appear unduly dominant or overpowering when seen in conjunction with the size, density and prevailing two storey height of neighbouring dwellings; and its appearance would reflect the symmetry, architectural features, detailing, proportions and materials of surrounding buildings.

Vehicle access to the development would be taken via an existing dropped crossing from Rossendale Road, with a gated entrance opening onto a communal courtyard containing 4 off-road parking spaces, bin and cycle stores and a landscaped garden that would wrap around the sides and front of the building. Separate pedestrian accesses would be created from Clarendon Road and Rossendale Road – the elevation of which would contain the building's entrance.

The layout, scale and appearance of the building would assimilate successfully with surrounding development and the varied character of the street scene around the junction of Clarendon Road and Rossendale Road. The size and siting of the building, and its spacing in relation to neighbouring dwellings, would avoid any undue effects on the privacy and amenity of surrounding occupiers through overlooking, overshadowing or loss of outlook, and a good standard of amenity would be achieved for future occupiers. The proposal would facilitate a safe and suitable means of access to the development for all users and the level of additional traffic generation associated with scheme would not give rise to any severe residual cumulative impacts on network capacity. The level of off-road parking provision for the development is also suitable for the size and number of residential units proposed and its highly accessible location in relation to nearby amenities by modes of transport other than private car. The Local Highway Authority have raised no objections to the development on the grounds of its impact on surrounding highways.

The current application follows the recent refusal of a scheme for 5 apartments under application reference 18/0861, along with historical applications for larger apartment blocks under applications 08/0488 and 09/0479 (both of which were refused). However, the scheme proposed in this application involves fewer apartments than those developments, its layout is different, and the building's scale and height has been reduced significantly in comparison to those proposals – particularly through the omission of any living accommodation within the roof space. Accordingly, it is considered that the reasons for the refusal of the previous applications has been overcome by this revised submission.

There are no other technical issues associated with flood risk, ecology or tree impacts, or any other material considerations which would give rise to significant and demonstratable harm that would outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the provisions of the St Annes on the Sea Neighbourhood Development Plan, the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Reason for Reporting to Committee

St Annes on the Sea Town Council have objected to the application and the officer recommendation is for approval.

Site Description and Location

The application relates to no. 67 Clarendon Road – a detached, two-storey dwellinghouse occupying

a prominent corner plot at the junction of Clarendon Road and Rossendale Road, Lytham St Annes. The existing building has frontages onto both highways which are articulated by double-height bay windows, along with a protruding chimney breast to the Rossendale Road façade. A small, single-storey outrigger protrudes to the rear (northeast corner) of the building. While the OS location plan suggests that this outrigger incorporates a dog-leg projecting out towards Rossendale Road, this is not present on the site. The dwellinghouse is topped by a shallow hipped roof with a deep overhang to the eaves/soffit. Its external walls are finished in white render below a red clay tiled roof.

The dwellinghouse is located to the southwestern end of a spacious, elongated plot which wraps around the junction. The roadside boundaries are enclosed by a low (*circa* 0.75m) red-brick boundary wall which is backed by taller hedging and fencing to the Rossendale Road side. A mature silver birch tree is located in the corner of the front garden close to the junction, with a group of coniferous trees located to the northeast of the existing house.

Adjacent properties include a detached, two storey dwelling of similar scale and style to the northwest side (no. 65 Clarendon Road) which has benefitted from a first floor rear extension (pursuant to application 08/0294), a mix of semi-detached and terraced houses to the southeast and southwest on Rossendale Road and a detached 'true' bungalow (no. 13 Rossendale Road) to the rear (northeast).

The site is located within the settlement boundary of St Annes as defined on the Fylde Local Plan to 2032 Policies Map. There are, however, no other specific designations affecting the land. The boundary of the St Annes Road East Conservation Area is located approximately 70m to the northwest.

Details of Proposal

The application seeks outline planning permission for the demolition of the existing two storey dwellinghouse at no. 67 and the erection of a two storey block of four, two-bed apartments within the existing curtilage. Detailed matters of access, layout, scale and appearance are applied for, with only landscaping being reserved at this stage.

The apartment block would follow a rectangular footprint measuring 8.2m in width and up to 15.8m in length, with three facing gables incorporating protruding, flat-roofed double-height bay windows projecting up to a further 1.5m from the façades to the southwest (facing Clarendon Road) and northeast (facing Rossendale Road) elevations. A central porch would also project 1.5m from the ground floor of the Rossendale Road elevation. The main building would be topped by a hipped roof reaching 5.9m to eaves and 8.4m to ridge, with dual-pitched pediments protruding at a lower level above each of the three facing gables (one to the Clarendon Road elevation and two to the Rossendale Road façade). The external surfaces of the building would comprise red brick walls, a continuous stone string would mark the division between the ground and first floors and a natural slate would be used to cover the roof.

The submitted plans indicate that the 'side' elevation of the apartment block (facing Clarendon Road) would be in broad alignment with the existing main wall and bay window at the front of no. 67, with the 'rear' elevation (flanking no. 65 Clarendon Road) located 0.4m closer to the shared boundary with the adjacent dwelling at no. 65 (thereby reducing the gap up to the boundary line to 0.8m). To the 'front' elevation (facing Rossendale Road), the main wall of the apartment block would be 0.4m closer to the roadside in comparison to that of the existing dwelling, with the edges of the protruding bay windows and porch projecting between 0.9m and 1.2m beyond the corresponding

features of the existing dwelling. The 'side' elevation facing northeast (towards no. 13 Rossendale Road) would be between 2.9m and 6m deeper than the existing dwelling, projecting 2m beyond the rear elevation of no. 65.

Externally, a garden frontage would be maintained to Clarendon Road and a narrow footpath would flank the building's 'front' elevation facing Rossendale Road. A courtyard providing 4 off-road car parking spaces, a bicycle store, bin store and outdoor clothes drying area would be created to the northeast side of the building. The courtyard parking spaces would be accessed via a gated entrance from Rossendale Road to the northeast corner of the site.

The proposal is made as a resubmission of application 18/0861 which was refused on 15.02.19 for the 4 reasons set out below. While the current scheme is also in outline with the same detailed matters applied for and involves the same type of development, it differs from that proposed by application 18/0861 as follows:

- The number of apartments has been reduced from 5 to 4.
- The ridge height of the apartment block and each facing gable is 1m lower, the roof pitch has been reduced from 42 degrees to 30 degrees and two dormer windows previously proposed to the Rossendale Road elevation have been removed as no living accommodation is now proposed within the roof space.
- The length of the building has been reduced by 1.2m and its rearward projection in relation to the rear wall of no. 65 Clarendon Road has been reduced from 2.9m to 2m.
- The width of the building has been reduced by 0.8m.
- The siting of the building has been altered to set this back a minimum of 5.2m from Clarendon Road and 2.8m Rossendale Road (compared with dimensions of 4.9m and 1.6m respectively for 18/0861).
- The facing gable shown to the northeast facing (side) elevation of the building in 18/0861 has been removed.
- The internal configuration of the 4 apartments has been altered to remove all habitable room windows from the building's rear elevation (facing no. 65 Clarendon Road) and place these on the front and side elevations only.

Relevant Planning History

08/0488 - Demolition of existing dwelling and erection of 5 No. apartments – Refused 01.09.2008 for the following reasons:

- The proposed development, by reason of its scale, design, mass and location would constitute an incongruous feature in relation to the adjacent built development on Rossendale Road and Clarendon Road and would be detrimental to the quality of the existing townscape. As such it would not comply with policy HL2 of the Fylde Borough Local Plan as Altered (October 2005).
- The proposed development, would by reason of its size, its position in relation to the neighbouring property at 65 Clarendon Road and the position of first and second floor windows, have an overbearing and oppressive impact on that property and result in overlooking and loss of privacy, to the detriment of the residential amenities currently enjoyed by the occupiers of that identified property. The proposal would therefore be contrary to Policy HL2 of the Fylde Borough Local Plan as Altered (October 2005).
- The submitted Design and Access Statement does not fully demonstrate how the design of the development is appropriate for the site and does not present a sufficiently reasoned justification for this development with regard to its appropriateness in the context of the site's location.

08/0999 – Erection of new dwelling – detached bungalow – Refused 08.01.2009 for the following reasons:

- The development by reason of the size of the site would result in an over-intensive development in the site and would not respect the character of the area. As such it would not comply with policy HL2 of the Fylde Borough Local Plan as Altered (October 2005).
- The development would not result in a private amenity space of a size sufficient to reasonably serve the needs of the occupants of the existing dwelling and the proposed dwelling given the character of the area. As such it would not comply with policy HL2 of Fylde Borough Local Plan as Altered (October 2005).
- The development by reason of the proximity to the nearest neighbouring dwellings would be visually intrusive for the occupiers of those properties to the detriment of residential amenity and as such the proposal would not comply with policy HL2 of the Fylde Borough Local Plan as Altered (October 2005).

09/0479 - Demolition of existing dwelling and erection of 5 no. apartments (re-submission of 08/0488) – Refused 14.09.2009 for the following reasons:

- The proposed development, by reason of its scale, design, mass and location would constitute an incongruous feature in relation to the adjacent built development on Rossendale Road and Clarendon Road and would be detrimental to the quality of the existing townscape. As such it would not comply with policy HL2 of the Fylde Borough Local Plan as Altered (October 2005).
- The proposed development, would by reason of its size, its position in relation to the neighbouring property at 65 Clarendon Road and the position of first and second floor windows, have an overbearing and oppressive impact on that property and result in overlooking and loss of privacy, to the detriment of the residential amenities currently enjoyed by the occupiers of that identified property. The proposal would therefore be contrary to Policy HL2 of the Fylde Borough Local Plan as Altered (October 2005).
- The proposal does not make adequate provision for the parking of vehicles within the curtilage of the site, in accordance with the standards adopted by the Local Planning Authority and as such is likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway.

18/0861 – Outline application for demolition of existing dwelling and erection of block of five apartments (access, appearance, layout and scale applied for with landscaping reserved) – Refused 15.02.2019 for the following reasons:

- The apartment building would replace an existing dwellinghouse which occupies a prominent corner plot at the junction of Clarendon Road and Rossendale Road, Lytham St Annes. The increased projection and closer proximity of the proposed building to Rossendale Road in comparison to the existing dwellinghouse would result in the development breaching the established and well-preserved building line which extends around the front and side of properties on Clarendon Road and Rossendale Road, thereby causing a harmful narrowing of the street and loss of openness on this prominent junction. When these effects are combined with the building's excessive scale, bulk and massing – having particular regard to the length of the elevation facing Rossendale Road – the apartment block would appear as a dominant, incongruous and overtly imposing form of development which would dwarf and overpower the scale of neighbouring dwellings. Accordingly, the proposal would be incompatible with the scale, pattern and character of surrounding development and would have a harmful impact on the appearance on the street scene. The scale and layout of the scheme would result in the inappropriate development of a residential garden which would fail to improve the character and quality of the area in conflict with the requirements of Fylde Local Plan to 2032 policies GD7 and H2, Saint Anne's on the Sea Neighbourhood

Development Plan policies DH1 and HOU1, and paragraphs 70, 122 (d), 127 and 130 of the National Planning Policy Framework.

- The proposed apartment building, by virtue of its scale, height, massing, projection beyond and close proximity to the rear of no. 65 Clarendon Road, would introduce an overbearing and oppressive form of development to the occupiers of the adjacent property which would create a substantial sense of enclosure and have a harmful impact on their amenity through loss of outlook and overshadowing. These harmful effects would be exacerbated by virtue of the building's southerly orientation in relation to the rear-facing windows and garden area of no. 65. Accordingly, the proposed development would have an adverse impact on the living conditions of neighbouring occupiers at no. 65 Clarendon Road in conflict with the requirements of Fylde Local Plan to 2032 policies GD7 and H2, and paragraph 127 (f) of the National Planning Policy Framework.
- The apartment building's layout and siting in closer proximity to Rossendale Road would reduce the level of spacing with neighbouring dwellings to the southeast (nos. 26-32 Rossendale Road) from approximately 21.2m (that currently achieved with the existing dwelling at no. 67) to between 18.3m and 18.9m at first floor level. When this reduced spacing is combined with the building's excessive scale and massing, and the proliferation of habitable room windows proposed to its front elevation (which faces Rossendale Road), the scheme would introduce an overbearing form of development in the outlook of the occupiers of nos. 26-32 Rossendale Road and, additionally, would result in a loss of privacy due to increased overlooking. The apartment building's lack of appropriate spacing with these dwellings would be incompatible with the density and character of surrounding development and would diminish the general levels of privacy and amenity typical in the area. Accordingly, the proposed development would have an adverse impact on the living conditions of neighbouring occupiers at nos. 26-32 Rossendale Road in conflict with the requirements of Fylde Local Plan to 2032 policies GD7 and H2, and paragraph 127 (f) of the National Planning Policy Framework.
- The scheme includes the provision of four obscurely glazed, habitable room (kitchen) windows at ground and first floor levels in the northwest facing (rear) elevation of the apartment building which would flank the southeast facing (side) elevation of no. 65 Clarendon Road over a distance of approximately 2.5m. The lack of spacing between the proposed habitable room windows and the side elevation of no. 65, combined with these being fitted with obscured glass and that they would be the only windows serving the kitchens of each respective apartment, would result in a poor and unacceptably constrained outlook from these openings which would give rise to substandard living conditions for future occupiers of the development in conflict with the requirements of Fylde Local Plan to 2032 policies GD7 and H2, and paragraph 127 (f) of the National Planning Policy Framework.

Relevant Planning Appeals History

Application No.	Development	Decision	Date
08/0999	ERECTION OF NEW DWELLING - DETACHED BUNGALOW	Dismiss	03/06/2009

Parish/Town Council Observations

St Annes on the Sea Town Council – Consulted on 20.02.20. Responded on 20.03.20 advising that the Town Council object to the application for the following reasons:

“Small size of units looks like an HMO under a different name. Accommodation area is too small for a new 3p 2 bed Flat. These units are 10m square below indicative minimums (60m square) for new flats

and also have no individual internal/external storage areas.

Object on the same grounds as application 18/0861 – Town Council comments and Fylde Decision Notice. Contrary to Neighbourhood Plan Policies:

HOU1: Housing Development, not right for site or street scene.

HOU3: Retirement Hubs, character of neighbourhood and unacceptable impact on nearby properties – overlooking and shadowing.

In conflict with T33: Residential Car Parking and HOU2: Conversion of existing properties into flats and HMOs, as there are insufficient car parking spaces and exceeds the boundary line on Rossendale Road and Clarendon Road.

Inaccuracies in application forms and documents. Three previous applications, 08/048, 09/0479 and 18/0861 were refused and the Town Council objected to those.”

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection – Comments as follows:

- No objections. Recommend that a condition is attached to any permission granted requiring that construction hours are limited to 8am – 6pm Monday to Friday and 8am – 1pm on Saturdays.

Greater Manchester Ecology Unit (GMEU) – Comments dated 11.03.20 and 02.09.20 as follows:

- **11.03.20** – A preliminary roost assessment of the buildings was undertaken in December 2019, by a suitable experienced ecologist. The survey involved an internal and external examination of the building to look for bats or evidence of bats, following best practice methodology. A judgement of the potential for the building to support roosting bats has not been recorded (i.e. low, medium, high) however numerous potential bat access points were found within the building proposed for demolition, and therefore bat activity surveys have been recommended in support of the application. The application should not be determined in the absence of the additional bat survey data recommended within the bat survey report. This should qualify the potential of the building to support roosting bats, which will further determine the number of bat activity surveys required to support the planning application. Survey work must be undertaken by a suitably qualified ecologist and follow best practice methodology. Any further survey work and mitigation that is required will be determined by the outcome of the bat activity work.
- **02.09.20** (following receipt of additional bat surveys) – An updated bat survey has been provided which now includes a bat activity survey of the building (report ref SE/KDGO048/01). A preliminary inspection of the buildings for bats and to assess the potential of the building to support bats was undertaken in February 2020. Internally there were restrictions to accessing the roof space due to the boarding of the loft, however an activity survey was undertaken which offsets this limitation. Overall the building was judged to have low potential for roosting bats (identified predominantly as missing pointing along the hipped roof ridge tiles). As such a dusk activity survey was undertaken in August 2020. No bats or evidence of bats was found during the day time assessment for bats, and no bats were recorded roosting in the building during the activity survey. Only low bat activity was recorded during the survey which was restricted to occasional passes. Bats are not considered a constraint to this development, however they can turn up in unexpected places. An informative should therefore be used so that the developer is aware of the legal protection that certain species receive. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work

should cease immediately and an ecologist/LPA should be contacted.

Local Highway Authority (LHA) – LCC Highways:

- LCC Highways does not have any objections regarding the proposal 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 is recommended that a minimum of two secure cycle parking spaces is provided for each two-bedroom property to promote sustainable forms of transport.
- The existing (second) dropped crossing adjacent to the lighting column on Rossendale Road should be reinstated to full height kerbs and the footway re-profiled in order to increase on-street parking capacity. The applicant will need to enter into an agreement under S184 of the Highways Act to secure the reinstatement of second dropped crossing and for the extension of the existing dropped crossing that is to serve the parking area.
- No gates constructed across the access to the courtyard parking area should open over the adopted highway.
- Conditions are recommended regarding: (i) the closing off of the second, existing vehicle access on Rossendale Road and subsequent re-instatement of the footway in this location; (ii) the provision of cycling facilities; (iii) provision of private car parking and manoeuvring areas prior to first occupation; and (iv) provisions to ensure that all gates are located outside the highway and are fitted with restraints to prevent them opening onto the adopted highway.

United Utilities:

- In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- Recommend the imposition of a condition requiring the submission of a scheme for the drainage of foul and surface water based on an investigation of the hierarchy of drainage options.

Neighbour Observations

Neighbours notified:	20 February 2020
Site notice posted:	26 February 2020
No. Of Responses Received:	7
Nature of comments made:	7 objections

The appropriate neighbouring properties were notified of the application by letter. Additional publicity has been undertaken through the display of a notice near the site. A total of 7 letters have been received in objection to the application. The points made in the letters are summarised as follows:

Character and appearance:

- The current dwellings in Clarendon and Rossendale Road consist of bungalows, detached, semi-detached and terraced houses. The proposed block of flats is not in-keeping with the size or style of surrounding houses in the area.
- The proposal represents a significant overdevelopment of a relatively small plot.
- The scale of the building will result in the loss of existing trees on the site and a reduction in the size of the garden area.
- The proposed building exceeds the building lines on both Clarendon Road and Rossendale

Road.

Amenity impacts:

- The excessive scale of the building will mean that it has an oppressive and overbearing appearance when seen from surrounding dwellings. It will also block sunlight and result in increased overlooking of adjoining properties.
- The proposed apartment block would extend around 4m to the rear of the existing first floor of no. 65 Clarendon Road and 2m at ground floor level. It would also be located closer to the side of that house than the existing dwelling.
- The proposed building, the frontage of which faces approximately southeast onto Rossendale Road, would significantly block daylight towards no. 65, and the effect of this would be cast a shadow into the garden of no. 65, particularly in winter, when the sun is low.
- Planning permission for a substantially similar building has been refused before (2009 and 2019) due to loss of privacy to nearby properties.
- The standard of living accommodation for future occupiers of the flats would be poor due to a lack of outlook from proposed windows and small room sizes.
- Noise generated by 8+ residents within the flats would be significantly greater than the site's existing use for a single family dwelling.
- There is a lack of provision of outdoor amenity space for the apartments.

Highways:

- The proposed level of off-street parking is insufficient. As the apartments have 2 bedrooms it is possible that the development could add an extra 8+ vehicles to the area, at least half of which would have to park on the street. On-street parking demand on Rossendale Road is already high and results in an overcrowded street due to the number of terraced dwellings surrounding the site that lack off-street parking. Introducing demand for a further 4 off-street car parking spaces would result in an unacceptable level of parking congestion in the area which, in turn, would adversely affect highway safety by narrowing the highway and reducing visibility.
- Since the Shepherd Road end of St Albans Road was closed off, Rossendale Road has been subject to extra traffic as vehicles (including wagons) use it to link Heyhouses Lane with both Church Road and St Annes Road East. This development would add to existing traffic congestion in the area.
- The road is in need of major repair and more traffic will damage the road surface further.

Inaccuracies in application:

- Despite the applicant's claims, the property is not vacant as it is presently occupied by a family and has been occupied continuously since December 2016.
- The application is supposed to be for 4 x 2bed flats but the accommodation schedule on drawing no. A018/094/P/01 Revision D lists 5 flats.

Officer note: An amended 'Revision E' version of drawing no. A018/094/P/01 has been provided which corrects the previous error in the accommodation schedule to clarify that the proposal involves 4 x 2 bed apartments in accordance with the internal layout shown on the plans.

