

PLANNING STATEMENT

Development on land at 'Pathways', Blackpool Road A583, Newton PR4 3RJ

**FULL PLANNING APPLICATION FOR A REDEVELOPMENT OF THE
COMMERCIAL SITE AT THE PROPERTY WITH FOUR DETACHED SINGLE
STOREY DWELLINGS**

(ALL SUBSEQUENT TO THE DEMOLITION OF THE EXISTING SITE BUILDINGS)

June 2021



1.0 Introduction

1.1 This Statement accompanies a further, full planning application submitted for the site redevelopment of the commercial buildings and stables due south of the existing dwelling off Blackpool Road, Newton with Scales. A previous redevelopment application for five dwellings upon the whole site area was approved under ref. no. 19/0486 by the Borough Council in October 2019. Since, the planning permission has been extensively marketed with no real no real concrete interest in anybody pursuing an acquisition of the full site for redevelopment. It was already known to the site owners that there was interest in the existing bungalow and accordingly they now wish to proceed in a twofold strategy that would allow the Pathways bungalow to be retained and sold as their first element of their disposal of the site. The residue of the site without the bungalow, in being the commercial uses, now requires a separate planning permission to afford redevelopment, and that is what is submitted here - for four detached true bungalows.

1.2 As a part of those existing uses on site there is a longstanding, lawful A1 retail use resultant from a former garden centre use on site for which a certificate of lawfulness of existing use was granted in 2006. In addition, there is a block of commercial stables containing a tack room that also incorporating the same longstanding A1 retail facility. In addition, there is also an outdoor area for the retailing of garden buildings, and have been further external retail areas in connection with the former garden centre use. The proposed redevelopment site is exclusive of the existing bungalow dwelling on site [and its detached double garage].

1.3 Though the application lies within an area identified as an 'Area of Separation' [AOS] on the Policies Map to the new Fylde Local Plan, it will be demonstrated again through this statement and in regard to the submission drawings that this is an acceptable development within an AOS, while it will also be shown that the proposals for the site would form a logical redevelopment of a largely brownfield site close to and between two existing settlements of Newton & Kirkham with appropriate services & facilities therein and good communications linkage along A583 east and west. The application site is also served by existing services to the existing bungalow and commercial uses. There are also other material circumstances relevant to the appropriateness of the development that are identified elsewhere in this statement, and which support the applicants' case for redevelopment as now proposed.

1.4 A Design & Access Statement is not normally required for the nature of development proposed here but there is still adequate information presented here in

regard to the amount of development proposed and the rationale for the nature of development now proposed to appropriately inform the decision maker. In addition to this statement, the application submissions include the following:

- Full plans and site Layout as proposed
- Site layout as existing
- Building details as existing
- A topographic survey
- An ecology survey, including a new bat survey
- A tree survey
- A revised landscaping scheme
- A transport statement, including an Addendum Update
- A photographic appendix to this statement

2.0 The Application Site and Immediate Area

2.1 The application site comprises the existing bungalow and detached garage to the northern portion of the site, closest to Blackpool Road A583, together with a commercially operated livery stables with tack shop, a separate retail shop and cafe (currently vacant) and a large outdoor retail display facility for garden buildings. All





are served by a single access track from A583. Parking is alongside the site access road. A separate overspill car parking area for the commercial uses adjoins A583 as viewed from the back of footway. This area does not form a part of the application site but can still be conditioned by the LPA to relinquish the connection with the commercial uses when they cease - as that land is owned by the applicants.

2.2 The submitted drawings show the extent of the existing buildings forming the application site in terms of their footprint size and their layout on site. Original elevations of the stable courtyard and shop are also submitted for information.

2.3 There is a dwelling immediately to the east side of the site access track in 'Long Acres', a detached bungalow, and then residential plots as ribbon development along both sides of Blackpool Road up until the public house site to the south of A583 and the petrol filling station to the north. There is also some development at the top of Parrox Lane. The ribbon development to the south already gives an appearance of coalescence between settlements of Kirkham and Newton, albeit with limited gaps. Adjacent to the north east of the application site and opposite the almost opposite the junction with Dowbridge is Church Farm.

