

Fylde Council Stage 2 MIQs

Matter 7

Appendix 1

Decision Notice 16/0524



Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Outline Planning Permission Refused

Part 1 - Particulars of Application

Application Number: 16/0524

Location: LAND ADJACENT KILNHOUSE LANE AND, QUEENSWAY, LYTHAM ST ANNES

Description: OUTLINE APPLICATION FOR THE ERECTION OF 115 DWELLINGS (ACCESS, SCALE AND LAYOUT APPLIED FOR) WITH ACCESS FROM NEW VEHICULAR ACCESS FROM QUEENSWAY

Part 2 - Particulars of decision

The Fylde Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN REFUSED for the carrying out of development referred to in Part 1 hereof for the following Reason(s):

- 1 The proposed development of the site for residential purposes would result in an unsatisfactory form of development which would create a poor quality living environment with unacceptably low levels of residential amenity for its occupiers due to its proximity to the adjacent employment land and buildings (and the noise, dust, odour, vibration, etc. nuisances that they could emit), the highway junction of Queensway and Kilnhouse Lane which is heavily trafficked as a main route into and out of Lytham St Annes, and the approach flightpath of Blackpool Airport. The failure to provide an appropriate buffer zone such as the 30m or more suggested in policy EMP4 of the Fylde Borough Local Plan ensures that the proposal is contrary to that policy and to Policy HL2 of that Plan. This harm also results in conflict with criteria b, g and t of Policy GD7 of the Publication Version of the Fylde Local Plan to 2032 and the NPPF at paragraphs 56, 58 and 109.
- 2 The proposed development of the site for residential purposes would by reason of its proximity to the adjacent employment land and buildings likely result in conflicts between the lawful operation of these established industrial land uses, and the occupiers of the new dwellings. There is an unacceptable likelihood that the occupiers of these dwellings will raise complaints against the activities undertaken by the established businesses which could lead to controls being imposed that could prejudice their operations and lead to their business competitiveness being stifled. This poor relationship would be contrary to the requirements of policies EMP4 and HL2 of the Fylde Borough Local Plan, criteria b, g and t of Policy GD7 of the Publication Version of the Fylde Local Plan to 2032 and the NPPF at paragraphs 56, 58 and 109.
- 3 The proposed development would result in the loss of 4 hectares of employment land to a residential use which is contrary to Policy EMP2 of the Fylde Borough Local Plan which allocates it for retention in class B uses. It is also contrary to Policy EC1 of the Publication Version Fylde Local Plan to 2032 which also allocates it for class B uses. No compelling justification has been

presented to accept that the loss of this site would not unacceptably diminish the supply of land available for such uses in the Borough and particularly around Lytham St Annes as its main settlement, or that the application site is no longer viable for employment uses within the Plan period up to 2032. Residential use of this scale at this site would undermine the overall allocation of the employment land in the Borough which has been assessed in accordance with NPPF paragraph 158 and would not represent a sustainable form of development across the borough.

- 4 The proposed development of 115 dwellings would by reason of the proposed site layout which is a detailed matter for the application form a poorly planned residential development that would prejudice the character of the area and constitute poor planning. The proposed layout fails to add to the overall quality of the area and does not exhibit good design or character resulting in a car dominated street scene, a lack of room for landscaping within the site, the rear of dwellings backing onto the greenbelt and dwellings in close proximity to the proposed Queensway roundabout arming the visual amenities of the area. As such the proposed development would not represent high quality development which would cause harm to the character of the local area and would be contrary to Fylde Borough Local Plan policies HL2 and HL6, criteria c, g, h, and j of Policy GD7 of the Publication Version of the Fylde Local Plan to 2032 and NPPF paragraph 58
- 5 The proposed access to the development would be located 50m directly north of the approved roundabout which will serve the Queensway development of 1150 dwellings (application 08/0058) which has commenced development. That permission illustrated that the access into this application site was deliverable from the roundabout. The provision of this additional proposed access in such close proximity to the approved roundabout would result in unacceptable highway safety concerns due to the increased number of opposing vehicle movement and the proximity of the two major accesses. Conflict and safety concerns for non-car modes would also be increased. It is therefore considered that the development will have a severely adverse impact on the safe and efficient operation of the highway. This would be contrary to criteria 9 of policy HL2 of the Fylde Borough Local Plan criteria p of Policy GD7 of the Publication version of the Fylde Local Plan to 2032, para 32 of the NPPF, and the LCC Fylde Coast Highways and Transport Master Plan.
- 6 The applicant has failed to demonstrate to the reasonable satisfaction of the local planning authority in consultation with the highways authority that the traffic generated by the development can be accommodated within the local highway network, with the submitted Transport Assessment underestimating the current and future network conditions and as a result the residual cumulative impact of this and other committed development on the local network. The application also fails to demonstrate that the traffic can be accommodated without the implementation of a series of highway improvements and sustainable transport improvements. In the absence of being able to deliver the necessary highway improvements, the impact of the development on the local highway network will be severe, contrary to the provisions of para 32 of the National Planning Policy Framework and Criterion 9 of Policy HL2 of the Fylde Borough Local Plan (as amended October 2005) and criteria p of Policy GD7 of the Publication version of the Fylde Local Plan to 2032.
- 7 The proposed development is required to make contributions towards the delivery of affordable housing and public open space on the site and financial contributions off-site towards the provision of new primary and secondary school places, public realm enhancements and transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies TREC17, CF2, EP1, TR1, TR3 and TR5, policies and H4, HW2, HW3, INF1, INF2, and T4 of the publication version of the Fylde Local Plan to 2032, and chapters 4, 6 and 8 of the National Planning Policy Framework.