Other matters:

- The proposed apartments may be tenanted to housing benefit claimants. This type of arrangement has led to incidences of antisocial behaviour occurring in the area in the past which resulted in police frequently being called out and disruptive tenants are hard to mov

on.

- There are concerns regarding the construction of such a large building in an area of subsidence. Many of the homes in the area have a history of subsidence and have been buttressed. The proposed demolition and subsequent construction works would require a substantial amount of ground disturbance and pile driving that could damage neighbouring dwellings.
- The resubmitted proposals are not significantly different from those refused under application 18/0861 and the previous reasons for refusal have not been addressed in full.
- The present dwelling is occupied by a family and there is nothing wrong with its structure to warrant its demolition.
- The loss of vegetation arising from the scheme will destroy the habitat of nesting birds and other wildlife.
- There is inadequate bin storage for 4 x 2 bed flats as these will require at least 3 bins each.
- The submitted bat survey is inconclusive and states that a survey during the months when bats are active is needed. Bats are known to forage in the area.

Officer note: An updated bat survey has been provided during the course of the application to include a bat activity survey during the optimal period.

Relevant Planning Policy

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. In addition, as the site also falls within the boundaries of the Saint Anne's on the Sea Neighbourhood Development Plan (SANDP), the Neighbourhood Plan is also part of the development plan in this area.

Fylde Local Plan to 2032 (FLP):

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

Saint Anne's on the Sea Neighbourhood Development Plan (SANDP):

GP1 – Settlement boundary

DH1 – Creating a distinctive St Anne's

TR3 – Residential car parking
HOU1 – Housing development
HOU4 – Residential design

Other relevant policy documents:

‘Extending Your Home’ Supplementary Planning Document (adopted November 2007).

Environmental Impact Assessment

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

Comment and Analysis

Policy context and main issues:

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

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) 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.

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the nature of the development proposed, its location, the planning history of the site and the representations received from interested parties, the main issues in this case are:

- The principle of development, including whether the site is a suitable location for housing in the context of the development strategy outlined in the development plan.

- The development's effects on the character and appearance of the area.
- The scheme's impact on the amenity of surrounding occupiers and whether it would achieve a good standard of amenity for future occupiers.
- The development's impact on highway safety.
- The relevance of previous decisions on the site to this scheme and whether the issues raised by those decisions have changed and/or been overcome by the current submission.
- Other material considerations relating to effects on ecology, flood risk and trees.

Principle of development:

Site designation and policy position concerning proposed land use:

Paragraph 59 of the NPPF sets out the Government's objective of "significantly boosting the supply of homes". FLP policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8715 new homes in accordance with a Development Strategy which follows the four-tier settlement hierarchy set out in policy S1. FLP policy S1 identifies St Annes as a "Key Service Centre" sitting at the top of the settlement hierarchy and policy DLF1 identifies Lytham and St Annes as one of four "Strategic Locations for Development".

Policy DLF1 indicates that 90% of new homes delivered over the plan period will be located in the four Strategic Locations for Development. Policy DLF1 makes an allowance for small housing sites (those amounting to between 1 and 9 homes) that are not allocated in the Plan to "occur throughout the borough where compliance with the other policies of the plan". FLP policy H1 (c) stipulates that the Council will provide for and manage the delivery of new housing by "ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the "Liverpool" method from the start of each annual monitoring period and in locations that are in line with Policy DLF1".

The site falls within the settlement boundary of St Annes as defined on the Policies Maps of both the Local and Neighbourhood Plans. FLP policy GD1 and SANDP policy GP1 are permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local and Neighbourhood Plan policies. In particular, SANDP policy HOU1 states that housing development on previously developed land and land within the settlement boundary will be positively supported subject to other development plan policies being satisfied.

The proposed apartment building would be constructed within the garden of no. 67 Clarendon Road following the demolition of the existing building. The definition of "previously developed land" in Annex 2 of the NPPF reads as follows:

- "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; **land in built-up areas such as residential gardens**, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape" (emphasis added).

The apartment block would replace an existing dwellinghouse and its siting would overlap with that

of the current building. Nevertheless, its footprint would be notably larger and, accordingly, would encroach onto the existing garden area to the side and rear of no. 67. Therefore, although the part of the site which is currently occupied by the dwelling at no. 67 can be considered to be previously developed, this is not the case for the remainder of the garden area upon which around a third of the proposed building's footprint would be located. Notwithstanding that, as the site falls inside the settlement boundary and is located within one of the Strategic Locations for Development identified in FLP policy DLF1, its redevelopment for housing complies with the objectives of the development strategy in the FLP and the SANDP which seek to direct new housing developments towards the most sustainable locations.

The Town Council and objectors have referred to policies HOU2 and HOU3 of the SANDP which, respectively, set criteria for the conversion of existing buildings into flats/HMOs and relate to the development of retirement hubs. However, as the proposal involves the complete demolition of the existing dwelling at no. 67 Clarendon Road and the erection of a new apartment building in its place, policies relating to the conversion of existing buildings are not directly applicable in this instance. Similarly, as the proposal involves the provision of 4 self-contained flats within use class C3, it does not involve the creation of a House in Multiple Occupation (which would fall within a different use class). As SANDP policy HOU2 relates to the provision of developments that involve the creation of retirement hubs for over 55s this policy is also of no relevance to the proposed market housing scheme where there is no intention to restrict the future occupancy of the proposed flats by age.

For the reasons set out above, the principle of residential development on the site is acceptable. Accordingly, the main issues in this case relate principally to matters concerning the scheme's detailed design. Although the application is made in outline, all matters other than landscaping have been applied for and so a detailed assessment of the development's layout, scale, appearance and access can be made at this stage.

Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (criteria a – o)).

FLP policy H2 includes a section concerning "development on garden land" and states that:

- "When considering proposals for residential development on garden land, stringent caveats will be applied relating to design, character, access, amenity and other issues deemed appropriate by the Council. Development on garden land should not result in any of the homes relying on what was previously a front garden for all of their private amenity space."

SANDP policy DH1 states that "all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods." The policy indicates that development must have regard to the principles and general guidance set out in the St. Anne's Design Guide SPD, and should contribute to the vision of St. Anne's as a "Garden Town by the Sea". Additionally, the policy requires that "development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards."

SANDP policy HOU1 indicates that "permission will be granted for residential developments subject to proposals being well designed (in accordance with Policy HOU4) and meeting relevant requirements, set out in other policies in the development plan, the NPPF and the St. Anne's Design Guide."

With respect to the development of residential gardens, paragraphs 70 and 122 d) of the NPPF state that:

1. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- Planning decisions should support development that makes efficient use of land, taking into account “the desirability of maintaining an area’s prevailing character and setting (including residential gardens).”

Paragraph 127 of the NPPF sets out six general principles of good design (a) – f)). Of particular relevance in this case are criteria a) – d) which require that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

The apartment building would replace an existing dwellinghouse which occupies a prominent corner plot at the junction of Clarendon Road and Rossendale Road. The layout of surrounding dwellings on Clarendon Road and Rossendale Road is driven by a well-preserved building line that extends around the front – and, in the case of corner properties, the side – of existing buildings and maintains a sense of space and openness to the roadside through the provision of consistently sized front and side gardens. While bungalows on Rossendale Road to the northeast of the site are set back further than neighbouring two storey houses on the opposite side of the road, this enhances the sense of spaciousness when travelling along Rossendale Road, as do the relatively deep front gardens across nos. 57-67 Clarendon Road where the building line wraps around the junction.

The existing dwelling at no. 67 includes a double-height bay window and chimney breast with a hipped roof to the ground floor which protrude from the side elevation facing Rossendale Road. The front elevation of no. 67 also steps forward approximately 1m of the adjacent dwelling at no. 65, with a second double-height bay protruding further (up to *circa* 1.8m beyond no. 65).

The side elevation of the apartment block facing Clarendon Road would follow a staggered arrangement with a protruding facing gable and double-height bay window extending up to 2m beyond the main front wall of no. 65 (which also has a double height bay window alongside) to the southwest corner. Where the apartment building wraps around the junction with Rossendale Road (to the southeast corner), a recessive wall would be set back 0.2m behind the main front wall of the existing dwelling, and 1.2m from the edge of the existing bay window. To its front elevation facing Rossendale Road, the apartment building would comprise two facing gables with double-height bay windows to the northeast and southeast corners, along with a central porch to the ground floor. All three protruding features would step forward 1.5m of the building’s main front wall, which would be set approximately 0.4m beyond the existing side wall of no. 67 (though behind the line of the existing protruding chimney breast and double-height bay window to this elevation).

The first reason for the refusal of application 18/0861 referred to the apartment building's breach of the established building line along Rossendale Road as a result of its increased proximity to the roadside and subsequent narrowing of the spacious aspect on the junction in comparison to the current arrangement at no. 67. However, the reduced size and revised siting of the building proposed in the current scheme increases the gap preserved to both Clarendon Road (from a minimum of 4.8m to 5.2m) and Rossendale Road (from a minimum of 1.6m to 2.8m) in order that the existing building lines around the junction would not be unacceptably compromised in comparison to the existing arrangement. In particular, while the front elevation facing Rossendale Road would include some protruding elements, these would be narrow features used to break up the elevation, with the main front wall set back as a recessive feature behind, some 4.2m from the roadside (compared to a distance of 3m in application 18/0861). Accordingly, it is considered that the proposed development would not have an unduly harmful impact on the character and appearance of the area by reason of its layout and so this aspect of the first reason for refusal of application 18/0861 has been overcome.

The second aspect of that reason referred to the building's "excessive scale, bulk and massing – having particular regard to the length of the elevation facing Rossendale Road" and the overpowering impact this was considered to have when compared to the scale of surrounding dwellings. The revised submission seeks to address this issue by: i) reducing the height, pitch and massing of the building's roof space (including through the omission of dormer windows in the roof); and ii) reducing the length of the Rossendale Road façade by 1.2m. The changes to the building's roof mean that its ridgeline now sits 1m below that of the existing dwelling at no. 67 (rather than being in line with it) and the massing of its roof has been reduced significantly as a result of its shallower pitch and omission of dormer windows, while still preserving the prevailing roof profile in the area. This lessening of the building's upper-level massing, combined with the reduction in the length of the Rossendale Road elevation and the revised size/siting described above, results in a commensurate reduction in the building's visual impact on the junction.

Rossendale Road is a diverse street comprising a mix of semi-detached and terraced two storey houses to the southwest and southeast of the application site, with detached bungalows located on the opposite side of the road to the northeast of the site. The apartment building's façade to Rossendale Road displays a strong degree of symmetry with the building composition arranged across five 'bays', with two identical bays being located to each side of a central entrance. The appearance and proportions of the façade would give the visual impression of a pair of symmetrical semi-detached houses being separated by a central entrance (containing the stairwell of the apartment block in this case). With respect to the 15.1m length of the Rossendale Road façade, this compares to a length of *circa* 12.5m for the side elevation of the existing dwelling (including the existing rear extension that aligns with the gable end), 13.5m across the frontage of the semi-detached pair to the southwest (nos. 9-11 Rossendale Road) and approximately 32m across the terraced row of nos. 18-28 Rossendale Road on the opposite side of the road. Accordingly, the length and continuous massing of the building's two storey Rossendale Road façade would not appear as being dominant or starkly at odds with the scale of surrounding pairs of semi-detached and terraced dwellings on Rossendale Road. The closest bungalow to the northeast (no. 13 Rossendale Road), is orientated at right angles some 19m away, is set back further from the roadside and is already seen amongst existing two storey dwellings on both Clarendon Road and Rossendale Road. Therefore, the proposed apartment building would not be seen as an overtly dominant feature in this varied street scene by reason of its scale.

The apartment building's design would pick up the prevailing architectural features (e.g. facing gables and double height bay windows), balanced symmetry (e.g. with respect to the proportions of

bays and size/alignment of window openings) and materials (red brick and grey slate) of surrounding dwellings on both Clarendon Road and Rosendale Road, ensuring a legible appearance that would reflect and read comfortably with surrounding buildings. While objectors consider the proposal to represent an overdevelopment of the site, the land comprises a spacious, elongated corner plot where no. 67 is set in larger gardens than other, surrounding dwellings on Clarendon Road. Accordingly, while the footprint of the apartment building is around a third larger than that of the existing dwelling, its layout within this spacious plot – including the retention of generous outdoor amenity areas to the front and sides of the building – would not result in the apartment block appearing unduly cramped within the site.

The first reason for the refusal of application 18/0861 related to that building's excessive scale and dominant massing on the corner – effects which were accentuated by its layout markedly breaching the existing building line along Rosendale Road, resulting in an unacceptable narrowing of the open aspect on the junction. In this case, the building's reduced scale and revised layout, in combination with its appearance which would assimilate successfully with the character of surrounding buildings in a varied street scene, ensures that the issues identified in the first reason for refusal of application 18/0861 have been addressed by the revised scheme. Accordingly, the proposed development satisfies the requirements of FLP policies GD7 and H2, SANDP policies DH1 and HOU1, and the objectives in paragraphs 70, 122 d), 127 and 130 of the NPPF.

Impact on amenity:

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

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

FLP policy H2 includes a section concerning “development on garden land” and states that:

- “When considering proposals for residential development on garden land, stringent caveats will be applied relating to design, character, access, amenity and other issues deemed appropriate by the Council. Development on garden land should not result in any of the homes relying on what was previously a front garden for all of their private amenity space.”

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

Effects on neighbouring occupiers:

The site is bordered by an adjacent two storey dwelling to the northwest (no. 65 Clarendon Road), a detached bungalow orientated at right angles to the northeast (no. 13 Rosendale Road) and two storey houses facing onto Rosendale Road to the southeast (nos. 18-32) and southwest (no. 11). The increased size and massing of the apartment block in comparison to that of the existing dwelling would have a greater impact on the amenity of these surrounding properties, though the extent of that impact varies between properties as follows:

No. 65 Clarendon Road:

The adjacent property to the northwest has benefitted from a staggered two/single storey extension to the rear which extends for the full width of the dwelling. This means that the rear elevation of no. 65 presently protrudes beyond the nearest part of the rear wall of no. 67 by approximately 4m. The first floor element of the extension at no. 65 is topped by a double hipped roof set below the main ridgeline and includes a row of three windows in a mullion style serving a bedroom in the part of the rear elevation closest to the site. A large window to the rear of a protruding lean-to at ground floor level below serves a dining/sitting room and a patio area is located immediately to the rear of the extension.

The northwest facing (rear) elevation of the apartment building would run for a total length of 15.8m alongside the shared boundary with no. 65 and would be set 0.8m off the boundary line. While much of this elevation would flank the side wall of no. 65 – which, although containing a number of windows, would not significantly alter the established relationship these windows already have with the existing dwelling at no. 67 – a 2m section would protrude beyond the extended rear elevation of no. 65.

The second reason for the refusal of application 18/0861 relates to the impact of this rearward protrusion on the amenity of no. 65, having particular regard to effects arising from a loss of outlook and overshadowing at the rear of the adjacent dwelling which were considered to arise by virtue of the building's massing and rearward projection in relation to no. 65. The revised scheme alters the size, massing and design of the rearward protrusion proposed in application 18/0861 by: i) reducing its projection beyond the rear of no. 65 from 2.9m to 2m; ii) omitting a taller (2.5 storey) facing gable to the building's northeast side elevation; (iii) reducing the ridge height of the building by 1m and reducing the roof pitch from 42 degrees to 30 degrees; and (iv) narrowing the gap to the shared boundary with no. 65 from 1.2m to 0.8m.

The 2m deep, two storey protrusion now proposed to extend beyond the rear of no. 65, while located some 0.4m closer to the shared boundary, would have a significantly reduced projection, lower ridge height, shallower roof pitch and reduced massing to the elevation in comparison to the equivalent feature proposed in 18/0861. Although the rearward protrusion would be positioned due south in relation to the rear of no. 65, it is considered that the reduced depth of this protrusion, combined with its lessened height and massing, would avoid any unacceptable effects on the amenity of no. 65 through loss of outlook or overshadowing. In this respect, it is noted that the current extension to the rear of no. 65 protrudes around 4m from the rear wall of the existing dwelling at no. 67 and that the 2m protrusion of the apartment building beyond the rear of no. 65 exceeds the recommended projection standard in Design Note 5 of the 'Extending Your Home' Supplementary Planning Document (which makes an allowance for a projection of 1.5m plus half the offset distance from the boundary line for first floor/two storey rear extensions) by only 0.1m.

Although 4 windows are proposed in the rear elevation of the apartment block, these would face onto the flanking side wall of no. 65 and would serve non-habitable rooms (bathrooms). A condition has been recommended to require all these windows to be fitted with obscured glass and top opening lights. Therefore, these windows would not afford direct views into the internal living space or rear garden of no. 65. Where windows are proposed within the 2m deep rearward protrusion, these would be located centrally in the side elevation facing northeast away from no. 65. Accordingly, it is not considered that the privacy of no. 65 would be adversely affected by the development.

No. 13 Rossendale Road:

The bungalow at no. 13 is orientated at right angles to the site and, by virtue of its increased setback from Rossendale Road, is staggered in order that the northeast (side) elevation of the apartment building would face the side elevation/roof slope, front garden and driveway of no. 13. Windows in this side of the apartment block would overlook the side wall and roof slope of the adjacent bungalow over a distance of approximately 19m. Given this relationship and spacing between the buildings, it is not considered that the proposed development would have any undue effects on the privacy and amenity of occupiers at no. 13 Rossendale Road through loss of outlook, overshadowing or overlooking.

Other houses on Rossendale Road:

The apartment block's front elevation would face in a south easterly direction onto Rossendale Road, directly opposite nos. 26-32. At present, the corresponding side elevation of the existing dwelling at no. 67 includes a double height bay window and four other openings to this façade. The "street scene on Clarendon Road" shown on drawing no. A018/094/P/01 Rev E indicates that the side elevation of no. 67 currently achieves a spacing distance of some 21.2m with the front of houses on the opposite side of Rossendale Road.

The third reason for the refusal of application 18/0861 indicates that the current 21.2m spacing between the side of no. 67 and opposing houses on Rossendale Road would be reduced to between 18.3m (to the proposed bay windows on the front elevation) and 18.9m (to the main front wall of the apartment building) as part of that scheme. The reason goes on to state that "when this reduced spacing is combined with the building's excessive scale and massing, and the proliferation of habitable room windows proposed to its front elevation (which faces Rossendale Road), the scheme would introduce an overbearing form of development in the outlook of the occupiers of nos. 26-32 Rossendale Road and, additionally, would result in a loss of privacy due to increased overlooking".

The reduced size and amended siting of the building presented in this application increases the degree of spacing between the apartment building and nos. 26-32 Rossendale Road from a minimum of 18.3m to 19.5m (to bay window) and from 18.9m to 20.5m (to the main front wall). In addition, the 1m reduction in the building's ridge height means that the ridgeline of the apartments would be only *circa* 0.2m taller than the ridge level of opposing properties on Rossendale Road, the massing and pitch of the roof has been reduced and the two dormer windows shown to the front roof space in 18/0861 have been removed. Accordingly, when the increased level of spacing achieved by the revised scheme is considered in combination with the building's reduced upper-level massing (especially to its roof space), the adverse effects on the amenity of occupiers of nos. 26-32 Rossendale Road identified in the third reason for refusal of application 18/0861 would no longer occur. While there would still be an impact on those occupiers in this regard, it would no longer be an unacceptable one when considered in the wider context of Rossendale Road where properties located on opposing sides of the street experience a similar degree of mutual overlooking between one another over similar spacing distances to those that would be achieved by this scheme.

While the pair of semis at nos. 30-32 Rossendale Road presently have open views across the rear garden of no. 67 and these would be somewhat impeded by the proposed apartment building (though the offset position of nos. 30-32 mean that most of the views from the front of these houses would be over the open rear courtyard of the apartment block rather than directly onto the building's side elevation), the fact that those open views would be altered by the development does not equate to unacceptable harm to their amenity. In particular, it is an established principle of the planning system that there is no private 'right to a view' which must be preserved as part of planning decisions. Instead, the test is whether the development would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

The southwest side of the apartment block would face the side of no. 11 Rossendale Road over the highway of Clarendon Road at a minimum distance of approximately 25m. The apartment building would be marginally (around 0.2m) closer to Clarendon Road (and, laterally, the side of no. 11 Rossendale Road) in comparison to the existing dwellinghouse, but the level of spacing achieved, along with the proposed window arrangement, would not result in any greater degree of overlooking towards this property in comparison to the current views available from the front of no. 67.