3.0 Background and Consideration of the Former & Existing Buildings & Uses

3.1 The current site usage can be categorised as one of a mixed use development of [i] a commercial equestrian use of stabling, [ii] a retail shop & cafe and [iii] a structurally modified double polytunnel building, [iv] external sales area immediately

to the north of the building (this having replaced the former garden nursery whose external display area incorporated the open area of land between the bungalow and both retail building and the former poly tunnel structure). Matter [ii] was the subject of planning permission obtained retrospective in 2007. Development [iii] achieved a lawful use certification for retail sales in 2005 upon 05/0766 while the building works in the conversion of the former glasshouse achieved retrospective planning permission in 2007 at the same time as the stables. The applied for use by the then agents Halliwell's had been for 'continued use as a retail nursery - A1 retail'. The retail use which has had a number of tenants was last used in connection with the sale of koi carp. That use was vacated and the shop is currently vacant awaiting to be either relet or be part of the demolition programme if the current application is successful and the site is sold for residential redevelopment. The retail use has been an issue to the Council and this, it would appear, results largely from the writing of the lawful use on the issued certificate as a legal document - specifically in terms of its description and its reasons for granting the certificate lacking sufficient clarity.

The referred to wording / layout of the lawful use certificate in regards too the retail which the Pathways site benefits from does not represent that which one would normally associate in the layout of such a certificate, in being a legal document, and which would be laid out in a manner with regard to the development / land use being certified in accordance with a *First Schedule* and a *Second Schedule*, and those being the precise description of the actual component of the site relating to the development or land use and its formal address respectively. There is no such formality in regard to the layout of the granted Certificate. The wording used in the written text refers just to the '*use of the land as a nursery with retail sales for garden related products*'. The submitted application site red edge upon which the application was determined included all the land relating to the current commercial uses including the stables yard and was not specific to a building [i.e. the retail building] or a specific area of the site - but all of it. The lawful use granted though when decided did not specifically cite that Pathways benefitted from an A1 retail use as had been sought.

Subsequent to the granting the lawful use certificate, issues were raised by the Council following subsequent use of the former glass house for A1 retail purposes in connection with the sale of wicker furniture etc. It was contended by the Council that the certificate of lawfulness did not authorise exemption for the undertaking of that general A1 retail use and served an enforcement notice for its cessation. Quite clearly the purpose of a lawful use certificate is to clarify the status of an existing use or development as lawful, and as such that it would then be exempt from any enforcement proceedings by the Council. Accordingly the applicants' agents then argued a case that the Council's stance in granting of the lawful use certificate did indeed bestow A1 retail use per se from the specific wording that had been used in the writing of it and that the then retail use was lawful and exempt from enforcement proceedings.

3.2 The relevance of considering the lawful use certificate for the site here is that it would afford a permanent cessation of the use should the development applied for be approved and the site be redeveloped. With a refusal of this further application, for whatever reason, and with no progress in a redevelopment on the basis of the approved application, there is the capacity for the retail use to be perpetuated. As the shop premises are vacant, it could offer an opportunity for something upon a more intensive scale such as a convenience store, a small retail warehouse and hire shop - particularly in connection with the storage use that the stable block could offer. This is something that the applicants have not ruled out if they are unable to sell the site for residential. The commercial uses clearly have a value to the applicants and they are keen to realise that one way or another.

3.3 Also the current commercial character reflected by the the site's frontage signage and car parking reflects something not entirely in character with the immediate locality along Blackpool Road.

3.4 The photographs in the separate Appendix to this Statement identify the current visual nature of the site in certain areas where it has become increasingly tired and visually quite poor.

4.0 The Proposed Development

4.1 The proposed development of the reconfigured site clearly departs from that previously approved with the retention of the existing residential property and its detached garage, but still with the demolition of the other site buildings supporting the retail building & cafe & other existing business uses on site. The proposal intends the erection of four detached true bungalows.

4.2 The previously approved layout intended a very exact grouping of 4 properties [plots 1,2, 4 & 5] symmetrically located opposite each other as might be in a courtyard in a north / south arrangement, and with a fifth dwelling at a right angle to the other 4 bungalows - orientated east / west. A main turning head to the development, and marking the end of the adoptable space unless the developer ultimately seeks a private road arrangement, would have been at the end of what would have been plots 1 & 5 with plots 2, 3 & 4 off a private drive.

4.2 What is now intended in this new application, given the retention of the existing bungalow, is the creation of a cul-de-sac head to a defined access road just due south of the existing double garage to Pathways. A short access stub drive would then run east / west from the cul-de-sac head serving plots 2 - 4. Plot 1 would be served directly off the head itself. The plot dwellings would all be slightly angled and each set slightly deeper than the building preceding in order to give greater visual interest in the layout, and each would be set relatively forward in its curtilage to optimise the

private rear garden space. Plots two to four all enjoy the same building footprint, albeit 2 & 3 incorporate an integral garage to avoid the intrusion of an external garage into the open amenity space to rear of the plots. Plot 4 has a larger living area with the garage being detached in the space immediately to the north of the dwelling. Plot 1 is smaller in nature given the shape of the site. It has a single garage at the side from a drive running off the cul-de-sac head.