Notes to decision:

2. Where appropriate the council will seek to engage with applicants to resolve concerns over development proposals either before the application is submitted as promoted by para 188 of NPPF, or during the consideration of the application as promoted by para 187 of the NPPF. However, in some

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

1. For the avoidance of doubt, this decision relates to the following plans:

- Location Plan - Millson Associates Drawing PL.001 Rev B
- Proposed Site Plan - Millson Associates Drawing 2099-P.003 Rev B
- Proposed Site Access - Appendix C and D of CBO Transport Assessment

Date of Decision: 03/11/2016

Signed:



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**IMPORTANT – PLEASE CAREFULLY READ THE NOTES BELOW AS FAILURE TO COMPLY COULD
MAKE THE DEVELOPMENT UNAUTHORISED**

1) These notes should be read in conjunction with the decision notice issued by the Local Planning Authority in respect of the application which you have recently submitted to the Council.

IN CASES WHERE PERMISSION/CONSENT HAS BEEN GRANTED

- 2) Any permission/consent is granted on the basis of the approved plans listed in the decision notice. The development should be undertaken in strict accordance with the approved plans, as any deviation will constitute unauthorised development which may be liable to enforcement action. Any amendments to the approved plans are likely to require the submission of a further application to the Council. Should such changes be desired, you are advised to contact the Development Management Service to determine the most appropriate means by which any revisions could be considered.
- 3) Any permission/consent granted is subject to the conditions set out in the decision notice and it is the responsibility of the developer to ensure that these conditions are fully complied with. Any conditions that require work to be carried out or details to be approved before any development can take place form a “condition precedent”. If a condition precedent is not complied with, the whole of the development will be unauthorised and may result in enforcement action being taken by the Council.
- 4) The applicant is reminded of the need to obtain formal approval of those details required by the conditions of any planning permission/consent before development may lawfully commence on the site (or any other relevant trigger as set out in each condition). Formal applications for the approval of matters reserved by condition are currently subject to fees (per request) of £28 for householder applications and £97 in all other cases. Any breach of the imposed conditions may leave you liable to enforcement action or may require you to submit a new application in order to regularise any unauthorised works.
- 5) If the applicant is aggrieved by any of the conditions imposed as part of the planning permission, they may

appeal to the Planning Inspectorate. Any appeal against the grant of permission subject to conditions to which the applicant objects needs to be made within 6 months of the date on the decision notice.

- 6) In undertaking any development you should ensure that you have also secured any necessary approval under the Building Regulations or any other approvals or consents required including consent from the landlord or obligations under the Party Wall Act.
- 7) For developments that need a new address or address change, please contact addresses@fylde.gov.uk or 01253 658515. New addresses need to be done at the earliest stage to enable Utility connections for the new properties.

IN CASES WHERE PERMISSION/CONSENT HAS BEEN REFUSED

- 8) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission/consent, they may appeal to the Planning Inspectorate. The relevant time limits to lodge an appeal following the Local Planning Authority's refusal of permission/consent are as follows:
 - a) For **householder** planning applications – **12 weeks** from the date on the decision notice.
 - b) For **advertisement** consent applications – **8 weeks** from the date on the decision notice.
 - c) For **minor commercial** development applications – **12 weeks** from the date on the decision notice.
 - d) For **any other** types of planning application – **6 months** from the date on the decision notice.

SAVE THAT in circumstances **where an enforcement notice has been served** for the same or very similar development, the time limit to lodge an appeal (in all cases) is:

- within **28 days** from the date of the Local Planning Authority's decision if the enforcement notice was served before the decision was made, yet not longer than 2 years before the application was made.
- within **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the normal appeal period).

Appeals must be made directly to the Planning Inspectorate and can be dealt with by exchange of written statements or heard before an Inspector at an Informal Hearing or at a Public Inquiry. Further information regarding the appeals process (including application forms) can be obtained from the Planning Inspectorate via their website - <https://www.gov.uk/appeal-planning-decision>.