Living conditions for future occupiers:

The layout of the apartment block shows that 4 windows would be positioned in its northwest facing (rear) elevation flanking no. 65 Clarendon Road. These windows would be positioned approximately 2m from the side of no. 65 and all would serve bathrooms (which are non-habitable rooms). In addition to these 4 bathroom windows, the scheme presented in application 18/0861 included a further 4 kitchen windows in the rear elevation facing the side of no. 65 over a distance of 2.4m. As kitchens are habitable rooms, it was considered that this level of spacing and lack of outlook from the 4 kitchen windows would result in substandard living conditions for future occupiers – as indicated in the fourth reason for the refusal of application 18/0861.

In addition to reducing the number of apartments down to 4, the revised scheme includes the internal reconfiguration of their floorspace in order that no habitable room windows would be positioned in the rear elevation facing no. 65. Instead, all habitable room windows would be located in the front and side elevations where the outlook from them would not be unacceptable impeded by nearby buildings. The 4 bathroom windows shown in the rear elevation serve non-habitable rooms and a condition has been recommended requiring these to be obscurely glazed and top opening only to safeguard the privacy of existing and future occupiers. Accordingly, the fourth reason for the refusal of application 18/0861 has been overcome by virtue of the amended window arrangement.

Objectors have raised concerns regarding a lack of space for adequate bin storage and outdoor amenity space for future occupiers. There would, however, be spacious communal outdoor amenity areas to the front and sides of the building, with a large courtyard to the northeast side (currently the rear garden of no. 67) providing adequate space for the discreet storage of bins. While the bin store presently shown on the layout may need to be enlarged (though apartments are often served by communal ‘Euro bins’ rather than individual wheelie bins), there is more than enough space available within the courtyard for this provision. A condition has been recommended relating to bin storage provision.

The Town Council opine that the proposed apartments are too small to provide a 3 person, 2 bed flat and refer to the Nationally Described Space Standard (NDSS) in support of this assertion. Footnote 46 to paragraph 127 f) of the NPPF indicates that “planning policies for housing may also make use of the nationally described space standard, where the need for an internal space standard can be justified”. Neither the FLP nor the SANDP have adopted the NDSS as a tool for use in determining planning applications, nor does either justify the need for such an internal space standard as required by footnote 46 of the NPPF. Accordingly, compliance with the NDSS is not a requirement of the development plan and so cannot attract any material weight in the determination of planning applications.

Highways:

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

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

FLP policy T5 indicates that “car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned.” Policy T5 states that “the Council will prepare a Supplementary Planning Document (SPD) on parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde”. However, this SPD has not yet been adopted.

SANDP policy TR3 relates to residential car parking and indicates that “wherever possible car parking should be accommodated within the curtilage of the dwelling in the form of a garage, parking space, or both.” The policy sets out specific criteria in relation to garage and in-curtilage parking provision, with the final paragraph stating that “rear parking areas should be small (serving no more than six homes) so that there is a clear sense of ownership and they must should benefit from good natural surveillance.”

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

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

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

The proposal includes the provision of a parking courtyard to the northeast side of the apartments which would be accessed via an existing dropped crossing from Rossendale Road and is shown to provide 4 off-road car parking spaces. A number of objectors have raised concerns regarding a perceived deficiency in the level of off-road car parking provision.

Notwithstanding the absence of any defined parking standards in FLP policy T5 and SANDP policy TR3, the Local Highway Authority (LHA) consider the level of off-street parking provision at one

space per dwelling to be acceptable in this instance. Given the site's accessible location in close proximity to local shops and services – particularly the St Alban's Road Local Centre which is around 0.3km to the southwest and that St Annes Town Centre is around 1.2km away – and the availability of nearby public transport connections (including bus stops and St Annes-on-the-sea railway station), there is no reason to conclude differently to the LHA and so it is considered that the level of parking provision is appropriate in this highlight accessible location in accordance with the objectives of FLP policies GD7 and T5, SANDP policy TR3 and paragraph 105 of the NPPF – which indicates that local parking standards should, among other matters, take into account “the accessibility of the development” and “the availability of and opportunities for public transport”. Therefore, it is not considered that a reason for refusal on the grounds of deficient parking provision would be justified in these circumstances. The LHA also recommend the imposition of a planning condition requiring secure cycle provision be made for each apartment in order to promote travel by sustainable forms of transport other than private car and so reduce the demand for parking at the site. An appropriate condition has been recommended in this regard.

The LHA opine that the development would not have any adverse impacts on the safe and efficient operation of the surrounding highway network by reason of traffic generation or its proposed access arrangements from Rossendale Road, though conditions are recommended to require the reinstatement of the footway following the removal of a second, existing dropped crossing to the southwest of the proposed point of access. It is acknowledged that a development of 4 two-bed apartments is unlikely to generate a significant number of movements that would have a severe impact on the highway network and the footway reinstatement requested by the LHA can be secured through condition, as can a mechanism to ensure that any gates across the access open into the site and not over the highway. Accordingly, there is no reason to conclude that the development would conflict with the FLP, SANDP or NPPF with respect to its highway impacts.

Planning history and relevance of previous decisions:

Aside from application 18/0861, there have been 3 previous applications for residential development on the application site, all of which have been refused. Two of these (references 08/0488 and 09/0479) sought permission for the demolition of the existing dwelling and the subsequent erection of a block of 5 apartments. An intervening application (reference 08/0999) proposed a bungalow within the garden area to the northeast of no. 67 alongside the existing dwelling. An appeal against this application was dismissed on 03.06.09 (reference APP/M2325/A/09/2095036).

The bungalow scheme proposed by application 08/0999 is a fundamentally different form of development to the apartment block now proposed and, accordingly, is of limited relevance to this scheme.

While there are some similarities between the current scheme and the apartment buildings proposed by applications 08/0488 and 09/0479 with respect to the type of living accommodation proposed, those buildings were of a much greater overall height and scale, included rooms in the roofspace, had larger footprints and proposed markedly different (and more harmful) relationships with neighbouring dwellings by reason of their scale and massing. The external appearance of the apartment blocks proposed by those applications was also very different (and poorer) than that now proposed by this scheme. Accordingly, there are few direct, ‘like-for-like’ comparisons that can be drawn between this scheme and those proposed by applications 08/0488 and 09/0479. In any case, each application is to be taken on its own merits.

As the current scheme is a resubmission of 18/0861 (and seeks to address the reasons for the refusal

of that application), the most compelling comparisons to be drawn are with that proposal. For the reasons set out within each section of the report, it is considered that all 4 of the reasons for the refusal of application 18/0861 have been overcome by the changes made as part of the resubmission.

Other matters:

Ecology:

The land does not form part of any designated nature conservation site. However, as the proposal involves the demolition of an existing building which includes features that have the potential to be used by bats, an appropriate protected species survey has been submitted in support of the application. The survey is in two parts and includes a preliminary roost assessment undertaken in February 2020, which is followed up by a night-time emergence survey on 06.08.20 (within the optimum bat activity period). The survey concludes that “there was no reasonably foreseeable likelihood that bats were present in the building and no roost will be impacted by the work. [Therefore], all works can continue with no need for any supervision by the Appointed Ecologist. No Natural England licence is necessary in this instance as no impact upon any bat roost is predicted.”

GMEU have been consulted on the application. GMEU’s initial response of 11.03.20 indicated that, due to uncertainties arising from the preliminary building inspection survey, the application should not be determined until appropriate bat activity surveys had been completed to determine whether bats are present within the existing dwelling. Following the carrying out of those surveys, GMEU subsequently advised on 02.09.20 that they agree with the conclusion in the additional survey that the building has low potential for roosting bats and there is no evidence to support its use by bats. Accordingly, GMEU advise that bats are not a constraint to this development and so there would be no conflict with FLP policy ENV2 arising in this regard.

Objectors opine that the loss of existing vegetation on the site would harm nesting birds. Accordingly, a condition has also been imposed to prevent the removal of existing vegetation during the bird nesting season to avoid the potential for any adverse effects in that regard.

Flood Risk:

The site falls within Flood Zone 1 as indicated on the Flood Map for Planning and is, therefore, within the area at lowest risk from fluvial and tidal flooding. The proposed development represents an appropriate use of land within flood zone 1. United Utilities have indicated that the site should be drained on separate systems for foul and surface water, with foul water disposed of to the public sewer and surface water draining in the most sustainable way in accordance with the drainage hierarchy set out in the NPPG. It is, therefore, appropriate to require further details of drainage through condition in order to ensure compliance with the requirements of FLP policy CL2.

Trees:

FLP policies GD7 and ENV1 encourage the retention of existing natural features upon sites, including existing trees. The application is accompanied by a tree survey which identifies the presence of existing trees and hedges on the site. Of these, only one specimen (T2 – a silver Birch within the front garden) is identified as being a specimen of “moderate quality” worthy of retention (category B). While the matter of ‘landscaping’ is not applied for at this stage, given that the layout of the apartment building would not result in any significant additional encroachment into the root protection area of T2 in comparison to the existing dwelling at no. 67, there is no clear reason why

this tree could not be retained as part of the development (as is suggested on the proposed layout). Even if that were not the case, the tree is not within a conservation area and lacks sufficient amenity value to warrant its protection by a preservation order. Other trees within the site are of low quality (category C) and, if desired, could be replaced by alternative planting as part of any landscaping scheme to be submitted at reserved matters stage.

A condition has been imposed setting out the parameters of a landscaping scheme to be submitted at reserved matters stage which requires the identification of those existing trees on the site that are to be retained as part of the development, along with areas of new planting to be introduced.

Private matters:

Objectors opine that the development has the potential to cause damage to existing properties during the proposed demolition and construction works, including through the potential use of piled foundations. It is also contended that the scheme would devalue surrounding properties. It is, however, an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Accordingly, civil matters concerning damage to surrounding dwellings or a perceived devaluing of property are not material planning considerations that can influence the outcome of the application.

Conclusions

The application relates to a detached, two storey dwelling occupying a corner plot at the junction of Clarendon Road and Rossendale Road, Lytham St Annes. The proposal seeks outline planning permission – including matters of access, layout, scale and appearance (with landscaping reserved) – for the demolition of the existing dwelling and the erection of a two storey block of four apartments.

The site occupies a residential setting within the settlement boundary of St Annes as defined on the Fylde Local Plan to 2032 Policies Map. St Annes is identified as a Key Service Centre within the settlement hierarchy and is one of the four Strategic Locations for Development towards which the development strategy of the local plan seeks to direct the majority of future growth across the borough up to 2032. The proposal would make efficient use of land that is largely previously developed in a highly accessible location within the settlement boundary. Accordingly, the principle of residential development is acceptable, and the site represents a suitable location for housing.

The site is located amongst mature housing which includes a mix of detached, semi-detached and terraced two storey dwellings on Clarendon Road and Rossendale Road to the northwest, southwest and southeast; along with a row of detached bungalows orientated at right angles on Rossendale Road to the northeast. While larger than the existing dwelling it would replace, the proposed apartment building would have a lower ridge height; its layout respects existing building lines that extend around the junction of Rossendale Road and Clarendon Road; its scale in relation to the street frontages of Clarendon Road and Rossendale Road would not appear unduly dominant or overpowering when seen in conjunction with the size, density and prevailing two storey height of neighbouring dwellings; and its appearance would reflect the symmetry, architectural features, detailing, proportions and materials of surrounding buildings.

Vehicle access to the development would be taken via an existing dropped crossing from Rossendale Road, with a gated entrance opening onto a communal courtyard containing 4 off-road parking

spaces, bin and cycle stores and a landscaped garden that would wrap around the sides and front of the building. Separate pedestrian accesses would be created from Clarendon Road and Rossendale Road – the elevation of which would contain the building’s entrance.

The layout, scale and appearance of the building would assimilate successfully with surrounding development and the varied character of the street scene around the junction of Clarendon Road and Rossendale Road. The size and siting of the building, and its spacing in relation to neighbouring dwellings, would avoid any undue effects on the privacy and amenity of surrounding occupiers through overlooking, overshadowing or loss of outlook, and a good standard of amenity would be achieved for future occupiers. The proposal would facilitate a safe and suitable means of access to the development for all users and the level of additional traffic generation associated with scheme would not give rise to any severe residual cumulative impacts on network capacity. The level of off-road parking provision for the development is also suitable for the size and number of residential units proposed and its highly accessible location in relation to nearby amenities by modes of transport other than private car. The Local Highway Authority have raised no objections to the development on the grounds of its impact on surrounding highways.

The current application follows the recent refusal of a similar scheme for 5 apartments under application reference 18/0861, along with historical applications for larger apartment blocks under applications 08/0488 and 09/0479 (both of which were refused). However, the scheme proposed in this application involves fewer apartments than those developments, its layout is different, and the building’s scale and height has been reduced significantly in comparison to those proposals – particularly through the omission of any living accommodation within the roof space. Accordingly, it is considered that the reasons for the refusal of the previous applications has been overcome by this revised submission.

There are no other technical issues associated with flood risk, ecology or tree impacts, or any other material considerations which would give rise to significant and demonstratable harm that would outweigh the scheme’s benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the provisions of the St Annes on the Sea Neighbourhood Development Plan, the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as the “reserved matters”) before any development takes place:- the landscaping of the development.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

2. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. This permission relates to the following plans:

Drawing no. A018/000/S/03 – Site location.

Drawing no. A018/094/P/01 Revision E – Proposed street scene and site layout.

Drawing no. A018/094/P/02 Revision D – Proposed elevations/floor plans & basic site.

Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the details shown on the approved plans insofar as they relate to the site area, the access, appearance, layout and scale of the development, and shall not exceed the maximum number of dwellings applied for.

Reason: The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

5. No above ground works of development shall take place until full details of the finished levels, above ordnance datum, for the proposed building and external areas of the site in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the proposed development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the 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 details.

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

7. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a landscaping scheme for the development that provides details of:

- a) Any existing trees, hedgerows and any other vegetation on the site to be retained;
- b) compensatory planting to replace any trees or hedgerows to be removed;
- c) the introduction of additional planting within the site which does not fall within a) or b); and
- d) the type, size, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season following the first occupation of any of the dwellings hereby approved 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 suitable retention, compensation and/or strengthening of existing natural, soft landscaping features on the site in the interests of visual amenity and to secure appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1, and the National Planning Policy Framework.

8. No above ground works of development shall take place until a scheme for the design and construction of the development's vehicular access (the layout and position of which is shown on drawing no. A018/094/P/01 Revision E) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provisions and/or include details for:
- a) the extension of the existing dropped crossing onto Rossendale Road which is to serve the vehicular access, including the removal and/or modification of any existing means of enclosure required to provide the access;
 - b) that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site to be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials;
 - c) any gates and associated opening mechanisms erected across the access to be located outside the adopted highway and for the gates to be fitted with physical restraints to prevent them from opening onto the adopted highway.

The development's vehicular access and any associated gates and/or other means of enclosure shall be constructed in accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure a suitable and safe means of access to the site for vehicular traffic, to achieve a satisfactory standard of engineering works and to prevent any obstruction of the highway in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

9. No above ground works of development shall take place until a scheme for the permanent closure of the existing dropped crossing onto Rossendale Road which is located to the southwest of the proposed vehicular access for the development (adjacent to 'lamp column 4') and its subsequent reinstatement to full height kerbs with a reprofiled footway has been submitted to and approved in writing by the Local Planning Authority. The physical works associated with the closure of the existing dropped crossing and subsequent reinstatement of the footway shall be implemented in full accordance with the duly approved scheme before any of the dwellings hereby approved are first occupied.

Reason: To ensure that the existing, redundant dropped crossing onto Rossendale Road is removed in order to increase the level of on-street parking provision available on Rossendale Road and to provide enhanced circulation and defensible space for pedestrians travelling past the site in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

10. The vehicle parking and manoeuvring areas for the development indicated on drawing no. A018/094/P/01 Revision E shall be laid out and made available for use in accordance with the details shown on the approved plan before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway and for vehicles entering and exiting the site to do so in forward gear in the interests of road safety, and to ensure appropriate surface treatment of parking areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies T5 and GD7, and the National Planning Policy Framework.

11. None of the dwellings hereby approved shall be occupied until a scheme for the provision of

bicycle parking for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a) the number of bicycle parking spaces to be provided, which shall be no less than 4;
- b) the siting, size, design and materials to be used in the construction of any bicycle store(s); and
- c) a timetable for the provision of the bicycle parking spaces and store(s).

The bicycle parking spaces and store(s) shall be constructed and made available for use in accordance with the duly approved scheme and the timetable contained therein, and shall be retained as such thereafter.

Reason: To promote modal shift and to encourage travel to the site by more sustainable modes of transport in accordance with the objectives of Fylde Local Plan to 2032 policies GD7 and T4, and the National Planning Policy Framework.

12. None of the dwellings hereby approved shall be occupied until a scheme for the provision of a bin store for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a) the size, siting, layout, design and materials of the bin store and any associated means of enclosure; and
- b) the number and size of bins that the bin store will accommodate.

The bin store shall be constructed in accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

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

- a) hours of work for site preparation, delivery of materials and construction;
- b) arrangements for the parking of vehicles for site operatives and visitors;
- c) details of areas designated for the loading, unloading and storage of plant and materials off the highway;
- d) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- e) measures to control the emission of dust and dirt during construction;

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

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

14. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1st March and 31st August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme 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 scheme.

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

15. No above ground works of development shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- a) separate systems for the disposal of foul and surface water;
 - b) an investigation of surface water drainage options which follow the hierarchy set out in the Planning Practice Guidance, including evidence of an assessment of ground conditions and the potential for surface water to be disposed of through infiltration;
 - c) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (including an appropriate allowance for climate change);
 - d) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
 - e) details of how the scheme will be maintained and managed after completion.


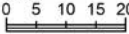
The duly approved scheme shall be implemented before any of the dwellings are first occupied and shall be managed and maintained as such thereafter.

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

16. Before each dwelling hereby approved is first occupied, the bathroom window for that dwelling located on the northwest facing (rear) elevation of the building shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed windows shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and adjacent properties in order to preserve the privacy of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.



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Application No. 5/20/0113	Address 67 Clarendon Road, Lytham St Annes	Grid Ref. E.3330 : N.4294	Scale 0 5 10 15 20 m 

Item Number: 2

Committee Date: 07 October 2020

Application Reference:	20/0137	Type of Application:	Change of Use
Applicant:	Mr John Collins	Agent :	
Location:	ANGEL LANE CARAVAN PARK, FIELD 7126, FAIRFIELD ROAD, STAINING, BLACKPOOL, POULTON LE FYLDE, FY6 8DN		
Proposal:	CHANGE OF USE FROM EQUESTRIAN PADDOCK TO ALLOW AN ADDITIONAL PITCH FOR THE SITING OF UP TO 4 ADDITIONAL TRAVELLER CARAVANS (OF WHICH NOT MORE THAN 1 TO BE A STATIC CARAVAN) AND ERECTION OF UTILITY BUILDING. (RETROSPECTIVE)		
Ward:	STAINING AND WEETON	Parish:	Staining
Weeks on Hand:	21	Case Officer:	Katie Halpin
Reason for Delay:	Awaiting Further Information		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the change of use of a plot of land within the authorised Angel Lane Caravan Site from an equestrian paddock to a further pitch for up to 4 traveller caravans, of which not more than 1 can be a static caravan, and the erection of a utility building. The proposed pitch is confined within the original red edge of the approved site and therefore will have limited visual impact due to the size and position of the development in the context of the overall site whose visual harm has been accepted in the context of the benefits of the development outweighing that harm.

Objections have been received from the Hardhorn, Staining, Singleton & Poulton Residents Group along with 26 other local residents raising issues regarding the validity of the application, the legal ownership of the land, the increase in the visual harm and highway safety impacts of the development, drainage, noise, lack of evidence of need and lack of landscaping.

Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with all the criteria requirements of Policy H5 relating to the establishment of gypsy/traveller pitches in locations outside of defined sites. This policy compliance and the lack of conflict with other relevant local plan policies including Policies ENV1 relating to landscaping and GD7 relating to general design ensures that the development is considered to be acceptable. The scheme also accords with the relevant elements of the NPPF and Planning Policy for Travellers Sites. Accordingly, the officer recommendation is that the application be supported.

The decision is not one that can be made immediately though as the council has been contacted by the Ministry of Housing, Communities & Local Government (MHCLG) and been asked to advise them in advance of any intention to grant planning permission. In order to

allow that notification to take place and their consideration of the position it is appropriate for the ultimate decision on the application to be delegated to the Head of Planning and Housing to allow him to determine the application based on the outcome of this consultation.

Reason for Reporting to Committee

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

Site Description and Location

The application site is an area noted as a plot of land with a Stable Block contained within it on Angel Lane Caravan Park, which is the name for the site occupied by a group of travellers off Fairfield Road at Hardhorn. The successful appeal of application 14/0490 granted permission for the retention of 6 pitches at the site as a whole subject to several conditions. The development permitted allows up to four caravans per pitch, of which only one can be a static caravan, with no more than 20 caravans permitted on the site as a whole. Each pitch benefits from permission for a utility building measuring 5m (l) x 4m (w) x 3.5m (h) with the exception of Plot 2 which was granted a separate planning permission for a larger utility block (18/0662).