In terms of SUDS drainage efficiency rainwater run off from the road and properties would be gathered in swale adjacent the southern boundary running off into a retention pond that would also form an attractive landscape feature in the rear garden of plot 4.

4.3 In regard to the form and scale of the proposed dwellings, the case officer was previously adamant that he would not support first floor accommodation per se, even that just in the roof space as this would raise up the ridge height considerably in excess of that of the existing commercial buildings on site and the stables. Accordingly the design of the 4 bungalow types to form the new application development maintains that characteristic which also supports the back to front relationship of the retained dwelling to the newly proposed dwelling. The design overall of the dwellings is one of neither being overelaborate nor ostentatious, but of an attractive appearance per se.

4.4 The proposed palette of materials would be one of textured rendered walls with feature brickwork plinths and selective sections of vertical timber boarding, together with blue slate roofs.

4.5 The existing access point onto A583 would remain but would be improved with a new access road constructed as a cul-de-sac to serve the proposed development. A highway statement accompanies this new application, the crux of which identifies that the proposed development can be undertaken satisfactorily in regard to integration into the highway network. The original statement submission still stands but has been updated with a short addendum to cover the changes. All in all though it is still a development of five dwellings off a cul-de-sac with the cessation of the existing commercial uses. So this is a status quo situation in highway impact terms in relation to what has already been approved by the Council, but still it would be an improvement upon the commercial uses per se, particularly in what could evolve in terms of usage should a higher intensity retail use occur on site - when there is currently none in use!

5.0 Application Assessment and Consideration against Relevant Planning Policy Guidance

5.1 The Council's replacement Local Plan, the *Fylde Local Plan*, which was adopted in October 2018. Relevant policies of the revised Local Plan are considered to be those

as follows, and will be assessed and given due weight accordingly:

• ***Land forming an area of separation - GD3***

Areas of separation in the new local are between Kirkham & Newton and Wrea Green & Kirkham. The application site falls within the zoning of land as an AoS. New developments therein will be limited acceptability in regard to one or more six criteria. Criterion (f) relates to 'minimal infill development'. Such shall be of a scale and use that does not have [i] a material impact upon the character of an area and [ii] would not harm the effectiveness of the gap between settlements. This is not though an open site though it adjoins open land to the west and south, and there are a variety of existing buildings and development upon the site which is part of existing development to the south side of Blackpool Road leading into Newton. As such & given the retention of the existing bungalow at the forward most of the Pathways development, and low scale nature of the development proposed to the rear of that retained building - it is contended that there would be no resultant harm to the 'gap' between settlements or any compromise of the value of the designated 'area of separation'.

The applicants are mindful of the allowed appeal on an outline application at Woodlands Close, Newton for up to 50 no. new dwellings. The determining Inspector's decision letter of the 18th August 2017 referred to the draft designated 'area of separation' between Kirkham and Newton in the then emerging Local Plan. There was much debate at the appeal as to whether the AoS protected an area of 'special landscape value' which is not defined nationally, and whether the nature of the appeal site was in any event such. Indeed, along with the impact of the setting of the village of Newton, was at the crux of the appeal. Though open land with field boundaries there were no 'landscape designation' attached to the appeal site. To be adjudged of being of 'landscape value' there must be something other of note than general countryside and falling within a general countryside area.

In the discussion of the appeal at a hearing into it, the Council were particularly concerned about the visual impact of the development from the A583. They had also been concerned about the risk of merging of the settlements of Kirkham and Newton if the ribbon development between the two were allowed to expand. The Inspector was not of the same opinion being quite clear that there was already the ribbon development along a main classified road but that there was no risk of a complete merger between the two even though there would be some more coalescence given that the appeal site extends the boundary of Newton westwards. It should be made quite clear though that the appeal site was not specifically a frontage development, it being the development of a narrow deep site extending southwards from A583 into open countryside.

The current site at Pathways is certainly not an open site and neither does it comprise any sort of landscape character designation, while there is no special site specific features or character to the land. Particular care has been taken not to add land from the open field to the north/north west of the existing bungalow or include the

menage, as had initially been the case with the first submission of proposals. It was accepted that intrusion into those areas would have been harmful to the AOS.

In regard to the application for the reserved matters upon the allowed appeal application at Woodlands Close it is noted that there is no particular regime in terms of form / scale of dwelling, unlike with the current proposal at Pathways. With the Woodlands Close site these are standard house builders site layout plan that is more open to view than the Pathways site. The 'house pack' approved was principally one of detached houses with just one bungalow *type*, although even that still has quite steep roof to it. They are just the type of dwellings that are associated with a national house builder in developing a housing estate as opposed to a bespoke dwelling design which was encouraged at pre-application & which has followed in the full application submission.

• **Affordable housing - H4**

A net increase in 'on site' development is only by 4 new dwellings. This figure is below the threshold number of dwellings in a 'small' development of less than 10 dwellings. As such there would be no requirement for the provision of affordable housing in relation to the proposed development.

• ***Density and mix of new residential development - H2***

The consideration of the application submission has been largely influenced by responding to the 'area of separation' policy requirements and following on from the development that was approved by the Council upon a larger site area. The nature of development proposed, its layout on site and the mixture of properties has already been discussed and is contended to be very satisfactory.

• ***Achieving good design in development - GD7***

This policy relates good principles of design, particularly as if one were considering a proposed development against a Design and Access Statement, and then considers a series of other cited matters as applicable. This is a small scale development and not a matter relevant as such. Upon [b] density, it is considered that the introduction of 4 new dwellings upon the site now configured (excluding the existing Pathways bungalow) is sufficient in area to accommodate the development now proposed and is representative of the nature of other developments along A583. Upon [c], neighbouring amenity, it is not considered that there would be any resultant harm to any property. With retained site property, the existing Pathways bungalow, meant that nothing other than true bungalows would actually be appropriate given the juxtaposition of the existing development with that now proposed for the avoidance of any overlooking issues. It is considered that the existing dwelling is benefitted with a good sized rear garden area and then there is the access drive to the new dwellings and open plan front curtilages to the dwellings proposed. There would be no conflict or detriment likely from the intended relationships. The other nearest adjoining property, Long Acres, is on the east side of the proposed access road closest to plot 1.

There would be no harm to amenity from that juxtaposition of interrelated development. On [d] matters such as siting, layout, scale, design, materials etc have already been discussed for the most part. In regard to these, the proposed dwellings are considered to relate well to their surroundings and indeed would not be discernible from public vantage points. In respect of [e] the design and orientation of the buildings shows how the designer has used natural light with large window / door openings to the southern elevations minimising energy consumption in regard to the lesser need for electric lights and in affording a warmer environment internally within the dwellings through increased ingress of good sunlight to the dwellings.

Upon the matter of '*Secured by Design*', the sound principles of designing out crime have anyway been applied to this development with a single access point, visibility of properties from the access drive - and entry to all properties from that drive or the cul-de-sac being visible to all of the proposed dwellings. The future developer of the site may well wish to involve the appropriate Lancashire Constabulary team to ensure accreditation to '*Secured by Design*'. On [h] it has already been emphasised that the thoughtful plotting of the development and its careful design has minimised any potential impact upon the local area and as built would be sympathetic to surrounding land uses. With regard to [i], the same can be said as with [h]. The introduction of the pond and the also the innovative swale down one side of the access road will add considerably to the visual enhancement of the site as part of the redevelopment proposals. Upon parking [j], there are either single or double garages throughout accompanied for the most part by double drives. On creating a safe and accessible environment [k], the single access drive to the development as a part of a shared access regime accords with the requirements of providing a user friendly environment. Criteria 'l', 'm' & 'n' do not really apply to this nature of development. With regard to ['o'], it is considered that the resultant development approved would result in a good standard of amenity for occupants with adequate spacing between and around properties and a private aspect. Sub criteria, 'p', 'q' & 'r' deal with matters of highway safety. The latter two are more relevant to larger developments but the first being that non - vehicle users should have priority through design measures, and with the shared highway arrangements for a very limited development it is not considered that the residents would be prejudiced at all or subjected to any danger from car use. In regard to the two factors relating to responded to '*Climate Change*', it is considered that [as already discussed] design matters have responded to facilitating as much natural light gain as possible and thereby also optimising sunlight to achieve warmer dwellings. The sustainable means of dealing with surface water run off is also to be acknowledged here. With regard to [t], the safeguarding the operation / undertaking of existing land uses, the introduction of the proposed residential use of the site will not impinge upon or detract from any other surrounding land uses. The residential use is consistent with other residential uses in the locality. Upon [v], public open space, this is only a development of four dwellings in a countryside location the immediate landscaped environs surrounding it which would benefit the occupiers. POS contributions were not sought upon the first

application. In respect of flood risk [x], the site is within flood risk zone 1 on latest the Environment Agency flood risk maps and thereby according with the relevant criteria. Finally with regards to waste management [y], each dwelling will have the appropriate amount of refuse and recycling receptacles as has been demonstrated in association with the local collection regime and will be confirmed with the local Council's waste management section prior to commencement of development should the development be approved. A communal collection point for the waste / recycling has been identified on the site layout plan adjacent to the cul-de-sac head.

• **Surface water run-off and sustainable drainage - CL2**

In this particular case, a swale running adjacent to the southern boundary is incorporated into the design layout leading into a water feature within the curtilage of plot 4 acting as a balancing retention pond taking run-off from the swale and also surface water from the new dwellings. It is considered that there are no significant constraints to the undertaking of the development upon any drainage matters. It is an existing, used site with existing built development and current drainage infrastructure will be improved.

With regards to the treatment of sewerage, the existing bungalow is on a septic tank. That will be replaced in favour of a single large sewage treatment plants for all the proposed dwellings, utilising a Kingspan Klargester 'Biotec 4'. Refined clear liquid from the plants would be deposited into the directly adjacent pond. The position of the plant is shown on the application site layout while details of the manufacturers' specification for the Biotec range is a submission document. The nature of the plant will facilitate clean discharge to the pond after treatment within the plant, and hence further enhancing the 'green' credentials of the development once undertaken if it is to be approved by the Council.

• **Biodiversity - ENV2**

The previous ecology statement is again submitted with the application, but now there is a current 2021 site survey. No adverse comments are resultant in relation to protected species, and as such there would be no resultant impact from the demolition of the existing buildings and replacement with the intended development.

5.2 National planning guidance is represented in the form of the revised **National Planning Policy Framework 2019 (NPPF)** is also relevant to the consideration of this planning application:

[i] *Previously developed land* - The recognised definition of previously developed land [or a brownfield site] is laid down by the revised NPPF within its **Glossary**. It is land which is or was occupied by a permanent structure which in this case includes the current dwelling house its double garage and curtilage, the stables [being non agricultural in definition] and in terms of the current situation both the retail shop unit and the storage unit. The definition excludes land/buildings occupied or last

occupied by agricultural or horticultural developments, which is not the case here. The view taken is that the site, predominantly made up with buildings is previously developed land and as such for housing delivery purposes, particularly for a windfall site, this ought to carry weight towards a favourable decision.

[ii] *The most effective use of land* - Achieving sustainable development remains the objective of the planning system, and in this case as an environmental objective (para.8), and this includes making effective use of land. In regard to the planning application proposal, the terms of para.59 have been introduced in the revised NPPF and are noted. It relays the Central Government's objective in significantly boosting the supply of homes nationally with it being important that there is sufficient land and a variety of land coming forward where needed.

[iii] Concerning housing land supply, the Council were able to demonstrate a five year supply at the point of the determination of the previous application, and this scenario has not changed giving assurance upon this until 31-10-2021. The view taken upon small site, windfall developments in the Adopted Local Plan in the written text to *paragraph 9.23* is such that that such windfall sites may come forward and be built over the plan period and thereby offer some flexibility to the housing supply. The current 2020 Housing Land Supply document identifies an allowance of at least 40 net windfall dwellings per annum but that these be reflected in years 4 & 5 of the Local Plan. The current figure for the allowance of windfall sites in the 2020 document is $40 \times 2 = 80$. But anyway the current approved development, in being granted before 2020, will already recognised in the latest windfall figures and this application is NOT as such introducing new windfall development.

6.0 Final Conclusions

6.1 It is argued that a strong case has been made for the further granting of planning permission for the dwellings proposed in this further application - for what is a low scale, moderate density development upon a planning unit which when cleared ought to be regarded as a largely brownfield and one which also represents sustainable development in its location. The Council have already granted planning permission for a redevelopment of 5 dwellings on the overall Pathways site and that permission remains extant. What would be achieved by granting permission for this further application would be in effect be the same as that already approved - i.e. 5 dwellings in total upon the overall site.

The site is not at risk of flooding being in zone 1 of the Environment Agency's flood risk maps for planning as having a low risk of flooding.

The site can be easily redeveloped in isolation of any other land in having frontage area and existing access available, easy access having a good road network linkage along A583 in both directions, into Kirkham via Dowbridge and to the immediate locality including Newton.

The proposal would also see the removal of the A1 retail uses from the site, which have previously been seen as a contentious factor by the Council.

The inclusion now of just 4 additional dwellings to the site would, once developed, represent no demonstrable harm to the locality. The planning proposals for the redevelopment of the commercial site of Pathways are accordingly commended to the Council planners for approval.

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