The site is located to the south of Fairfield Road, due south east of Poulton-le-Fylde and Hardhorn village, north east of Staining, and to the west of Singleton. The site has a frontage to a vehicular access track, which links the site with Fairfield Road 60 metres to the north. The area surrounding the site is mostly agricultural land with a scattering of houses, farms and equestrian uses. On the other side of Fairfield Road, in Wyre borough, is a site with extant permission for a housing development.

The site is located in the open countryside in the Fylde Local Plan to 2032, and the boundary with the adjoining authority, Wyre, is situated 35m metres to the north of the site.

For the avoidance of doubt, this application does not relate to any caravans located outside the original application site that received planning permission on appeal under reference 14/0490.

Details of Proposal

The retrospective proposal seeks planning permission for the change of use from an equestrian paddock and variation of Condition 2 of 14/0490 to allow for an additional pitch for the siting of up to 4 additional traveller caravans (of which not more than 1 to be a static caravan) and the erection of a utility building. The proposed utility building would measure 5.9m in length, 5m in width and be 4.03m to the ridge. The submitted plans state that it would be constructed in facing brick, with an interlocking tiled roof and white uPVC windows and doors.

Relevant Planning History

Application No.	Development	Decision	Date
16/0785	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 14/0490 - CONDITION 4 (MATERIALS FOR UTILITIES BLOCK) AND	Advice Issued	23/01/2017

CONDITION 9/9B (SITE DEVELOPMENT AND RESTORATION SCHEME)

14/0490	CHANGE OF USE OF LAND TO CARAVAN SITE FOR OCCUPATION BY GYPSY-TRAVELLERS WITH ASSOCIATED OPERATIONAL DEVELOPMENT (including HARD STANDING, UTILITY BLOCKS, SEPTIC TANKS) -PART RETROSPECTIVE	Refused	14/04/2015
09/0830	CHANGE OF USE OF LAND FROM FORMER AGRICULTURAL LAND TO LAND FOR STATIONING OF CARAVANS FOR RESIDENTIAL OCCUPATION BY GYPSY-TRAVELLERS WITH ASSOCIATED DEVELOPMENT (HARD STANDING, CESS POOLS, FENCING, UTILITY BUILDINGS) PLANNING APPEAL APP/M2325/A/10/2134032/NWF ENFORCEMENT APPEAL APP/M2325/C/10/2134060	Refused	08/06/2010

Relevant Planning Appeals History

Application No.	Development	Decision	Date
14/0490	CHANGE OF USE OF LAND TO CARAVAN SITE FOR OCCUPATION BY GYPSY-TRAVELLERS WITH ASSOCIATED OPERATIONAL DEVELOPMENT (including HARD STANDING, UTILITY BLOCKS, SEPTIC TANKS) -PART RETROSPECTIVE	Allowed	03/08/2016
09/0830	CHANGE OF USE OF LAND FROM FORMER AGRICULTURAL LAND TO LAND FOR STATIONING OF CARAVANS FOR RESIDENTIAL OCCUPATION BY GYPSY-TRAVELLERS WITH ASSOCIATED DEVELOPMENT (HARD STANDING, CESS POOLS, FENCING, UTILITY BUILDINGS) PLANNING APPEAL APP/M2325/A/10/2134032/NWF ENFORCEMENT APPEAL APP/M2325/C/10/2134060	Dismiss	18/08/2011

Parish/Town Council Observations

Staining Parish Council notified on 12 May 2020 and comment:

"It was resolved to STRONGLY OBJECT AND RECOMMEND REFUSAL.

The parish council notes that the existing site amendments do not conform to the current planning regulations (14/0490 and 16/0785) and questions why further permission would be considered until enforcement action regulates the existing circumstances? As such, the Parish Council requests that any work already undertaken be returned to the original condition as soon as Covid 19 restrictions are lifted."

Statutory Consultees and Observations of Other Interested Parties

Wyre Borough Council - Planning Dept

"Wyre Council trust that Fylde BC will apply its own development plan policies to the scheme and give consideration to the most up-to-date evidence on need, appropriateness of scale, impact upon residential amenity and requirement for any landscaping to minimise impact on the surrounding area."

Lancashire County Council - Highway Authority

"LCC Highways does not have any objections regarding the proposed change of use from equestrian paddock and variation of condition 2 of 14/0490 to allow an additional pitch for the siting of up to 4 additional traveller caravans (of which not more than 1 to be a static caravan) and erection of utility building, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site."

The retrospective proposal is a modest increase in traffic however, there have been no reported collisions at or near the site entrance since the appeal. From the last appeal the previously raised safety concerns have been reviewed and there are no highway objections."

Ben Wallace MP

"I write to object in the strongest terms to the above planning application."

I do not believe the Council should contemplate granting permission to legalise the extension of the site when the conditions of the planning permission granted by appeal APP/M2325/W/15/3026000, four years ago, have not been met."

The applicant shows no compliance with or respect for planning legislation - I note this is a further retrospective application. The ongoing illegal development of this site is causing harm (visual harm, noise nuisance, highways issues) to my constituents. It is incomprehensible that in these circumstances the Council would agree to this latest application."

Neighbour Observations

Neighbours notified:	15 June 2020
Site Notice Date:	12 May 2020
Number of Responses	27 letters of objection received including 1 from the Hardhorn, Staining, Singleton and Poulton Residents' Group (HSSP)
Summary of Comments	<p>HSSP raise the following points</p> <ul style="list-style-type: none">• Proposed site layout does not reflect the site;• Condition 2 has not complied with and to amend it would go against 14/0490;• Visual harm is evident from roads, railways, footpaths and farms looking west, south west and from all viewpoints during the winter;• The site should not be allowed to expand to the east, south or north with the siting of touring caravans or statics;• Landscaping and visual harm is important in all other planning

applications in the area so it cannot be ignored otherwise this would be totally unfair;

- The need of these people cannot outweigh all of this harm, anyone can create a need. Policies are there to protect;
- The changes to consider are not only the number of vehicular movements due to the increased vehicles relating to the additional caravans but there are now or going to be an additional 6 properties on Puddle House lane. These all have planning permission, and some are currently being built and the use of Puddle house lane will more than double increasing the number of awkward conflicts;
- The gateway to Angel Lane is 14ft wide post to post and 14.2ft from the edge of the highway. Traffic cannot pass so a conflict in this lane would mean a vehicle reversing back onto the highway. Please also consider that a car or van towing a caravan is potentially 42ft long, you cannot reverse this blind side onto a highway, there is also large farm machinery using this lane and other landowners. It was never designed for this use;
- The applicants have no ownership or control of the entrance to change any of the substandard entrance/exit.

Many of the letters refer to lack of enforcement action against the current residents of the remainder of the site for breaches of planning conditions. Enforcement action remains ongoing at the site however, applications are considered on their own merits, so reference to other areas of the site where the residents are in breach of conditions are not relevant to the determination of this application. It should also be noted that national planning guidance considers retrospective applications as part of the wider 'tool kit' of enforcement measures.

Other comments raised by neighbours which are relevant are as follows;

- Visual impact;
- Drainage;
- Generators / noise;
- Impact on highway safety;
- Evidence of need;
- Lack of landscaping / screening;
- Legal control of the land.

Relevant Planning Policy

Fylde Local Plan to 2032:

ENV1	Landscape
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H5	Gypsies, Travellers and Travelling Showpeople's Sites

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) Regulations 2017.

Comment and Analysis

Planning History

The current chapter in the planning history of this site began in 2009 when the site was purchased and occupied by a group of travellers. The activity at the time involved the laying of a gravel surface over an area of around 2.4 hectares and its subdivision into 15 pitches, which were then occupied by a number of touring caravans of various sizes. A retrospective planning application was made in 2010 for this use and was subsequently refused by Fylde Council, with an enforcement notice served to require that the occupation and use of the land ceased. These decisions were the subject of appeals, and following a public inquiry, they were dismissed and the enforcement notice upheld. The council undertook direct action to break up the hardstandings across the wider site area.

A further application was made in 2014 in an attempt to secure planning permission for a reduced area of the site extending to around 0.7 Ha to provide 6 pitches. This was also refused planning permission by Fylde Council and subject to an appeal, with that appeal being upheld and planning permission granted and so authorising the traveller use and development on this reduced site area.

This planning permission has reference 14/0490 and relates to the change of use of land to form a caravan site for occupation by gypsy-travellers with associated operational development, including hardstanding, utility blocks and septic tanks, on land known as Angel Lane Caravan Park. This is a key decision that establishes that the use of that site for this use was acceptable in planning terms including a consideration of the locational aspects, the visual impact of the development on the landscape, and the ability of the surrounding highway network to support the use.

The equestrian paddock that is the subject of the current application is located within the red edge of this planning permission. However, it is not shown as being a 'pitch' in that decision and so its current occupation by the applicant and his immediate family is unauthorised. Equally, the conditions that limit the numbers of caravans that can be sited on any individual pitch authorised by the 2014 permission cannot apply to this application site either, although any caravans on this part of the site would contribute to the 20 allowed on the site as a whole.

Scope of Application

As submitted there were two elements to the application. Firstly to form an additional pitch for traveller accommodation on the site of the equestrian plot, and secondly to vary condition 2 of the appeal decision referenced 14/0490.

Condition 2 reads:

2) The site shall be divided into no more than 6 pitches. No pitch shall contain more than 4 caravans, of which no more than one shall be a static caravan or mobile home. At no time shall more than 20 caravans in total be stationed on the site. In addition, no more than one utility block shall be erected on any pitch. The layout of the pitches, caravans and utility blocks shall be in accordance with 'Plan 2: Proposed Site Layout Plan', as submitted with the application.

Whilst the application pitch is within the original red edge of the site as a whole, it was designated as a paddock area, it was clearly not intended to accommodate any caravans. With the red edge of the application site being reduced to just this pitch, the current application seeks to vary Condition 2 to the extent, that it will not apply to this additional pitch. If planning permission is granted, conditions can be applied to restrict the number of caravans on this additional pitch as a result of any new planning permission superseding condition 2 in so far as it relates to this part of the site. In such circumstances, condition 2 would continue to apply to the remainder of the site.

Following a discussion over this point with the applicant this element has been removed from the scope of the application under consideration and it proceeds on the basis of the first element only set out in the proposals section of this report.

Principle of the Development

The site is located within the Countryside under Policy GD4 of the Fylde Local Plan to 2032 which is a restrictive one in the form of development that can be supported to preserve the rural character of the countryside. However, there is also a need to assess the application against Policy H5 which relates to the provision of 'Gypsies, Travellers and Travelling Showpeople's Sites' and identifies specific sites and sets criteria for other sites which may arise. The Hardhorn site isn't specifically identified and so an assessment against the criteria is necessary.

The principle of the acceptability of a gypsy-traveller site was dealt with extensively during the appeal of 14/0490 and the situation is not considered to have significantly changed since that time. As a result many of the criteria in Policy H5 are satisfied by virtue of that wider decision, with the council's consideration of this application for an additional pitch limited to a number of key criteria. The first of these is the need as set out in criteria a).

After meeting with the applicant it is accepted that there is a family need for this pitch for the applicant, his wife and four daughters to reside close to his mother and extended family along with a sentimental attachment to the land where the applicant's father passed away. Due to this it is considered that there is an identified need for this pitch which is additional to the need identified by the Blackpool, Fylde & Wyre Gypsy and Traveller Accommodation Assessment (GTAA) Update 2016.

It should be noted that the need assessed as part of the GTAA 2016 the assessment identified a minimum, not a maximum, level of need.

Design and Visual impact

Criteria d) of Policy H5 deals with amenity and local environment impacts of the development, and criteria g) relates to the scale and density of the development of the site. Both of these can be considered under this heading.

The red edged land in this application is contained within the original red edge granted planning permission on appeal under application 14/0490. As such the change of use of this plot of land, by virtue of its size and location within the site, is not considered to increase the visual harm over and above the existing visual harm which has been accepted by the grant of that planning permission. An assessment by the council's Landscape Officer concludes that the proposal will have very little impact on the current landscape and visual amenity. He does highlight that there are benefits of providing landscaping improvements through repairs to the existing gappy hedgerows around the site boundaries, and the establishment of a new native hedge and other planting along the eastern boundaries of the wider site.

It is undeniable that the whole site has a landscape impact, but this was a point that was accepted by the Inspector in granting the planning permission for it to remain. That decision was subject to conditions, including landscaping of the site, which remain in force and which the council is progressing the implementation of with the residents of the wider site to deliver the suggestions of the landscaping officer. However, as the applicant of this part of the site does not have control over other elements of the site he cannot be held responsible for implementing landscaping in areas beyond his control. The landscaping around this specific pitch is generally well established and there is limited merit in progressing further landscaping from this proposal as a stand alone entity.

The outstanding landscaping issues which remain on the site as a whole are an area that officers will continue to progress to ensure that the overall landscape impact is reduced over the current situation and continues to reduce as that landscaping matures. It is obviously disappointing that this is an outstanding issue for the whole site, but it cannot be as a reason for refusal here as the visual impact of the actual proposal is considered to be suitably limited to comply with the requirements of these criteria of Policy H5, Policy ENV1 and GD7 of the Fylde Local Plan to 2032.

It should also be noted that the original proposal put forward by the council to secure an extensive landscaping belt to help screen views from the wider countryside was rejected by the inspector in favour of a much more restricted landscaping solution. As a result, the approved landscaping will only ever mitigate the impact of the development as a whole rather than screen it completely from view.

Highway Safety

Criteria f) relates to the highway implications of a new gypsy/traveller site. This is also an area that was discussed at length at the appeal with the decision concluding that the use of the access would not have a severe impact on highway safety. In the consideration of this application a number of objections have been received from residents which raise highway safety to be a significant issue stemming from the development.

The statutory consultee advising the local planning authority on this is Lancashire County Council as the Highways Authority. Their comments explain that the proposal will represent only a modest increase in traffic generation, and that there have been no reported collisions at or near the site entrance since the appeal. As a consequence, they have updated their opinion from the previous appeal and despite their previously raised safety concerns, they now raise no highway objections to this application.

Given this advice and the clearly limited additional scale of development involved in this application it is considered that there is no conflict with this criteria of Policy H5, and by extension criteria j) & q) of Policy GD7 of the Fylde Local Plan to 2032 which also deal with highway safety matters in a wider context.

Scale of Development

The existing permission for the pitches has a condition which controls the number of caravans that can lawfully be sited within the 6 pitches that are authorised by that permission. This limit is no more than 4 on each pitch and no more than 20 overall. This clearly establishes a position whereby there can be some pitches with 3 caravans and some with 4 to enable the overall number to be complied with, and this approach creates a situation where each individual pitch owner is able to claim that they should be entitled to the higher number of pitches.

To ensure consistency with that approach any grant of planning permission on this additional parcel of land would also need to be subject to a condition to limit the number of caravans to no more than

4 caravans in total with no more than one of these being static sized. This would be additional to the 20 allowed across the wider site with the condition here limited to this single pitch only. Accordingly the grant of planning permission would have the effect of increasing the number of caravans permitted on the site as a whole to 24.

The application is consistent with the other pitches covered by the 2014 permission in that it also includes a utility building. This is of a similar size and design to those approved elsewhere on the site and in the context of that wider site this element of the development does not raise any landscape harm or other concerns.

Other Issues

A recent meeting with the applicant has ensured that the correct ownership Certificate B has now been signed on the application form with confirmation provided of who the legal owner of the land is and that they are aware of the application. This has been made publicly available and so resolves objections raised by the local residents regarding the legal ownership of the land and the validity of the application.

With regards to the drainage arrangements, the applicant has provided details of a septic tank as part of the discharge of conditions for the appeal scheme and this development would feed into that tank. Recent legislation changes mean that it will soon not be possible to discharge a septic tank into a watercourse so this would need to be manually emptied rather than pass into the watercourse, but this is a matter that applies irrespective of the current proposal as the septic tank is an existing feature on the site. As such there are no additional drainage issues created by this development.

With regard to the representations received about noise from generators to provide power to the buildings, generators do not constitute development and as such planning permission is not required to operate them. If the noise from them were to be an issue, neighbouring residents would need to raise their concerns with the Local Authority within which they are located (mainly these complaints originate from residents within Wyre borough) and their environmental protection team would need to investigate and, if appropriate, take action.

None of these other issues raised can be used to formulate reasons for refusal of this application.

Conclusions

The application relates to the change of use of a plot of land within the authorised Angel Lane Caravan Site from an equestrian paddock to a further pitch for up to 4 traveller caravans, of which not more than 1 can be a static caravan, and the erection of a utility building. The proposed pitch is confined within the original red edge of the approved site and therefore will have limited visual impact due to the size and position of the development in the context of the overall site whose visual harm has been accepted in the context of the benefits of the development outweighing that harm.

Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with all the criteria requirements of Policy H5 relating to the establishment of gypsy/traveller pitches in locations outside of defined sites. This policy compliance and the lack of conflict with other relevant local plan policies including Policies ENV1 relating to landscaping and GD7 relating to general design ensures that the development is considered to be acceptable. The scheme also accords with the relevant elements of the NPPF and Planning Policy for Travellers Sites. Accordingly, the officer recommendation is that the application be supported.

The decision is not one that can be made immediately though as the council has been contacted by MHCLG and been asked to advise them in advance of any intention to grant planning permission. In order to allow that notification to take place and their consideration of the position it is appropriate for the ultimate decision on the application to be delegated to the Head of Planning and Housing to allow him to determine the application based on the outcome of this consultation.

Recommendation

That the authority to determine the application be delegated to the Head of Planning and Housing, with his decision being to GRANT planning permission unless directed otherwise following a consultation to be undertaken with the MHCLG.

In the event that planning permission is to be granted then it should be subject to the following conditions, or amendments / additions to them that the Head of Planning and Housing believes necessary.

1. This permission relates to the following plans:

- Location Plan - Angel Lane Travellers Site
- Proposed Site Layout Plan
- Proposed Utility Building

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

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

2. The pitch the subject of this planning permission shall contain no more than 4 caravans, of which no more than one shall be a static caravan or mobile home. In addition, no more than one utility block shall be erected on this pitch. The layout of the pitches, caravans and utility blocks shall be in accordance with Proposed Site Layout Plan, as submitted with the application.

Reason: In order to provide clarity to the permission and to ensure that it has an acceptable impact on landscape impact, highway safety and other matters required to ensure compliance with Policy H5 and Policy GD7 of the Fylde Local Plan to 2032.

3. All caravans stationed on the pitch shall meet the definition of a caravan as stated in the caravan Sites and Control of Development Act 1960.

Reason: In order to provide clarity to the permission and to ensure that it has an acceptable impact on landscape impact & highway safety to ensure compliance with Policy H5 and Policy GD7 of the Fylde Local Plan to 2032.

4. The utility block hereby permitted shall be constructed in accordance with the details shown on Proposed Utility Building - Plans and Elevations and Plan as submitted with the application. The utility block shall be constructed using only the materials approved.

Reason: In order to provide clarity to the permission and to ensure that it has an acceptable impact on landscape impact and other design matters required to ensure compliance with Policy H5 and Policy GD7 of the Fylde Local Plan to 2032.

5. The pitch shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites (August 2015), or any subsequent national policy superseding that document.

Reason: In order to provide clarity to the permission and to ensure compliance with Policy H5 of the Fylde Local Plan to 2032.


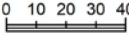
6. No business or commercial use shall take place on the pitch, nor any activity in connection with such a use, including the storage of materials.

Reason: In order to provide clarity to the permission and to ensure that it has an acceptable impact on landscape impact, highway safety and other matters required to ensure compliance with Policy H5 and Policy GD7 of the Fylde Local Plan to 2032.

7. No commercial vehicle shall be stationed, parked or stored on the pitch which has an unladen weight of more than 3.5 tonnes.

Reason: In order to provide clarity to the permission and to ensure that it has an acceptable impact on landscape impact, highway safety and other matters required to ensure compliance with Policy H5 and Policy GD7 of the Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/20/0137	Address Angel Lane Caravan Park, Field 7126, Fairfield Road, Staining	Grid Ref. E.3357 : N.4372	Scale 0 10 20 30 40 m 

Item Number: 3

Committee Date: 07 October 2020

Application Reference:	20/0439	Type of Application:	Variation of Condition
Applicant:	Mr Young	Agent :	Gary Hoerty Associates
Location:	STANLEY VILLA FARM FISHING AND CAMPING, BACK LANE, WEETON WITH PREESE, PRESTON, PR4 3HN		
Proposal:	VARIATION OF CONDITIONS OF PLANNING PERMISSION 17/0572 TO ALLOW USE OF PART OF SITE AS TENTING FIELD. CONDITION 2 TO BE VARIED TO ENABLE TENT CAMPING, CONDITION 3 TO BE VARIED TO ENSURE TENT CAMPING IS FOR HOLIDAY PURPOSES ONLY, AND CONDITION 6 TO BE VARIED TO ENSURE SITE MANAGEMENT PLAN RELATES TO TENT CAMPING		
Ward:	STAINING AND WEETON	Parish:	Weeton with Preese
Weeks on Hand:	13	Case Officer:	Ruth Thow
Reason for Delay:	Application Deferred by Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Refuse

Introduction

Background

This application was presented for a decision to the 2 September 2020 meeting of the Planning Committee. A decision on the application was deferred at that meeting to allow for consideration of a legal opinion which had been submitted on behalf of the applicant following the publication of the agenda papers. This introduction provides that consideration.

Applicant's legal advice

- 1. I am asked to advise Gary Hoerty Associates and Mr Alex Young as to the merit of a recommendation to refuse planning permission which has been made in a committee report which is to be placed before the Planning Committee of Fylde Borough Council at its online meeting to be held on 2nd September 2020.*
- 2. I need set out only the briefest of background information, which is familiar from the committee report and from my previous dealings with this site. I assisted with the securing of planning permission on appeal at a hearing in March 2019. This Advice assumes the reader is familiar with both the application and the report.*
- 3. It can be seen that this document is headed "Advice". What follows is not mere advocacy on my client's behalf, but a statement of my own professional opinion.*
- 4. By a decision letter dated 4th April 2019, planning permission was granted for development described in paragraph 35 of the decision as:*

“Use of the land for camping, including mobile pod accommodation for use both associated with and un-associated with the use of the existing fishery; the general use of the facilities building for use associated with the camping and fishery uses, along with ancillary facilities including office building, mobile toilet, car parking and footpaths; formation of a new fishing lake at Fylde Trout Fishery, Back Lane, Weeton With Peese [sic], PR4 3HN in accordance with the terms of the application, Ref: 17/0572, dated 5 July 2017, and the plans submitted with it.”

5. *The permission was subject to conditions. Conditions 2, 3 and 6 provided as follows:*

“(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' within this area. No additional forms of camping in the form of tents, caravans, caravettes or any other form of motorhome will be allowed.

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

(6). The development hereby approved shall be managed in strict accordance with the submitted Stanley Villa Farm Camping - Camping Management Plan of 19 March 2019 (CMP), or any revision of the CMP subsequently agreed in writing by the Local Planning Authority.”

6. *As is usual in a decision letter, the conditions are not followed by reasons, but in paragraph 32 the Inspector described conditions 2 and 3 as rightly specifying the approved plans and the area in which camping is permitted. The area to be used for camping pods is but a small part of the overall site edged in red. Without that condition, camping could have taken place across the wider site.*
7. *My client wishes to place 10 bell tents on a different part of the site. He has therefore made an application under section 73 of the Town and Country Planning Act 1990 to “vary” conditions 2, 3 and 6 to allow that to happen. Condition 2 would allow tent camping. To happen ,but restrict it to a given part of the site. Condition 3 would ensure the tent camping is for holiday purposes only and condition 6 would be varied to ensure that the management plan encompasses tent camping.*
8. *The Council was initially supportive of the application. So much is clear from an email from Mr Andrew Stell, the planning case officer, in which he apologises for his change of mind in the committee report. I am told that he has been invited to visit the site in the evening, but has declined.*
9. *The committee report for the application recommends refusal of the application, for one reason relating to noise which, it is alleged, would arise from the proposed use, as varied, which:*

“is likely to lead to an undue risk of harm to the tranquil nature of the surrounding area, and the amenity of neighbouring occupiers.”

10. *That is said to amount to a breach of policy GD7 and ENV1 of the Fylde Local Plan and of policies in the NPPF.*
11. *I am of the view that the recommendation in the report is flawed and provides no reasonable basis for refusing the application. I say that for the following reasons, briefly expressed:*
- a) *The report's reasoning starts with a flawed premise. It seems to proceed on the basis that the conditions which the Inspector imposed marked the limit of the extent of what was acceptable on the site in terms of activity: see the fourth and fifth paragraphs in the section headed "conclusion". That would be the wrong starting point. There is no evidence that that was the Inspector's approach. As set out above, it appears from paragraph 32 of the decision that the Inspector rightly recognised that he needed to define the scope of the permission and limit the development to that which had been proposed. It does not follow that any additional development or activity would be unacceptable. It merely means that any other proposal would need to be tested on its merits. Were the Council's approach correct, a section 73 application would always fail, because the permission as originally granted would mark the full extent of what was acceptable. The report is flawed for that reason;*
 - b) *The report also attributes to the Inspector the view that the management plan was acceptable for pods but that its reliance upon individual goodwill meant tent camping would not be capable of control through a management plan: see the penultimate paragraph on page 68 of 94 of the agenda pack. There is not a shred of evidence to support the contention that that is what the Inspector thought. The report does not even begin to suggest why pod users would be sufficiently considerate about their neighbours but tent users would not. The contention makes no sense.*
 - c) *There is no technical evidence to support the contention that the bell tent use would create unacceptable noise (or rather the 'risk' of such unacceptable noise). It is most important to note that the Council's own noise experts in the Environmental Protection section do not object. They flag up the potential for complaints, but they do not suggest, let alone establish, that such complaints would be objectively justified. Instead, their approach is to suggest conditions should be imposed. Those conditions replicate ones which already exist on the permission granted on appeal and could and ought to be replicated on any permission granted on the section 73 application. There is no other technical evidence before the Council which would suggest that noise complaints, if made, would be objectively verifiable or justified;*
 - d) *The report properly takes into account the existence and nature of objections from neighbouring uses but places far too much weight upon them without sufficiently scrutinising them: (i) the objections include those from people whose objections are not written in objective terms or soundly based, but contain mere assertion of problems, (ii) there is little detail of recent objections in the period since the appeal decision was issued and whilst the report acknowledges that some of them are complaints which have little or no relationship to the proposed use of bell tents and ought to be disregarded there is no analysis of whether and which recent complaints are relevant; and (iii) the report wholly fails to grapple with the fact that many of the same sorts of objections (some by the same people) were made to proposed pod camping at the 2019 appeal hearing and yet they did not prevent the Inspector from being satisfied that the pod camping could be carried out appropriately. The report ought to (but does not) clearly ask itself why those objections are persuasive now when they were not before. Simply relying upon increased*

- numbers of visitors and the construction of tents is not a sufficient explanation;*
- e) The report contains several large unjustified leaps of reasoning at page 68 of 94 in the agenda pack. There is no reason why more occupancy should lead to an unacceptable risk of unacceptable harm. The need to undertake outdoor activity applies to both the pods and the proposed tents – indeed the report explicitly uses an unsubstantiated allegation about the outdoor use of the pods and applies it to the proposed tents, without recognising that the pods are permitted. The report then takes these alleged characteristics of the use of the tents and leaps to the conclusion that the proposed use would create an unacceptable risk of undue disturbance. There is no real evidence to support that assertion. Nor does the report grapple with the consequences of the proposed location of the tents (further away from the main complainants to the south) and it never satisfactorily explains why the pod use is acceptable but the tent use would not be. Indeed, the report reads as though the Council still does not accept that the pod use ought to have been granted permission;*
 - f) Nor does the report explain why reimposing and tailoring the conditions on the 2019 permission onto a new permission would not suffice.*
- 12. On the basis of the committee report's reasoning, it is my opinion that the report does not provide a reasonable justification for refusing planning permission for the s73 application. On the basis of the case presented by the report, I consider that the Council is at significant risk of an adverse costs award if its case on appeal is as set out in the committee report.*

MARTIN CARTER
 28th August 2020.
 Kings Chambers
 Manchester – Leeds – Birmingham

Fylde Officer Response

The overall argument of the Opinion is that the committee report relies on the reasoning of the appeal inspector to justify its conclusion that unacceptable noise and disturbance would be caused by allowing the variations to the conditions that are proposed, and that the decision letter cannot reasonably be read as providing such justification. It is true that parts of the inspector's decision letter are referenced in the context of the discussion about noise and disturbance in the committee report. But the report, read reasonably as a committee report and not as a statute, does not rest its conclusion about noise and disturbance entirely, or even principally, on the decision of the inspector or the reasoning behind it. The observation, for example, that the likely generation of noise by 90-170 visitors staying in 25 pods and ten tents will be greater than that from 50-100 guests staying only in the pods does not and need not rely on the decision letter for justification. On the face of it, it is self-evident.

In any case, the decision letter, again read reasonably, suggests that the inspector was concerned with noise and the need to mitigate its effects. In paragraph 26, the inspector says that "*there is plainly the possibility of significant annoyance to neighbouring residents and visitors caused by uneighbourly behaviour arising from amplified music, the loud play of children and the late evening socialising of adults*". He went on: "*Whether the use can happily co-exist with its neighbours **relies on** whether suitable planning conditions and a management plan can be devised and enforced*"

(emphasis added). It is therefore plain that the potential for such annoyance must be material in considering any variations to the conditions, including relating the condition relating to the management plan.

Turning to the particular reasons given by Mr Carter for his conclusion that the report is flawed (set out as a. to f. in his paragraph 11):

- a) There is nothing in the paragraphs of the report cited by Mr Carter that suggest that the report's reasoning flows from the premise that the conditions imposed in the inspector's decision letter marked the limit of acceptable development on the site. Rather, the report notes that the present application would result in development beyond that permitted by the appeal decision and then engages with the specific merits of that application, including the impacts for noise and disturbance of such additional development. Its conclusion is informed by that engagement and does not simply flow from the limits of the application dealt with by the inspector.
- b) Read fairly and in the round, the report cannot be argued to say that goodwill would be less likely to be displayed by those staying in tents than by those staying in pods, or that the inspector was of that view. The reasonable and natural reading of the part of the report cited by Mr Carter is that the inherent physical differences between a tent and a pod mean that, notwithstanding the goodwill of their occupiers, noise from a tent is more likely to reach unacceptable levels than from a pod.
- c) This is disingenuous and ignores the obvious differences in construction between a tent and a pod. A committee report is to be considered as being addressed to an informed readership. The report rightly assumes that committee members will be aware that a fabric tent will allow noise generated within it to escape more easily than from a relatively well-insulated pod.
- d) The report notes the objections, but does not rely on them. The only reference to the residents' comments in the "analysis" section of the reports on pages 67-69 of the report is to advise that complaints about the applicant's failure to comply with elements of the existing condition should not be taken into account by the committee. In any event, the weight to be given to any material consideration is an issue for the decision-maker.
- e) The "*large unjustified leaps of reasoning*" mentioned by Mr Carter are, in reality, justified assumptions as to the understanding of an informed readership made by the report writer. For example, it is justified, given the physical differences between a pod and a tent, to assume that noise will more easily escape from the latter than from the former. Equally, it is justified to assume that a greater number of accommodation units of any type will be likely to generate more noise than a smaller number. Indeed, it would be perverse not to make such an assumption. It is true that the report does not expressly "grapple" with the consequences of the location of the proposed tents. However, that omission, even if material, does not mean that the report is flawed as a whole.
- f) The report explains entirely satisfactorily why it is considered that the risks of noise and disturbance flowing from the applicant's new proposals will not be met by the substance of the conditions attached to the existing permission.

Additional Officer Analysis

As is normal practice, further details of the proposal, including the positioning of the proposed tent field will be addressed in the officer presentation to committee. The field that will accommodate the proposed tents will be located to the east of the existing pods, adjacent to the southern boundary. Whilst an existing area of woodland will partly screen the tenting field from direct line of sight from the nearest part of the adjacent caravan site, the nature of the proposed accommodation and the increase in activity across the site in general will increase the potential for additional noise disturbance to the neighbouring operation.

Update to Recommendation

The recommendation set out in the report remains unchanged.

The report below is that as set out on the 2 September 2020 agenda papers.

Summary of Officer Recommendation

The application site is a relatively recently established camping and fishing operation within a rural location between Weeton and Greenhalgh where there are other holiday and fishing operations in the area but the majority of surrounding land is in agricultural use.

The principle of establishing the camping use in pods and the expansion of the fishing operation through the construction of an additional lake was allowed on appeal in 2019 following the council's refusal of application 17/0572 and the serving of an enforcement notice. This application proposes amendments to the conditions set out in that decision to allow the siting of 10 bell tents on the land, and so effectively double the potential occupancy of the site.

The determination of the application relies on an assessment of whether the proposed additional activity will create any harmful impacts that are not outweighed by benefits from the development, and which cannot be mitigated by planning conditions. The key issue in this is the level of additional activity that the expansion of the accommodation on site will inevitably generate, and how this could harm the tranquil nature of the rural area and the amenity of neighbouring residents.

When allowing the camping pod use the Inspector concluded in para 31 of the decision that the use in that scheme "*should be able to co-exist with its neighbouring uses without unacceptable harm by way of noise and disturbance*." To ensure that was the case he imposed several conditions including a restriction on the level of accommodation on site and that this did not include any tents.

The current scheme will conflict with this by increasing the number of guests that can visit the site and by providing their accommodation in tents which inherently offer limited space and entertainment opportunities leading to a reliance on outdoor space for this, and offer no effective acoustic protection from noise generated within the tents.

Having considered the implications of this proposal carefully officers are of the view that the changes to the operation of the site that are set out in this application create an undue risk that the increased visitor numbers and the nature of the accommodation provided will lead to unacceptable levels of noise and disturbance. This is beyond the level which the neighbours should expect to endure and will harm the quiet enjoyment of the countryside to a level that conflicts with the Fylde Local Plan to 2032 and NPPF policies which seek to protect these aspects. Accordingly the application is recommended for refusal.

Reason for Reporting to Committee

The application site is one where there have been previous applications for holiday accommodation considered by the Planning Committee, and with that history the Head of Planning and Housing

considers it appropriate that this application should also be determined by Committee. There has also been a request for Committee consideration by a ward councillor.

Site Description and Location

The application site is Stanley Villa Farm Fishing and Camping, formerly known as Fylde Trout Fishery, Back Lane, Weeton which is situated on the west side of Back Lane to the north of its junction with Greenhalgh Lane.

The site was originally granted permission for a leisure fishing lake in 1993 with further permission granted for a 'facilities' building in March 2010. Most pertinently planning permission was granted on appeal for application 17/0572 which allowed for *'use of the land for camping, including mobile pod accommodation for use both associated with and un-associated with the use of the existing fishery; the general use of the facilities building for use associated with the camping and fishery uses, along with ancillary facilities including office buildings, mobile toilet, car parking and footpaths; formation of a new fishing lake'*. This camping use is established in a series of timber pods, and in recent months the additional fishing lake approved under this permission has been excavated and work was underway at site visit on the formation of the bunds and landscaping works that are requirements of that permission.

The area around the site is generally flat although several bunds have been constructed following the excavation to form the lake and there are wooded areas in the wider countryside. Surrounding land uses are predominantly in agricultural use with the Little Orchard Caravan Park located adjacent to the southern boundary of the site which provides touring and static 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 Local Plan to 2032.

Details of Proposal

This application is submitted under Section 73 of the Town and Country Planning Act 1990. In this case the applicant seeks to vary conditions attached to planning permission 17/0572 to allow use of part of site as tenting field. Condition 2 is proposed to be varied to enable tent camping, condition 3 to be varied to ensure tent camping is for holiday purposes only, and condition 6 to be varied to ensure site management plan relates to tent camping.

The application includes a site plan to define the area where tenting would be undertaken. This is an area to the south side of the larger of the two fishing lakes and to the west side of the camping pods measuring approximately 3,000 square metres. This is to be used for the siting of 10 no. 'bell' tents with space for parking.

Supporting documentation submitted with the application indicate that the tents would be 5 metres at the widest point and have an estimated sleeping capacity of 4 persons each.

Relevant Planning History

Application No.	Development	Decision	Date
19/0611	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0572 CONDITION 4 (LANDSCAPING) AND CONDITION NO. 5	Advice Issued	14/02/2020

(DISPOSAL OF SPOIL).

19/0446	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0572 - CONDITION 12 (SUDS MAINTENANCE SCHEDULE)	Advice Issued	28/08/2019
17/0572	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.	Refused	12/01/2018
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.	Refused	06/11/2015
14/0190	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
09/0839	PROPOSED FACILITIES BUILDING, OVERFLOW CAR PARK AREA AND WATER TREATMENT WORKS.	Granted	17/03/2010

Relevant Planning Appeals History

Application No.	Development	Decision	Date
15/0593	CHANGE OF USE OF LAND AND EXISTING POD ACCOMMODATION FOR CAMPING USE, WITH	Dismiss	12/05/2016

13/0197	USE OF FACILITIES BUILDING, CAR PARK AND OTHER ANCILLARY ELEMENTS TO SUPPORT THAT USE - RETROSPECTIVE APPLICATION. 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 09 July 2020 and comment:

Offer no objection.

Singleton Parish Council notified on 09 July 2020 and comment:

The Parish Council objects to this kind of camping development in the countryside. Because of the short term rental arrangements for these sites and the large capacity of these bell tents, there will be a considerable increase in the number of cars and the frequency of travel to and from them. This increase in traffic not only increases the noise and pollution in a rural setting but causes traffic problems for farm vehicles and residents along the narrow country roads.

The Parish Council is also concerned about the increase in noise levels from the occupants of these sites as there has already been many complaints about noise and parties in the existing camping.

Greenhalgh with Thistleton Parish Council notified on 09 July 2020 and comment:

The concerns of the PC related to the type of accommodation which, due to their size will accommodate multiple occupancy. Therefore, there is an evident issue with probable noise pollution plus there will be a marked increase in traffic on an already over-utilised and sub-standard highway.

Statutory Consultees and Observations of Other Interested Parties

CLlr Singleton

Expresses concerns in respect of additional traffic 'on a narrow country road more used to accommodating farm machinery' and the potential for noise and pollution arising from that increase.

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed variation of conditions of planning permission 17/0572 to allow use of part of site as tenting field. Condition 2 to be varied to enable tent camping, condition 3 to be varied to ensure tent camping is for holiday purposes only, and condition 6 to be varied to ensure site management plan relates to tent camping, 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.

Environmental Protection (Pollution)

With reference to your memorandum dated 09/07/2020, there are no objections to the

above proposals in principle. However, I must highlight that there is a history of noise complaints which have been received by this department in the past regarding the above site along with concerns over the management's ability to address those concerns.

A number of noise complaints have been received as recently as July and August 2020, with reference to noise from children playing, shouting, screaming and generally disturbing the peace of the local countryside environment. It must be borne in mind that an increase in the scale of the operations as set out in the proposed development is likely to add to this type of complaint, and may well be judged as a detrimental change to the current countryside setting.

In an attempt to mitigate these I request that the following conditions are included:

1. The applicant should extend the current management arrangements relating to booking controls, 22.30 curfew, etc that are in place for the rest of the site, to the proposed development. The planning authority needs to ensure that these arrangements, and the mechanism to enforce them effectively, is robust for the extended use of the site that will result from the approval of this application. The increased use, particularly with it being tent based, creates a significant potential for increased disturbance to the occupiers and visitors in the wider area that the planning decision needs to ensure these can be controlled to avoid that disturbance being at an unacceptable level.

2. The surrounding area is tranquil in nature and as a result any amplified entertainment/music taking place on site would not be in keeping with the locale and should be prevented through a planning condition. It is possible that such noise could also lead to a statutory nuisance. A condition is requested that no amplified entertainment/music should take place on site either formally as part of an event or from individual guests who bring their own entertainment.

Regeneration Team (Landscape and Urban Design)

No comments have been received.

Commercial & Licensing (Caravans)

Do not raise any objections but highlight the need for the applicant to apply to the council for a tent site licence as per section 269 of the Public Health Act 1936. They also highlight that it would be beneficial for the site owner to carry out a fire risk assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005, and a copy made available to the Local Authority. these points would be appropriate notes to add to any planning permission that is granted.

Neighbour Observations

Neighbours notified:	09 July 2020
Site Notice Date:	24 July 2020
Number of Responses	9 letters received which all raise objection
Summary of Comments	<p>The bullet points reported have been taken from neighbour letters and refer to those matters that relate to the development sought in this application:</p> <ul style="list-style-type: none">a. their last permission to extend the site only started a matter of weeks agob. another example of Stanley Villa Farm shot-gunning planning

applications

- about time that Fylde Council took back planning control from Stanley Villa Farm to prevent countryside being overdeveloped
- current management plan already failed
- further increasing the number of people on the site and using the facilities will further damage my family's caravan park business
- increase in occupancy that would give rise to increased people noise
- a further large area of the Fylde Countryside will be lost to a change of use
- the immediate road network in Greenhalgh and Weeton will not be able to cope with the further increased road traffic
- the owners simply want to permanently expand their operation to increase the value of the site and then exploit it at whatever cost
- being opportunistic in citing the impact of global pandemic to help force it through
- proposed expansion would even be viewed and heard from the public footpath to the South that runs East to West
- planning inspector bans any form of camping other than pods
- no opportunity to assess noise from additional lake closer to our homes and caravan site
- field and the lake have become additional playgrounds
- children riding bikes around and into the lake
- bunds not of the required 2-3m height
- bunds being used as elevated play area
- management can't control existing occupant of pods less chance with larger numbers
- thought this should be a planning application and not just a change of condition
- wrong location for the size and operation of a glamping business
- double the occupancy of people will further dramatically and permanently change the characteristic of this part of the countryside
- planning inspector only permitted use of camping pods
- Stanley Villa stolen characteristics of countryside
- noise in evenings and weekends almost at anti-social level
- Bell Tents and the inclusion of a wood burning stove will result in further noise disturbance later into the night
- facilities on the site are not suitable for the proposed expansion
- noise and disturbance worse than its ever been
- increasing occupancy only make worse
- developer wanting to take as many booking as can not sustainable
- grants were provide during Covid19 to support tourism
- no direction to further expand
- shouting and screaming of children unpleasant
- Bottle, cans and rubbish is often littered along Back Lane and

- Greenhalgh Lane.
- countryside should be protected by the council and the character of the area should be maintained.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC6	Leisure, Culture and Tourism Development
ENV1	Landscape
ENV2	Biodiversity
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Background

Members will recall planning application 17/0572 which was presented to committee on 10 January 2018. The application sought permission for *'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.'*

The application was refused by committee with the reason stated being:

That the levels of noise and disturbance that are likely to be generated by the general camping use of this site will detract from the enjoyment of this part of the Fylde countryside by its occupiers, by visitors to neighbouring recreational enterprises, and by other users of the site. This impact is exacerbated in this location due to the quiet and tranquil nature of the countryside area within which the application site is located. This impact is considered to be harmful to the quiet enjoyment of the countryside to a degree that would conflict with Policy TREC10, and criteria 2 and 6 of Policy TREC7 of the Fylde Borough Local Plan, with criteria b and g of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032, and with guidance in paragraphs 28 and 123 of the National Planning Policy Framework.

As this application was retrospective and the site continued to operate after the refusal of the application an enforcement notice was served that required the use to cease. This was appealed alongside the planning decision and a joint appeal hearing held to assist the Inspector in determining

the appeals. He resolved to allow the appeals and so granted planning permission and quashed the enforcement notice.

The decision letter refers to the *'use of the land for camping, including mobile pod accommodation for use both associated with and un-associated with the use of the existing fishery; the general use of the facilities building for use associated with the camping and fishery uses, along with ancillary facilities including office building, mobile toilet, car parking and footpaths; formation of a new fishing lake'*.

The Inspector's Decision letter included several conditions to define and control the development. Of those conditions no.s 2, 3 and 6 are proposed to be varied in this application.

Scope of Decision

This application has been submitted to amend the above conditions under Section 73 of the Town and Country Planning Act 1990. The effect of an application under this section is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

In this case the use of the site for the camping pods is established and unchanged by this proposal, as is the supporting use of the facilities building and the development of the additional fishing lake that was recently excavated. The scope of the council's decision on this application relates solely to the acceptability of the use of the site to permit the siting of 10 bell tents, and the benefits and harms that could arise from that.

The proposal

Condition no. 2 of the appeal decision 17/0572 requires that:

'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' within this area. No additional forms of camping in the form of tents, caravans, caravettes or any other form of motorhome will be allowed'.

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

Condition 6: *'The development hereby approved shall be managed in strict accordance with the submitted Stanley Villa Farm Camping - Camping Management Plan of 19 March 2019 (CMP), or any revision of the CMP subsequently agreed in writing by the Local Planning Authority.'*

The application proposes that an additional 10 no. bell tents and associated parking is permitted within the red edge site and the applicant proposes that the current wording of condition no. 2 is replaced with the following wording to include that use and to define the location within the overall site where the tenting is permitted:

'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 and the area annotated as bell tents as detailed on drawing number You/708/2766/02. Overnight stays shall only be undertaken within the 25 camping 'pods' and tents within these areas. No additional forms of camping in the form of caravans, caravettes or any other form of motorhome will be allowed'.

The wording in condition no. 3 should be replaced with wording to include the proposed bell tents and condition no. 6 is replaced with:

'The development hereby approved shall be managed in strict accordance with the submitted Stanley Villa Farm Camping - Camping Management Plan of 21 June 2020 (CMP), or any revision of the CMP subsequently agreed in writing by the Local Planning Authority'.

During the course of this application amended plans have been received which include detail of the nature of the car parking materials and so any approval of this application would need to include a confirmation that these materials are to be used in the development.

Whilst conditions in an appeal decision do not include a reason for each of the conditions imposed the Inspector discussed the impact of the development, in particular on the character and appearance of the countryside and neighbouring amenity, in the decision letter and these issues are relevant to this proposal.

Key Issues

The following are considered to be the key areas that are raised by the application, and so are assessed in the remainder of this report:

- Visual impact of the development
- Level of disturbance and noise implications
- Highway implications
- Economic or other benefits

Impact on character and appearance of the area

Policy GD7 of the Fylde Local Plan to 2032 refers to the general principles of good design and includes various criteria that development needs to comply with. These are extensive and not all are relevant for every application, however the following criteria are appropriate in this instance:

- c) Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.*
- h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.*
- j) Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised*
- t) The development should not prejudice or prevent the operation of existing land uses.*

Policy ENV1 refers to landscape. *'Development will have regard to its visual impact within its landscape context and the landscape type in which it is situated. Development will be assessed to consider whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated, as identified in the Lancashire Landscape Character Assessment, December 2000 or any subsequent update. Development will also need to have regard to any impact on valued landscapes.* The policy then sets out a series of requirements for development relating to ensuring that appropriate landscaping is implemented in new developments.

Policy EC6 refers to rural tourism and states *'The promotion and enhancement of rural tourism will be encouraged through rural diversification to create small-scale, sensitively designed visitor attractions'.* Despite its title it is considered that this policy is not relevant to this scheme as it

relates to 'visitor attractions' rather than visitor accommodation' and the policy wording is directed at tourism activity as a result.

In this case the application site is situated on the west side of Back Lane in flat and generally open countryside with several wooded areas. The existing camping pods are arranged in a 'kidney shape' and situated to the south of the access track with the facilities and other associated buildings around, and the fishing lakes are to the north, west and south of the main access.

The area proposed for camping is to south side of the largest of the lakes and to the west of the camping pods. There is an area of woodland to the south and further landscaping situated to the west side of the proposed area.

The proposed tenting area is intended to accommodate 10 'bell tents' of 5 metres in width which are canvas covered and have a height of 3m. This means that they are slightly taller than the pods, which are 2.75m tall, but are within an area that has good screening formed by the trees and mature hedge planting. The tents would be located on a part of the site which is well separated from the highway and public footpaths.

The submitted plan confirms the scale and location of the tents and so would be confirmed if permission was to be granted for this scheme. Given their scale and siting within the wider Fylde Fishery site it is considered that the proposal will have a limited impact on the visual amenity and character of the countryside. There is existing landscaping from the woodland which presents as a screen or backdrop to the tents themselves and the parking and other activity that would be associated with their use for camping. On that basis the scheme does not create any conflicts with the visual impact elements of Policy GD7 or with Policy ENV1.

Level of disturbance and noise impacts

Policy Background

There are no policies in the Fylde Local Plan to 2032 that relate specifically to noise and other nuisances, but there is NPPF guidance on this in para 180 which states:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

Further guidance is provided in para 170 which relates to all planning decisions and requires that they contribute to and enhance the natural and local environment in a number of ways including:

"e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability."

The final NPPF reference is in para 127 which deals with the design requirements of planning decision and imposes a series of criteria including:

“f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

At the local level there is a clear reference to the need to respect the tranquil nature of countryside in Policy ENV1 as quoted above, and there is a requirement for development to be avoid affecting the amenity of neighbouring uses in criteria c) of Policy GD7, and to be sympathetic to surrounding land uses and occupiers in criterion h).

Accordingly there is a local and national policy basis to ensure that new development in a rural area does not detract from its quiet and tranquil character or harm the amenity of its existing occupiers and visitors.

Existing Character of Area

The surrounding area is rural in character and whilst there are background noise levels from Fleetwood Road / M55 and agricultural activity, the area is one that is generally a peaceful and tranquil one. The occasional activities at the gun club on Back Lane clearly change that ambiance, but these are infrequent and limited in duration. This general tranquillity was accepted in the 2017 appeal where the majority of the discussion focussed on the level of noise caused by activity on the site and how that could cause undue disturbance to the area if it was at an excessive level. The noise types discussed related to amplified music and large groups attending events, which can be prevented by condition, and the more generalised noise from activities such as children playing and guests singing and shouting, which is inherent in a holiday scenario and is much more difficult to control.

The nearest receptors to any noise would be the guests at 'Little Orchard Caravan Park' situated to the south side of the site at a 90m separation at the closest point, with residential neighbours at 'Kirby's Farm', 'Shorrocks Barn', 'Swallows Rest', 'The Old Shippon' and 'Derby Granary' beyond that and around 250m distant from the proposed tenting location.

Appeal Decision assessment on Noise

In his assessment of the noise issue in the 2017 appeal the Inspector noted that the area was not formally designated a tranquil area, but concluded in para 14 of the decision letter concerning the Fylde Fishery site: *“I agree it is, for the most part, a generally quiet site, there is clearly scope for some activity to take place on the appeal site without unduly disturbing neighbouring residents or caravan occupants. However, that should not be taken to detract from the reasonable expectation of neighbourliness and particularly the avoidance of disturbance in the late evenings.”*

His conclusion on the implications of the pod development proposed at that time is set out in para 27 of the decision letter where he comments : *“To my mind, its terms require the site operator to take all reasonable steps to ensure the site is operated in a neighbourly manner. There are control and monitoring provisions in place and draft planning conditions have been submitted to require compliance with this plan. I particularly note that no ‘events’ may take place, no combined bookings of more than 3 pods, no outdoor music and a noise curfew would be imposed. I am satisfied that compliance with the plan, and with the planning conditions to which I refer below, would ensure that the use would not give rise to undue noise and disturbance to nearby residents and to users of the neighbouring caravan site.”*

This confirms that the decision to grant planning permission for the camping pod use was based on that use being controlled, with one of the key controls being an exclusion on tents from the site. This is set out in condition 2 which says: *"..... Overnight stays shall only be undertaken within the 25 camping 'pods' within this area. No additional forms of camping in the form of tents, caravans, caravettes or any other form of motorhome will be allowed."*

Assessment of this application

Having established that the area is a tranquil one, that there are policy requirements in maintaining that tranquillity, and that the previous decision imposed controls that prevented tents to deliver that requirement, the test with this application must be whether the use now proposed will undermine that and what mitigation is possible if there is likely to be harm.

A key consideration in this is the capacity of the site. The existing site has permission for 25 camping pods although 24 pods are currently on site. The Stanley Villa Camp website advises that the *'Pods sleep 2 Adults (max) and up to two children (or three small children if they can fit on a double airbed - this is a squeeze).'* This gives a maximum capacity of between 50 and 100 visitors on site.

The proposal is for an additional 10 tents, with the submitted 'floor plan' confirming that these tents can easily accommodate up to 4 people in each, with ample space to allow additional sleeping beyond that to potentially double that number. With 10 tents this is potentially an increase of an additional 40 – 80 visitors to the site on top of the existing occupiers of the camping pods. In essence the proposal will roughly double the number of visitors present at the site at any one time.

Moving from that to the nature of the accommodation. Both the existing pods and the proposed tents offer only basic accommodation which means that for much of the time the campers are/would be outdoors. Unlike with a caravan there is no real opportunity for guests to watch TV, play board games, cook inside, etc. which means that entertainment and other holiday activities are generally to be undertaken outdoors.

Furthermore, the facilities available on the site for this are limited. The main facilities building offers some cooking, washing and recreation space but this is limited in its extent and with the current social distancing obligations, and the potential doubling of the capacity of the site, it is difficult to imagine that this would successfully serve the guests that could be present on the site. It is also the case that one of the attractions of the holidaying at a site such as this is the ability for outdoor cooking and sitting around a 'camp fire' as part of the holiday experience.

Finally the nature of tents mean that they offer very limited acoustic protection and so any noise that is generated within them will be audible outside.

The conclusion of this is that the level and nature of accommodation that is proposed in this application is considered likely to present an unacceptable risk of generating noise to a degree that will create undue disturbance to the quiet and tranquil rural area, and impact on the amenity of occupiers of the nearby dwellings.

The application includes a proposal to revise the existing Camp Management Plan. However, that revision is limited to permitting tent camping to occur without any additional references to how the specific issues raised by such accommodation could be mitigated.

The mitigation against such impacts in the existing permission may be effective in controlling that operation (although complaints have been received), but the success of the camp management plan

relies on an individual's general thoughtfulness and regard to the amenity of other guests and neighbours as there is no on-site warden. It is officer view that these factors were likely to have contributed to the Inspector's decision to prevent tent camping on the site when allowing the pod use, and having considered this aspect carefully it is not considered that there is justification for varying the condition to allow that form of accommodation.

As a consequence of the proposed increase in visitor numbers, the limited availability of indoor facilities for campers and the flimsy nature of the tent accommodation it is officer view that the proposal has the potential to result in an unacceptable level of noise and disturbance for the occupiers of neighbouring residential properties, particularly in the evenings, and to detract from the tranquil enjoyment of this part of the Fylde countryside. Accordingly, the proposal fails to comply with paragraphs 180, 127 and 170 of the NPPF, and the requirement of Policy ENV1 of the Fylde Local Plan to 2032 to protect tranquil rural locations and criteria c) and h) of Policy GD7 relating to protecting neighbour amenity.

Current Position

A number of the residents comments reported on this application refer to complaints being raised about a failure to comply with elements of the existing planning permission, including the formation of bunds and the landscaping of the site, and with the effective operation of the management plan. The comments of the Environmental Protection team also confirm that they have received complaints about the activities at the site since holiday sites re-opened in early July, and that those are under investigation.

Members are advised that these complaints should not form a part of the decision on this application as it should be taken that the existing planning permission is being implemented properly and its obligations complied with. The issues that have been raised in part relate to elements of the scheme remaining under construction whilst the site has become operational post-lockdown and are the subject of a planning enforcement investigation which is securing compliance with the approved scheme.

Economic Benefits

The application will increase the capacity at the site to a point that is likely to be around double that currently available. As such, assuming that it is fully utilised it will bring economic benefits to that business with likely benefits to the local and wider economy as a result of the additional levels of visitor spending at local shops, restaurants and other visitor attractions.

In times when there is recognised to be both a recession and a growth in domestic tourism this is clearly a benefit to be weighted in favour of the development in the overall planning balance, although there is no information provided with the application to allow that to be quantified. There is also a possibility that the growth of the business could have harmful impacts on other businesses in the area by drawing custom from them, but such competition is not a matter that the planning system is to regulate.

With the absence of any quantifiable benefits from the developmental is difficult to ascribe any particular weight to this factor, but it is officer view that it does not outweigh the harms that have been set out in the above section concerning the noise implications of the development.

Highway impact

Vehicular access to the new tenting area will remain as existing from Back Lane with an additional informal car parking provided alongside the proposed tenting field.

Letters have been received from neighbours raising concern over the impact on the highway network as a consequence of the increase in visitor numbers, with this raised as an issue by Parish Council's also.

Paragraph 109 of the NPPF states that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

Policy GD7 in respect of highway matters requires that:

j) Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised

q) The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.'

In order to assess the proposal and the potential for highway impact the council consults with Lancashire County Council's Highway officers. In this instance they conclude that "*that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.*" This is considered to be a reasonable view as the level of trip generation by visitors associated with the development will be limited, and is also likely to be in private cars which can be accommodated on the rural roads that lead to the site much more easily than say the many farm vehicles that use them or a touring caravan.

According the development would not give rise to a detrimental impact on highway safety and complies with the requires of Policy GD7 and the aims of the NPPF in this regard.

Drainage

The site is located within Flood Zone 1. Policies CL1 and CL2 of the Fylde Local Plan seek to prevent the risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere, foul sewers and sewerage treatment encourage use of sustainable urban drainage systems.

A Flood Risk Assessment (FRA) was submitted with the 17/0572 application. The FRA concluded 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 at the time did not raise 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 Fylde Local Plan policies, and the aims of the NPPF.

Ecology

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 175 provides the principles for protecting habitats and biodiversity.

The proposed tenting site is an area of flat grassland which has no specific nature conservation designation in the Local Plan. Policy ENV2 seeks 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.

The new elements of this proposal relates to the erection of the tents which will involve minimal disruption to install on site. 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 (granted under 17/0572) and increased landscaping on the site serve to enhance biodiversity value in accordance with the development plan and NPPF.

Other Matters

A significant volume of correspondence has been received from residential neighbours to the site and the comments that specifically relate to the additional tenting field are reported above. Other comments are made that relate to enforcement of conditions imposed by the Inspector in the decision letter for application 17/0572. These are being investigated by the Planning Enforcement Team and the Environmental Protection Team and are not reported as they are not directly relevant to this decision.

Conclusions

The application site is a relatively recently established camping and fishing operation within a rural location between Weeton and Greenhalgh where there are other holiday and fishing operations in the area but the majority of surrounding land is in agricultural use.

The principle of establishing the camping use in pods and the expansion of the fishing operation through the construction of an additional lake was allowed on appeal in 2019 following the council's refusal of application 17/0572 and the serving of an enforcement notice. This application proposes amendments to the conditions set out in that decision to allow the siting of 10 bell tents on the land, and so effectively double the potential occupancy of the site.

The determination of the application relies on an assessment of whether the proposed additional activity will create any harmful impacts that are not outweighed by benefits from the development, and which cannot be mitigated by planning conditions. The key issue in this is the level of additional activity that the expansion of the accommodation on site will inevitably generate, and how this could harm the tranquil nature of the rural area and the amenity of neighbouring residents.

When allowing the camping pod use the Inspector concluded in para 31 of the decision that the use in that scheme *"should be able to co-exist with its neighbouring uses without unacceptable harm by way of noise and disturbance".* To ensure that was the case he imposed several conditions including a restriction on the level of accommodation on site and that this did not include any tents.

The current scheme will conflict with this by increasing the number of guests that can visit the site and by providing their accommodation in tents which inherently offer limited space and entertainment opportunities leading to a reliance on outdoor space for this, and offer no effective acoustic protection from noise generated within the tents.

Having considered the implications of this proposal carefully officers are of the view that the

changes to the operation of the site that are set out in this application create an undue risk that the increased visitor numbers and the nature of the accommodation provided will lead to unacceptable levels of noise and disturbance. This is beyond the level which the neighbours should expect to endure and will harm the quiet enjoyment of the countryside to a level that conflicts with the Fylde Local Plan to 2032 and NPPF policies which seek to protect these aspects. Accordingly the application is recommended for refusal.

Recommendation

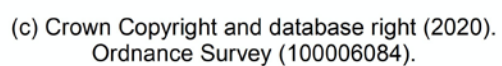
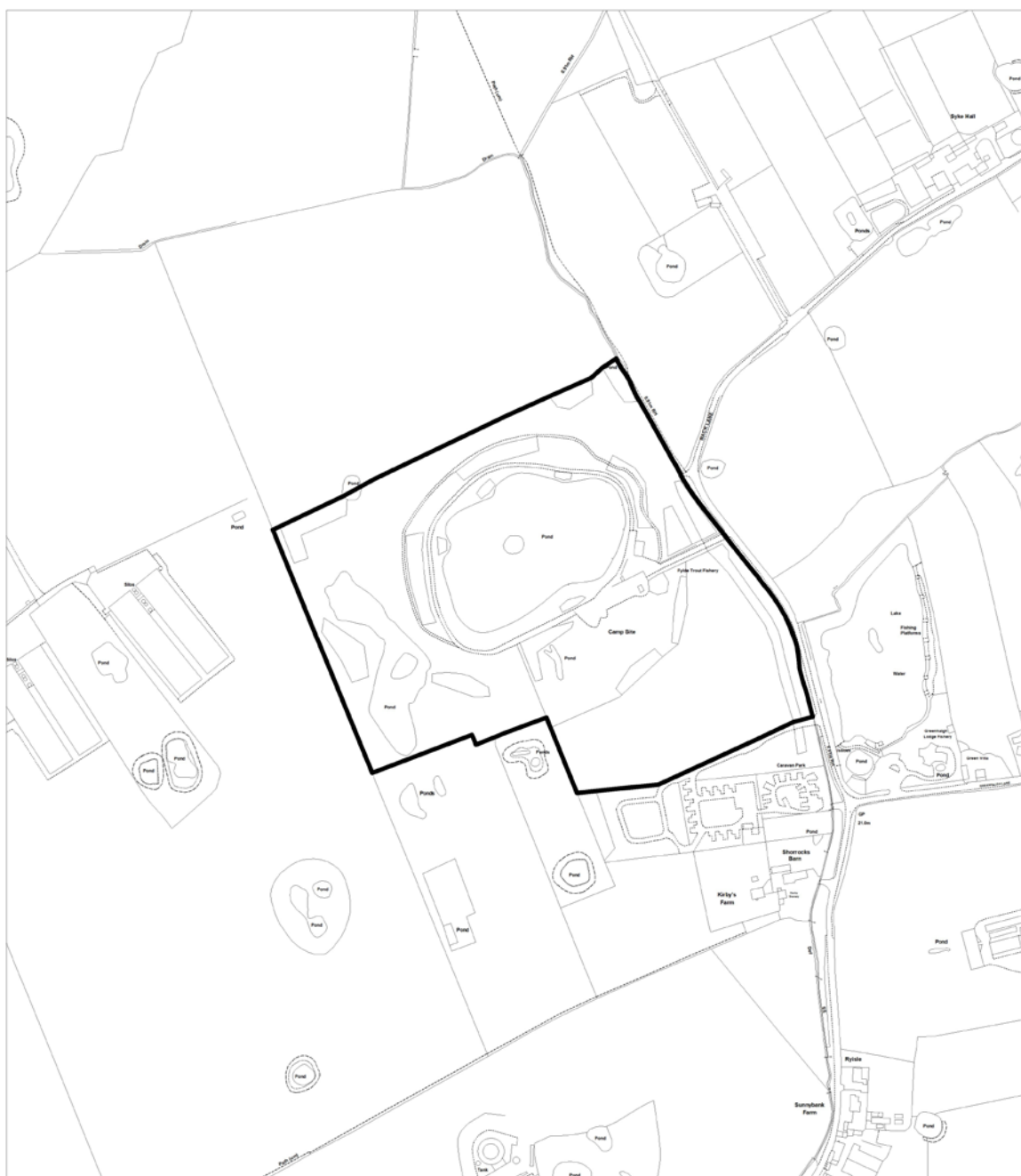
That Planning Permission be REFUSED for the following reasons:

1. The proposal relates to the variation of a series of conditions on planning permission 17/0572 to permit the siting of 10 'bell tents' on a part of the site, and the revisions to the management of the site as controlled by that permission to facilitate the tenting use.

The effect of this change is to introduce a significant increase in the overall capacity of the site, and to introduce accommodation that will inevitably necessitate its users being reliant on outdoor space for cooking, socialising and entertainment, with this compounded by the limited availability of alternative facilities within the site (and surrounding area) for those purposes.

The consequence of this is that the level of activity and noise generated by the site, particularly in the evening when background noise levels are at their lowest, is likely to lead to an undue risk of harm to the tranquil nature of the surrounding rural area, and the amenity enjoyed by neighbouring occupiers.

This impact is harmful to a degree that would conflict with criteria c) and h) of Policy GD7 relating to amenity and that part of Policy ENV1 relating to the protection of tranquil rural landscapes of the Fylde Local Plan to 2032; and the guidance in the NPPF in particular section f) of paragraph 127, section e) of paragraph 170, and section a) and b) of paragraph 180 relating to amenity considerations.



Scale
0 25 50 75 100 m

Item Number: 4

Committee Date: 07 October 2020

Application Reference:	20/0525	Type of Application:	Full Planning Permission
Applicant:	Mr Barnes	Agent :	Zulli
Location:	7 JUBILEE WAY, LYTHAM ST ANNES, FY8 3TT		
Proposal:	ERECTION OF REPLACEMENT TWO STOREY DWELLING FOLLOWING DEMOLITION OF EXISTING HOUSE AND GARAGE - RESUBMISSION OF APPLICATION 20/0221		
Ward:	PARK	Parish:	
Weeks on Hand:	12	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application site is a detached two storey dwelling that is located in a row of 4 dwellings of that design within a residential area of Lytham St Annes settlement. The application proposes the construction of a replacement dwelling on the site of a larger scale and different design to the existing.

Having assessed the proposal the design, scale and appearance of the proposed dwelling are considered to be in keeping with the visual character of the surrounding built development, and would not unduly prejudice the amenity of any neighbouring properties. The proposal would result in the loss of some existing off-street parking provision, however two spaces would remain and the application site is within a relatively accessible location and so would encourage the use of sustainable forms of transport in line with the aims of the NPPF. The application is therefore recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

The application site is a detached two storey dwelling located within a wholly residential area of Lytham St Annes. The property is one of a row of four dwellings of matching design and appearance located on the western side of Jubilee Way and which have staggered frontages due to a bend in the road.

Details of Proposal

This application seeks planning permission for the demolition of an existing detached, three bedroomed dwelling, and an associated detached garage, and the construction of a replacement detached four bedroomed, two storey dwelling. The ridge and eaves heights of the proposed dwelling would match those of the existing dwelling but the width would be increased by 2 metres (from 8.25 m to 10.25 m) and the maximum depth would increase from 7.5 metres to 12.7 metres measured along its north facing side elevation, and 10.8 metres measured along its south facing side elevation. The dwelling would feature offset front and rear gables and the elevations would be finished in red brick and the roof covering is to be grey concrete tiles. All windows are to be black finish pvc frames.

Relevant Planning History

Application No.	Development	Decision	Date
20/0221	ERECTION OF REPLACEMENT TWO STOREY DWELLING FOLLOWING DEMOLITION OF EXISTING HOUSE AND GARAGE	Withdrawn by Applicant	11/05/2020

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 17 July 2020 and comment:

"Object to the application. Overdevelopment of plot. The Scale in both width and depth, Relation to adjacent dwellings. Impact on the existing street scene. Out of character with the neighbourhood and we concur with local residential objections.

The property is out of proportion with neighbouring properties and exceeds the footprint of the original dwelling. The properties are staggered along the curvature of the road so overlooking issues are less of an issue than the overall effect of such a dominant house building amongst properties as originally intended. See Proposed Elevation – Left side. The development conflicts with Neighbourhood Plan policy DH1 in creating a distinctive St. Anne's."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objections subject to the provision of three off road parking spaces within the curtilage of the new dwelling.

United Utilities

No objections are raised with standard comments made with regards to the need to comply with the drainage hierarchy in the drainage of the site.

Neighbour Observations

Neighbours notified:

17 July 2020

Number of Responses

Two letters of objection and two letters of support

Summary of Comments

Summary of objections

- The design and appearance of the proposed dwelling are out of keeping with those of other properties along Jubilee Way
- Would result in overlooking and loss of privacy to the rear gardens of No's 7 and 11 Jubilee Way
- Will cause loss of light to, and loss of outlook from, No.7's bathroom window
- Could affect the value of neighbouring properties
- Construction of the dwelling would cause noise and dust nuisance, and general disruption, to this quiet residential road
- Covenants prohibit the erection of any fences forward of Jubilee Way dwellings.

Summary of Supporting Comments

- Refer to property being empty for extended period and so welcome proposed development
- Highlight that there are variances in the property style in the area_

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

This application proposes the construction of a new detached dwelling to replace an existing detached dwelling located within a residential area of Lytham St Annes. Given the Local Plan designation as settlement area and the existing use of the site the principle of the proposed development is acceptable and in accordance with policies S1 and DLF1 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

The main issues to consider in the determination of the application are therefore the design and

appearance of the new dwelling and impacts on neighbouring properties, as assessed in the following sections of this report.

Design and Appearance from the Street Scene

The existing dwelling has a conventional flat fronted, gable ended design with elevations faced in brown brick and a grey concrete tile roof covering, and forms one of a row of four flat fronted detached dwellings faced in brown brick. The proposed dwelling would also be gable ended, with the same ridge and eaves heights as the existing but would feature an offset front facing gable and have red brick elevations.

Two neighbour objectors have raised the concern that the offset front facing gable and the use of red facing brick would upset the established character of this stretch of Jubilee Way and as such the design and appearance of the proposed dwelling is inappropriate. The use of red brick for the finished appearance of the new dwelling would undoubtedly disrupt the visual 'rhythm' of this row of four dwellings. However, the wider character of Jubilee Way is one featuring a mix of red and brown brick finished properties along with the use of painted render in some locations. Within this mixed wider general context the use of red brick would not be inappropriate or provide sufficient justification to form a reason for refusal.

Regarding the inclusion of a front gable to the proposed dwelling, it is noted that the majority of frontages along this stretch of Jubilee Way do not feature a gable, with the exception of No.4 Jubilee Way which features a similar offset front gable. This notwithstanding the proposed dwelling is still of a conventional design and the addition of a front facing gable is not considered to be sufficiently harmful to the overall dwelling style in the area so as to justify a reason for refusal.

The Town Council have objected to the application, highlighting that the ground footprint of the proposed dwelling exceeds that of the existing dwelling, and asserting the dwelling would be out of proportion with neighbouring properties and thus result in overdevelopment of the plot. The majority of the additional footprint and bulk of the dwelling would project to the rear where any adverse impacts are more likely to be on neighbour amenity than on the character of the streetscape, and sufficient garden space would remain at the rear to serve the reasonable needs of the occupiers. The dwelling would be 2 metres wider than the existing however the separation distances between its two neighbours (No's 5 and 9) would remain sufficient (3 metres and 4.5 metres respectively) to prevent terracing of the properties and with the staggered layout of the properties in this row and the mix of dwelling arrangements on Jubilee Way as a whole it is not considered that the reduced spacing has any harmful impacts on the streetscene character.

Overall the design, scale and appearance of the dwelling are considered to be acceptable and to accord with the requirements of criteria b), d), h) and i) of Policy GD7.

Relationship to Neighbours

The only neighbouring properties potentially impacted by the proposal are those directly to either side, namely No's 5 and 9 Jubilee Way.

Regarding the relationship to No.5, the existing dwelling at No.7 is set 4.7 metres from the side elevation of No.5 with its first floor projecting 5.8 metres beyond No.5's rear elevation. The proposed dwelling would reduce the separation distance to 3 metres and increase the rearward projection to 6.9 metres. Accordingly, both the existing dwelling and the proposed dwelling exceed the spatial relationship distances set out in its Design Note 5 of the council's 'Extending Your Home' SPD for assessing the acceptability of the scale of domestic extensions. This notwithstanding the application site is to the north of No.5 and so neither the existing nor proposed dwellings would

block direct sunlight to No.5. Furthermore, having viewed the proposal from the rear of No.5 it is the case officer's view that the 1.5 metre reduction in separation distance and additional 1 metre rearward projection of the proposed dwelling would not have an appreciably greater impact on No.5 than that of the existing dwelling. This view is shared by the owner No.5 who has written in support of the application.

The proposed dwelling would feature a first floor window in the south facing side elevation, however this is to serve a bathroom and thus a condition requiring obscure glazing and non-opening window would adequately mitigate against any overlooking of No.5's rear garden area.

On balance the proposal would not result in an appreciably greater impact on No.5's amenity, in terms of overshadowing and overbearingness, than that of the existing dwelling.

Regarding the relationship to No.9, the occupier of the property has expressed concern that the new dwelling would block light to the window of their bathroom window, and that the first floor window in the rear gable would overlook their rear garden. With regard to the bathroom window, this is obscurely glazed and does not serve a habitable room. Hence a reduction in light to this window is not an overriding concern. This notwithstanding whilst the increased rearward projection of the proposed dwelling would result in a blank wall being directly opposite the bathroom window there would still be a separation distance of approximately 4.5 metres between the two which will still allow natural light to serve this bathroom.

With regard to overlooking of No.9's rear garden, the increased depth of the proposed dwelling is such that overlooking of No.9's rear garden area would actually be reduced due to the narrower viewing angle allowed from the new dwelling as a consequence of the greater rearward projection.

As the proposed dwelling would not project beyond the rear elevation of No.9 it would have no other potential impacts on their amenity. Hence overall it is considered that the proposed dwelling would have an acceptable relationship to No.9 Jubilee Way.

With respect to other neighbours, the occupier of No.11 Jubilee Way has also expressed concern that the new dwelling will allow overlooking of their rear garden area. No.11 neighbours to the north of No.9 Jubilee Way and for the reasons outlined above it is not considered that the proposal would result in overlooking of No.11's rear garden or cause any other prejudice to No.11's amenity.

Overall the proposed dwelling is considered to have acceptable spatial relationships to all neighbouring dwellings and this accords with criteria c), d) and h) of Policy GD7. It is acknowledged however that further rear extensions to the rear of the proposed dwelling could unacceptably prejudice neighbour amenity and so a condition removing Part 1 Class A permitted development rights would be attached to the permission, if granted.

Parking and Access Arrangements

The proposal would result in the loss of a detached garage and 2No. off-street parking spaces to the side of the dwelling. Lancashire County Council have been consulted on the application in their role as the local highway authority and advise that provision should be made for 3No. parking spaces within the front curtilage. The proposed replacement dwelling would allow for the parking of only two vehicles on the remaining front driveway and thus the proposed scheme falls short of their request by one parking space. However Jubilee Way is not subject to any highway parking restrictions and so on-street parking is readily available on the road immediately to the front of the property. The properties of Jubilee Way have also retained their Part 1 Class F (hard surfaces) permitted development right and thus if additional off-street parking is required this can be

provided within the remaining front curtilage without a requirement to obtain formal planning permission. Finally, the property is located within a relatively accessible location (LCC accessibility questionnaire score of 20) with bus stops, Booths foodstore, and Waddington Road Recreational Ground all within easy walking distance, and Clifton Primary School and Lytham St Annes High School also within walking distance. Thus the development would encourage the use of sustainable forms of transport in line with the overriding sustainability aims of the NPPF. Therefore it cannot be the case that the shortfall in parking arrangements of 1 space would result in a 'severe' impact on highway safety to justify a reason for refusal of the application.

Neighbourhood Plan

The Town Council refer to a conflict with Policy DH1 of the St Annes Neighbourhood Plan. As this forms part of the development plan it is necessary to look at this aspect as part of the consideration of the application in the council's decision.

Policy DH1 is quite a wide-ranging policy which is titled 'Creating a distinctive St Annes' and requires that *"All development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods"* before highlighting the role of the Design Guide which accompanies the Neighbourhood Plan.

The comments of the Town Council that support their objection refer to some details of the design such as the height, width, scale on plot and relationship to neighbours in support of their view that there is a conflict with Policy DH1. Those specifics have been examined in this report and it is the officer's view that their concerns do not lead to any notable level of harm and so there is no conflict with Policy DH1, or the equivalent policies in the Fylde Local Plan to 2032 which is generally Policy GD7 relating to design and streetscene impacts.

Conclusions

This application proposes the construction of a replacement dwelling within a residential area of Lytham St Annes settlement. The design, scale and appearance of the proposed dwelling are considered to be in keeping with the visual character of the surrounding built development, and would not unduly prejudice the amenity of any neighbouring properties. The proposal would result in the loss of some existing off-street parking provision, however two spaces would remain and the application site is within a relatively accessible location and so would encourage the use of sustainable forms of transport in line with the aims of the NPPF. The application is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:
 - Location Plan
 - Proposed Elevations - Drawing no. 1199 PL BAR L.6 Rev K

- Proposed Ground Floor Plan - Drawing no. 1199 PL BAR L.3 Rev L
- Proposed First Floor Plan - Drawing no. 1199 PL BAR L.4 Rev L

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the application form and / or approved plans listed in condition 2 to this planning permission.

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 Policy GD7 of the Fylde Local Plan to 2032.

4. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), before the dwelling hereby approved is first occupied the first floor bathroom window shown on the south facing side elevation of the dwellinghouse hereby approved shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and No.5 Jubilee Way in order to preserve the privacy of the occupiers of No.5 Jubilee Way in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.


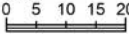
5. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework

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

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



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Application No. 5/20/0525	Address 7 Jubilee Way, Lytham St Annes	Grid Ref. E.3341 : N.4293	Scale 0 5 10 15 20 m 

Item Number: 5

Committee Date: 07 October 2020

Application Reference:	20/0571	Type of Application:	Full Planning Permission
Applicant:	Newhall Downey Ltd	Agent :	Hugr Homes
Location:	LAND TO REAR OF PLOTS 4,5,6,7 & 8, FOUNDRY COURT, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3EX		
Proposal:	CHANGE OF USE OF AGRICULTURAL LAND TO FORM EXTENDED DOMESTIC CURTILAGE TO EACH INDIVIDUAL PLOT WITH ASSOCIATED FENCING AND LANDSCAPING		
Ward:	NEWTON WITH TREALES	Parish:	Treales, Roseacre and Wharles
Weeks on Hand:	9	Case Officer:	Celine Houghton
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application site relates to a partially completed residential development located on the edge of the built village area of Treales. The specific proposal relates to the change of use of modest area of the agricultural field located directly to the rear (west) of the dwellings to provide extensions to the domestic gardens of a number of the properties that back onto the countryside area that surrounds Treales, and so will then will be subdivided into sections to serve 4-8 Foundry Court. These are relatively recently erected dwellings located on the western side of the former Foundry Yard site in Treales. The total extended garden areas would cover an area of just over 300m².

It is considered that the extensions of the curtilages into this area would have a minimal impact on the rural character of the area as it serves to 'square off' the western side of the Foundry Yard site. The only views of the site from public vantage points are at some distance being 300m from Carr Lane railway bridge, 250m from Spen Lane and around 800m from New Hey Lane and at that distances the extensions to the curtilage will be imperceptible in the rural landscape. In a closer view from within the development the extended garden will not be seen as they are wholly behind the dwellings. Notwithstanding this absence of clear views, the plans confirm that the perimeter of the extended area is to replicate the previous arrangement with agricultural fencing and a hedge interspersed by trees to form a softer rural buffer to the built development in the village. This has been enhanced during the consideration of the application to increase the level of tree cover so that over time as this matures it will filter views of the village from the vantage points set out above.

The result of this is that the proposed change of use and extended garden will not detract from the open-aspect and pleasant rural character of the surrounding landscape. It is also

considered that the development would not result in any undue impacts to the amenity any neighbouring properties. Accordingly, the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

This application relates to an area of agricultural land adjacent to Numbers 4-8 Foundry Court, which are contemporary dwellings located on a cul-de-sac within the developed core of Treales. The total area of land measures 314m². The land is to the immediate west of the properties and is currently part of a larger agricultural field that remains in that use. To the east is the access road that serves the remaining Foundry Court development with the village of Treales to the north.

Details of Proposal

This application relates to the change of use of former agricultural land to create an extension to the domestic gardens which serve Numbers 4-8 Foundry Court. The extended area is wholly to the rear of all the properties listed, with the depth of the garden to plot 4 increased from 10m to 17.5m, plot 5 increased from 8.5m to 18m, and a much more limited increase to plots 7, 8 and 9 which results in them having a 9m deep garden.

It is proposed that the edges of the extended gardens would be enclosed with stock fencing, matching the existing boundary treatment. A native species hedge interspersed with trees would be planted on the inside of the existing stock fencing. Fixed timber panel fences would divide the properties. The details of the landscaping/habitat creation in the extended garden area would be as follows:

- Creation of naturalistic grassland area and wildflower establishment in extended sections of land; No hard landscaping surfaces will be present;
- Planting of native mixed hedge line along stock fencing on proposed extended boundary line. On plots 4 and 5 this would be in addition to the hedge line on current boundary which would act as a division between ornamental and wildlife gardens;

A revised landscaping plan was secured during the course of this application's assessment to increase the number of trees planted along the western boundary in recognition of concerns expressed by the Parish Council over the original submission.

Relevant Planning History

Application No.	Development	Decision	Date
19/0783	APPLICATION TO VARY CONDITIONS 2 AND 8 OF PLANNING PERMISSION 17/0471 TO ALLOW: 1) THE SUBSTITUTION OF HOUSE TYPES ON PLOTS 9, 10 AND 11; AND 2) THE USE OF FORMER GARAGE FLOORSPACE FOR PLOTS 9, 10 AND 11 AS LIVING ACCOMMODATION	Granted	20/12/2019

18/0035	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0471 CONDITION 3 - MATERIALS, CONDITIONS 4 AND 5 - DRAINAGE CONDITION 6 - LEVELS, CONDITION 7 - CONSTRUCTION MANAGEMENT PLAN, CONDITION 11 - BOUNDARY TREATMENT, CONDITION 12 - LANDSCAPING	Granted	04/04/2018
17/0634	APPLICATION FOR NON MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL 16/0217 - AMENDMENT TO HOUSE TYPE DESIGN OF PLOTS 4-8 INCLUSIVE.	Granted	13/09/2017
17/0640	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON RESERVED MATTERS APPROVAL 16/0217 FOR CONDITION 4 - BOUNDARY TREATMENT AND CONDITION 6 - MATERIALS	Advice Issued	19/12/2017
17/0579	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 15/0450 TO HOUSE TYPE DESIGN FOR PLOTS 4-8 INCLUSIVE FROM APPROVED MATTERS APPLICATION 16/2017 AS APPROVED.	Withdrawn by Applicant	27/07/2017
17/0471	ERECTION OF 4 RESIDENTIAL DWELLINGS	Granted	19/10/2017
16/0217	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 15/0450 FOR DEVELOPMENT OF 7 DWELLINGS	Granted	05/10/2016
15/0450	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING WORKSHOP BUILDINGS AND ERECTION OF UP TO 8 DWELLINGS (USE CLASS C3) INCLUDING ASSOCIATED WORKS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Granted	04/09/2015
12/0090	DEMOLITION OF EXISTING WORKSHOPS AND CONSTRUCTION OF 3 DETACHED DWELLINGS AND ACCESS ROAD.	Granted	23/05/2013
10/0261	PROPOSED ERECTION OF 8 TWO STOREY B1 WORKSHOP / OFFICE UNITS AND 3 DETACHED TWO STOREY HOUSES TOGETHER WITH ASSOCIATED INTERNAL ACCESS ROADS AND PARKING AREAS.	Granted	23/05/2013

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 10 August 2020 and comment:

"The Parish Councillors considered the application and resolved to Object to the application for the following reasons:

- *These houses at the western boundary of this development have created a very visible and*

permanent built environment on the horizon not in keeping with the visual amenity and rural character of the countryside area when viewed from the west of Treales.

- *The proposal to increase the size of the rear gardens will provide the opportunity for the introduction of other domestic structures into this development which may further detract from the visual amenity, particularly set against the prominent backdrop of the dwellings.*

While the Parish Council objects to the proposal the members are minded to support the application if FBC officers supplied the Council with the acceptable text of a legally enforceable condition was imposed whereby the landscape plan and Decision Notice included detailed provision for a group of screening trees protected by Tree Preservation Orders along the western boundary of the extended curtilages. If this can be supplied, the Parish Council would be pleased to provide confirmation of its revised decision, in order to efficiently deliver sustainable development in the countryside, improving the environment wherever possible."

Statutory Consultees and Observations of Other Interested Parties

Lancashire Fire and Rescue Service:

They make standard comments relating to ensuring the layout of the development is able to accommodate a fire tender, which are obviously not relevant to the scope of this application.

Neighbour Observations

Neighbours notified: 10 August 2020

Number of Responses: None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Planning Background

The planning history to the site as listed above is quite complex and so background to the development of the Foundry Yard site is that three properties to the east of the site were approved under a 2012 permission when the remainder of the site was undeveloped and largely derelict. Since that time the remainder of the site has been approved for redevelopment, initially as office development, but then as residential properties in various guises.

The latest position is that planning permission exists for the erection of 9 dwellings in addition to the 3 under the 2012 scheme, with 5 of these built and occupied and the foundations constructed for the remaining four dwellings. These were the subject of a planning application (19/0783) that was considered at the December 2019 meeting of Committee which authorised their revision from the approved 2 storey houses to 1.5 storey dormer bungalows. The access road to the more recent residential development runs to the immediate west of the application site and to a point that is equivalent to its southern extent.

Principle of Extension of Curtilage

Notwithstanding the level of recent development, the application site along with the whole of Treales village lies within the Countryside as allocated under Policy GD4 of the Fylde Local Plan to 2032. This policy is restrictive of new development by limiting it to one of 6 forms of development which are listed in the policy, and are repeated here to assist members:

Development in the Countryside, shown on the Policies Map including Inset Plans, will be limited to:

- a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development;*
- b) the re-use or rehabilitation of existing permanent and substantial buildings;*
- c) extensions to existing dwellings and other buildings in accordance with Policy H7;*
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;*
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6;*
- f) minor infill development*

The extension of domestic gardens doesn't fit comfortably into any of these exceptions: it is not an extension to the dwelling which could be allowed under exception c) if it met the requirements of Policy H7, it is not an essential form of development that could be allowed under exception d) if it did not harm the character of the countryside, and it is not minor infill development that could be allowed under exception f) as it is an extension of the domestic curtilage into agricultural land.

However, in this case the proposal is considered to be acceptable as the clear intention of Policy GD4 is to allow reasonable forms of development in the countryside areas where they do not have an unduly harmful impact on the rural character of the area. In the majority of cases, extensions of curtilages to dwellings into an area of adjacent agricultural land would be harmful to that rural character, but that is not the case here as the area of land involved is a natural extension to the site that simply 'squares off' the western boundary established of the Foundry Yard site that is undergoing residential development.

A similar planning application (19/0920) was considered and approved recently at Committee in December 2019 concerning the extension to the domestic curtilage of Number 3 Foundry Court and associated boundary treatment, on the south-eastern corner of the Foundry Court site. In that case it was considered acceptable on the basis that it was to be surrounded by fences which are low and so not of a prominence that would detract from the open-aspect and pleasant rural character of the surrounding landscape. It was also considered that the development did not result in any undue impacts to the amenity of neighbouring properties.

A similar situation applies here and providing the boundary of the application site with the surrounding countryside is treated in the same sympathetic manner as the exiting boundaries to the residential development it is considered that the impact of the proposal is not harmful to the rural character of the area in general and so can be accepted as appropriate development in the countryside under Policy GD4.

Visual Impact of works in the street scene and wider countryside

The extended curtilage will be visible in four main aspects: from the wider countryside approaching the village from the south-west from Carr Lane where the public views are around 300m distant, from other approaches to the village to the south on Spen Lane and New Hey Lane where the closest views are less clear and are 250m and 800m distant respectively, from within the surrounding agricultural field where there is no public right of way or other access, and from the closer views available from the adjacent Foundry Yard development site itself.

In the first two of these aspects the views available are limited in number due to the topography of the land and the position of the site, and are only available at a distance viewed across intervening fields. The proposal includes the intention to define the garden boundaries with a stock fencing, matching the existing boundary treatment, and hedges made of native species would be planted on the inside of the existing stock fencing. The fencing would have a limited visual impact and the native trees, hedging, naturalistic grassland and a wildflower establishment would deliver a strong and rural type finish to the built area of the village. This planting has been enhanced in recognition of the comments made by the Parish Council and so provides a rural boundary to the village as a whole that will assist in filtering views as the trees and hedgerows mature. This boundary treatment and planting will also assist in the closer views available from within the remainder of the field, albeit there is no public access to experience this vantage point.

The Parish Council express concerns over the impact of structures in these extended garden areas. The approval of this application will authorise the use of this land as domestic garden, which in turn will enable the erection of garden sheds and other small domestic structures in these areas subject to the limitations in permitted development legislation. Whilst this will potentially bring such structures and paraphernalia further into the countryside than is currently the case due to the increased depth of the garden areas, it is not accepted that this will have any particularly harmful visual impacts in the context of the distant views that will be available. Officers have considered the position from these viewpoints and the extended areas will be indistinguishable from the existing garden areas which are set against the backdrop of the existing developed area in the village ensuring that any such future permitted development works will not create any harmful impacts.

In the fourth of these aspects, the views from within the Foundry Yard development of the extended garden area will be much more prominent due to the closer proximity. However, given the westerly position of the garden extensions, they would only be seen from very limited vantage points immediately north of the application land. Here it is considered that the character of the area is already more urban and so the erection of the stock fencing is not be harmful in that context. The fence would be low in height and constructed out of materials which are not overly prominent and do not detract from the open-aspect and pleasant rural character of the surrounding landscape. Furthermore, a screen of trees, bushes, naturalistic grassland and a wildflower establishment would be planted in front of this fence, it would not be harmful to the rural character of the area, and so can be accepted as appropriate development in the countryside.

Taken together, the design and scale of the proposal accords with the requirements of criteria b), d),

h) and i) of Policy GD7 and Policy GD4.

Relationship to Neighbours

With regards to neighbour amenity, given the position of the erected fences and the location of the extended garden area, it is considered that this development would have no undue impacts on any neighbouring properties. The application properties, Numbers 4-8 Foundry Court are immediately adjacent to one another. There are no other residential neighbours adjacent to the site and so the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c), d) and h) of Policy GD7.

Loss of Agricultural Land

The current lawful use of the application site is agricultural land and it forms part of a wider field that extends around the developed part of Treales village to the site. The approval of this application will obviously remove this land from agricultural use and so the implications of this need to be considered. This does not raise any particular concern as the land in question effectively forms part of the margins to the wider field that is less easy to access with larger machinery, and which is relatively limited in its area. The land is designated as Best and Most Versatile Agricultural Land, being Grade II, but the area is modest when considered alongside the extensive areas of other land of that designation around the village. As such it is not considered that the loss of this land to agriculture has any overriding harmful impacts on the viability of the particular farm or the local agricultural industry in general.

Parish Council comments

Whilst the Parish Council objects to the proposal it is stated in their comments that the Parish Council members were minded to support the application if a condition was imposed whereby the landscape plan included detailed provision for a group of screening trees protected by Tree Preservation Orders along the western boundary of the extended curtilages. Since this comment was made, a revised landscaping plan was provided which included the planting of additional trees along the western and south-western corner boundaries of the extended curtilages. In addition to the trees, bushes, naturalistic grassland and a wildflower establishment. As such, it is considered that the boundary of the application site would be treated in the same sympathetic manner as the existing boundaries and therefore is not harmful to the rural character of the area. This meets the first of the Parish Council's comments.

However, it is not possible for the trees to be protected by a Tree Preservation Order as on planting they will not be of a size that would meet the legal tests for such status. It is also not necessary as a planning condition will provide appropriate protection for them for a period that is sufficient to allow them to become established. At that point it would then be appropriate to consider protection through tree preservation order legislation. The Parish Council have been advised of this position.

Conclusions

This application relates to the change of use of former agricultural land to create an extension to the domestic gardens which serve Numbers 4-8 Foundry Court. These are relatively recently erected dwellings located on the west side of the site of the former Foundry Yard site in Treales. In total, the extended garden areas would cover an area of around 300m². It is considered that the extensions to the curtilages into this area has a minimal impact on the rural character of the area as it serves to

'square off' the Western side of the Foundry Yard site. It is to be surrounded by vegetation and fences which are would be constructed out of materials which are not overly prominent and do not detract from the open-aspect and pleasant rural character of the surrounding landscape. It is also considered that the development does not result in any undue impacts to the amenity of neighbouring properties.

Accordingly, the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- a)* Site Location Plan - ADS drawing 1388 51J received 6/8/20
- b)* Landscaping Plan - Kirman drawing ADS001 received 18/9/20

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

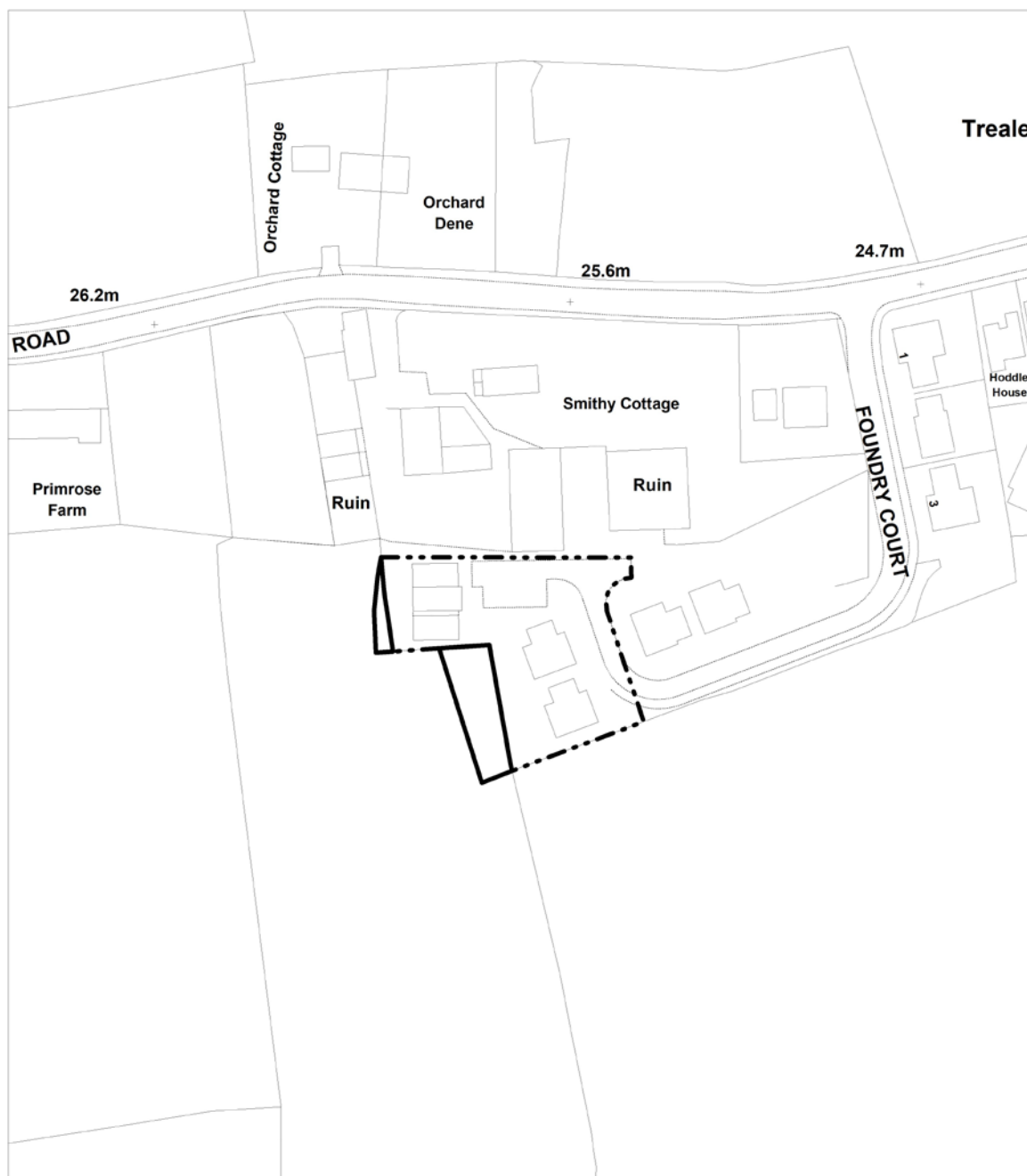
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework


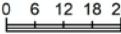
3. The approved landscaping scheme listed in condition 2 of this planning permission shall be implemented in full during the first planting season (November - February) following the extension of the curtilage to any of the dwellings as authorised by this planning permission, with the areas which are landscaped to 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 provide an appropriate rural boundary to the residential site with the adjacent agricultural land in the interests of preserving the rural character of the wider area as required by Policy GD4 and Policy GD7 of the Fylde Local Plan to 2032.

4. Prior to the first use of any of the extended domestic curtilage area hereby approved the western and southern perimeter of the entire area shall be defined by the erection of a timber stock fence to a height of no more than 1.2m above ground level. This fence shall thereafter be retained as the defining feature for this site boundary with no alternative or additional fencing erected.

Reason: To provide an appropriate rural boundary to the residential site with the adjacent agricultural land in the interests of preserving the rural character of the wider area as required by Policy GD4 and Policy GD7 of the Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/20/0571	Address Land to rear of Plots 4, 5, 6, 7 & 8 Foundry Court, Treales	Grid Ref. E.3439 : N.4328	Scale 0 6 12 18 24 m 

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	7 OCTOBER 2020	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 decision on the following appeals between 21 August and 25 September 2020.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members of the appeals that have been decided during the period.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Appeal Decisions

The council received decisions on the following appeals between 21 August 2020 and 25 September 2020. The decision notice is attached to the report as an appendix for reference.

Rec No: 1			
30 June 2020	20/0176	235 INNER PROMENADE, LYTHAM ST ANNES, FY8 1BB	Householder Appeal Case Officer: RT
		RETROSPECTIVE APPLICATION FOR ERECTION OF TIMBER FENCE ON TOP OF BOUNDARY WALL TO MILETAS PLACE (1.9M HIGH OVERALL) AND INNER PROMENADE (1.7M HIGH OVERALL) FRONTAGES	
Fylde Dec. Level	DEL		
Appeal Decision:	Dismiss: 21 August 2020		

Appeal Decision

Site visit made on 27 July 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2020

Appeal Ref: APP/M2325/D/20/3253854

235, Inner Promenade, Lytham St Annes FY8 1BB

- 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 G Broughton McCabe against the decision of Fylde Borough Council.
 - The application Ref 20/0176, dated 3 March 2020, was refused by notice dated 22 April 2020.
 - The development proposed is "retrospective application for the erection of timber fencing on top of boundary wall facing public highways."
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The timber fence has been erected and the application was made retrospectively. I have dealt with the appeal in that basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. 235 Inner Promenade is a detached two storey property located at the corner of Inner Promenade and Miletas Place within a residential area opposite to Fairhaven Lake with the seafront beyond. The area is characterised by large detached and semi-detached dwellings, set back in their plots with generally open and landscaped areas fronting the highway. There is a mix of architectural styles and materials to the dwellings. Historically, low brick walls with taller gateposts and pillars were the predominant boundary treatment much of which, particularly along Miletas Place still exists. In some cases low walls are topped with fences of a limited height or ornamental railings or are backed by planting to provide a greater degree of enclosure but nevertheless the area has retained a generally open and verdant character.

6. The appeal proposal is for the erection of a vertical feather edge, stained timber fence approximately 0.9m high along both Inner Promenade and Miletas Place frontages, on top of the existing low brick wall giving an overall height of approximately 1.65m. According to the appellant's calculations, on the Inner Parade frontage the fence extends for approximately 4.7m from the corner with Miletas Place to the brick pillars denoting the pedestrian access to the property. Along the Miletas Place frontage the fence measures approximately 27.9m in length and runs from the corner to the vehicular access. There are existing fences along the site frontage to Inner Promenade, from the pedestrian gateway to the boundary with 237 Inner Promenade, and beyond the vehicular access to the boundary with 3 Miletus Place which were allowed on appeal in January 2018.¹
7. I note from the previous appeal decision (para 8) that the retention of the landscaping at the corner of Inner Promenade and Miletas Place was an important consideration in allowing the appeal as it reflected the substantial landscaping on the opposite corner. Whilst I do not have evidence of the amount or height of the landscaping removed for the erection of the fence, from the site visit it was noted that the landscaping had been removed from the corner, along the full length of Miletas Place to the vehicular access.
8. The resultant boundary treatment, due to its solid form, height on top of an existing wall and substantial length when considered alongside the existing fencing, appears as a harsh and starkly discordant feature that is not in keeping with the more open and/or softer boundary treatments in the area. Whilst I acknowledge the appellant's contention that the fence is backed by trees and shrubs there are no details of such planting before me. Only a limited amount of planting is now evident from the street such that it is insufficient to soften the appearance of the fencing, particularly along the Miletas Place frontage. Due to its corner location and proximity to tourist attractions opposite, the fencing is highly visible in the public realm and harms the spacious and open, verdant character of the area.
9. My attention has been drawn to examples of other corner properties in the vicinity which are enclosed by fencing. These developments appear to pre-date the current development plan policies and the introduction of the National Planning Policy Framework in 2012. Nevertheless, that at No 163, which is softened by planting behind, is lower in height than the appeal proposal and appears less stark. I do not know the full circumstances in which the fencing at No 201 was granted permission and moreover, this type of boundary treatment is not the predominant form of boundary treatment in the area. I am not therefore persuaded that it justifies the proposal before me.
10. For the above reasons, the development harms the character and appearance of the area and conflicts with Policy GD7 of the Fylde Local Plan to 2032 (2018) which amongst other things seeks to ensure that development relates well to the surrounding context, is sympathetic to surrounding land uses and avoids demonstrable harm to the visual amenities of the local area. It would also conflict with the policies in the National Planning Policy Framework (the Framework) that require development to add to the overall quality of the area and sense of place.

Other Matters

¹ APP/M2325/D/18/3192787

11. The Council is satisfied that the proposal does not harm the living conditions of neighbouring occupiers or compromise highway and pedestrian safety. From all I have seen and read I have no reason to disagree. This however does not reduce the harm I have found to character and appearance.
12. I acknowledge that the proposal would reduce the problems with litter and vandalism and give privacy for the occupiers. These are benefits of the scheme to which I give limited weight in support of the proposal. However, given that the development would not respect the character and appearance of the area for the above reasons, it would not constitute the sustainable development which the government seeks to promote. Consequently, these benefits would not outweigh the harm I have identified.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR