



## **Planning Committee Agenda**

Wyre Borough Council  
Date of Publication: 24.05.2021  
Please ask for : Marianne Unwin  
Democratic Services Officer  
Tel: 01253 887326

**Planning Committee meeting on Wednesday, 2 June 2021 at 2.00 pm  
in the Council Chamber - Civic Centre, Poulton-le-Fylde**

1. **Election of Chairman**
2. **Election of Vice-Chairman**
3. **Apologies for absence**
4. **Declarations of interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

5. **Confirmation of minutes**

To confirm as a correct record the minutes of the Planning Committee meeting held on 28 April 2021 (already circulated by email).

6. **Appeals** (Pages 3 - 16)

The Schedule of Appeals lodged and decided between 15 April 2021 – 15 May 2021, is attached.

7. **Planning applications**

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Wyre Borough Local Plan (2011-2031)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan
4. Statements of Government Policy/guidance (NPPF, NPPG, Ministerial Statements etc.)
5. Supplementary Planning Guidance and evidence base documents specifically referred to in the reports
6. The application file (as per the number at the head of each

- report)
7. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports
  8. Any additional information specifically referred to in each report.

These background documents are available on line, or for inspection by a written request to Planning Services, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU.

**Reports of the Head of Planning Services on planning applications to be determined at this meeting:**

- |     |   |                 |
|-----|---|-----------------|
| (a) | <b>Application A - Cleveleys Promenade Thornton-Cleveleys Lancashire (20/01221/FULMAJ)</b><br>Construction of a coastal defence revetment system and improvements to seawall, and creation of site compound at Jubilee Gardens Public Park in association with the construction works | (Pages 17 - 40) |
| (b) | <b>Application B - 34-37 High Street, Garstang, PR3 1EA (21/00113/FUL)</b><br>Conversion of first floor to form five residential apartments (C3), with insertion of new windows, and repositioning of external staircase and enclosure of roof top                                    | (Pages 41 - 56) |

**APPEALS LODGED AND DECIDED**

**Appeals Lodged between – 15<sup>th</sup> April – 15<sup>th</sup> May 2021**

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Appeal Type</b>	<b>Date Lodged</b>
20/01075/FUL	Creg Ny Baa Six Arches Lane Scorton Preston Lancashire PR3 1AL	Erection of a detached dwelling and associated infrastructure	Delegated	Written representations	28 <sup>th</sup> April 2021
20/00067/FULMAJ	Helmsdeep Long Lane Barnacre With Bonds Preston Lancashire PR3 1RN	Change of use of land to be used for natural human burial ground (sui generis) and agriculture	Delegated	Written representations	10 <sup>th</sup> May 2021

**Appeals Decided between –15<sup>th</sup> April – 15<sup>th</sup> May 2021**

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Decision</b>	<b>Date Decided</b>
20/00617/LAWP	Wharf Cottage Cabus Nook Lane Cabus Preston Lancashire PR3 1AA	Certificate of Lawfulness for the proposed use of Ofsted registered dwelling with 5 beds for use as C3(b) dwelling to be occupied by one child and two staff at any one time.	Delegated	Dismissed	4 <sup>th</sup> May 2021
19/00567/OUTMAJ	Land Adjacent To Building 18 Higham Side Road Preston Inskip PR4 0TL	Outline application for the erection of new industrial units (Use Classes B1(c), B2 and B8) with access and layout applied for (all other matters reserved) (re-submission of 18/00593/OULMAJ)	Delegated	Dismissed	30 <sup>th</sup> April 2021

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## Appeal Decision

Hearing Held on 20 April 2021

Site visit made on 21 April 2021

**by Siobhan Watson BA(Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> April 2021**

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**Appeal Ref: APP/U2370/W/20/3256711**

**Land adjacent to Building 18, Higham Side Road, Inskip, Preston, PR4 0TL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Taybridge Construction Ltd against the decision of Wyre Borough Council.
  - The application Ref 19/00567/OUTMAJ, dated 10 June 2019, was refused by notice dated 31 January 2020.
  - The development proposed is erection of B1c, B2 and B8 industrial units (outline).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal was submitted in outline and included details of access and layout for consideration but all other matters were reserved.
3. Following the submission of amended plans, the Council withdrew its reason for refusal in relation to highway safety. The plans also provided details of the extent of the removal of the hedgerow and where additional planting would be provided. As a result, the Council has also withdrawn the part of refusal reason 7 which reads *"the submitted site plan does not indicate the impacts of the proposed access to the site on the hedgerow that bounds Higham Side Road and therefore the impact on this habitat and potential requirement for mitigation cannot be fully assessed."*

### Main Issues

4. The main issues are:
  - Whether the development would be an effective use of land in a location that would be accessible by a choice of sustainable transport modes.
  - The effect of the proposal on the character and appearance of the countryside.
  - Whether or not the development would be acceptable in respect of flood risk.
  - Whether the development would provide satisfactory surface water drainage.

- The effect of the proposed development on habitats and biodiversity with particular regard to the potential use of the site by geese and swans.

## Reasons

### *Accessibility and the effective use of land*

5. Eight industrial units, car parking and a new access off Higham Side Road are proposed. The site is fairly close to Inskip which is a main rural settlement but it is outside of the settlement boundary and is defined as being within the Countryside on the Policies map of the Wyre Local Plan (2011-2031) 2019 (LP).
6. LP Policy SP1 indicates that outside settlements, the amount of new built development will be strictly limited. LP Policy SP4 imposes strict controls over new development within the countryside and indicates that permission will only be granted in certain circumstances, one of which is the expansion of businesses in rural areas in accordance with LP Policy EP8. Policy EP8 allows for the expansion of existing businesses within the countryside where it is demonstrated that the scale and nature of the activity is not detrimental to the rural character of the area and any new building and supporting infrastructure is necessary. The appellant's stance is that the proposal is an expansion of an existing business and therefore falls into this circumstance. No case has been made that the proposal would fall into any of the other circumstances.
7. I heard at the Hearing that the appellant owns industrial units next to the appeal site which are used as offices and storage. Planning permission has also been granted for further buildings at the appellant's existing business premises but this has not been implemented. He explained that his business is construction contracting and property development. The appeal units would be constructed by the appellant to sell or lease to other parties but he might occupy a portion of the development himself. The parties confirmed that the appellant's adjoining existing buildings were for sale and under offer.
8. I do not dispute that the appellant has existing premises adjacent to the appeal site. However, that land is not edged in blue on the plans and the above details of this business only emerged at the Hearing. Moreover, the appellant's business has no firm plans to occupy the development.
9. I appreciate that property development is a business and that the creation of a business park for other users would be a property development venture as part of his enterprise. However, in planning terms, I do not consider that the proposal constitutes an expansion of an existing business in land use terms as there is no clear plan that there would be a functional relationship between the businesses on the two sites. The proposal is therefore not supported by LP Policies SP4 and EP8.
10. In coming to this conclusion I have had regard to a previous appeal decision in Poulton-Le-Fylde<sup>1</sup> which states that "*whether all the activities at the site are treated as one business for tax and accounting purposes is not relevant when assessing whether the proposal is an expansion of the existing commercial business. In land use planning terms, the key issue is whether*

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<sup>1</sup> APP/U2370/W/20/3244933

*there is any functional relationship between the proposed activities and the existing business."*

11. The appellant claims the site is previously developed land and drew my attention to historic development on the site. However, I noted at my visit that although some small remnants of hardstanding can be seen on the site, these are only apparent on close inspection and have blended into the landscape. Therefore, the site does not fall into the definition of previously developed land as set out in Annex 2 of the Framework.
12. There is no dispute between the parties that the site is not well served by public transport, the nearest bus stop being about half a mile away, and that there is a lack of pavements and streetlighting on Higham Side Road. The surrounding land is fairly flat so it would be possible to cycle to the site but the appellant accepts that the main mode of transport for future employees would be by a motor vehicle.
13. The appellant has drawn my attention to Paragraph 84 of the Framework which advises that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It indicates that in these circumstances it will be important to ensure that development is sensitive to its surroundings and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
14. Firstly, in relation to Paragraph 84, there is no evidence before me that there is a shortage of employment land in the borough and I heard that the Nightjar site next to the appeal site is protected employment land. I note the appellant's comments that there will be 85 new dwellings built in Inskip and that the proposed industrial units would provide employment opportunities for the future occupants. The proposed industrial units would, in his opinion, allow Inskip residents to have shorter journeys to work, avoiding commuting to further afield centres such as Preston.
15. However, this new housing is a result of an allocation in the LP where the employment allocations were also made. I note the appellant's comments at the Hearing that the employment allocations are in the wrong place but these too, have been determined within the Local Plan process. In any event, whilst Inskip is the nearest settlement, this does not mean that employees would necessarily be from Inskip.
16. I note the appellant's evidence that there have been enquiries in relation to the proposed units, which means that there is a demand for them and I have no reason to doubt that people would want to take on the proposed units. However, given that there is no shortage of employment land, I have no convincing evidence that the development of the site would meet an identified local business need.
17. Secondly, in relation to Paragraph 84, there is no substantive proposal to make the site more sustainable although the appellant has offered to provide electric charging points for cars. The availability of electric charging points might encourage workers to use an electric vehicle but it would not prevent non-electric vehicles being used or reduce the reliance on car journeys to and from the site.

18. I conclude that the site would not make an effective use of land in a location which would provide a choice of modes of travel as it is not easily accessible by walking or public transport. Therefore, the proposal would conflict with LP Policies SP1, SP2 and CDMP6 which, in combination, indicate that new development should take place within settlement boundaries unless supported by another policy in the plan; maximise the use of previously developed land; ensure accessible places and minimise the need to travel by car.
19. It would also conflict with Paragraphs 102 and 103 of the Framework which indicates that the planning system should actively manage patterns of growth in support of certain objectives, including opportunities to promote walking, cycling and public transport use.

#### *Character and Appearance*

20. The site is agricultural land in an area with a predominantly open and rural character. I accept that there is sporadic development in the wider area. The most notable of these developments is the group of industrial units known as "Nightjar" adjacent to the site. There are also very tall and large defence masts nearby and the appellant's own industrial units are next to the site. However, existence of sporadic development is not uncommon within countryside areas.
21. The appellant's submitted Landscape Assessment argues that the site is visually contained by the existing surrounding development and that views of the appeal site are limited to a fairly localised area due to intervening woodland, hedges and buildings.
22. At my visit I was able to see the site in the context of the surrounding land, vegetation and buildings. The site and surrounding land is fairly flat and although other buildings can be seen alongside it, the site itself does not have a high degree of enclosure as it is mostly adjacent to large expanses of other fields from which the site is visible. It is also highly visible from Higham Side Road. There is a hedge on the boundary with the road but this hedge is not tall enough to screen the site and any new buildings and even if it were, the site would still be visible through the new access and from surrounding land.
23. Within the above landscape context, the proposed development would erode the predominantly open nature of the area and change the site's rural appearance to one of a more urban character. The proposal would be an obvious visual intrusion within the rural landscape.
24. I conclude that the development would harm the character and appearance of the countryside and conflict with Policies SP2, SP4, EP8 and CDMP3 of the Wyre Local Plan (2011-2031) 2019 (LP) which in combination seek to protect the landscape, the local context and the rural character of the countryside.

#### *Flood Risk*

25. The site is mainly in Flood Zone 1 but the access road and much of the parking would be located in Flood Zones 2 and 3. The Framework, in Paragraph 155, says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 158 says that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower



risk of flooding. It also indicates that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

26. I note the appellant's comments that the access road and parking is on the extremities of Flood Zone 2 and 3. However, neither the Framework nor the Planning Practice Guidance (PPG) make any differentiation between areas in the middle of, or the extremities of, the flood risk zones.
27. I heard from the appellant that there has been no flooding during the 13 years he has owned the site. Nevertheless, the PPG sets out that the risk of flooding in Flood Zone 2 is between as 1:100 and 1:1000 annual probability of river flooding and between 1:200 and 1:1000 annual probability of sea flooding. Flood Zone 3 is more than a 1:100 annual probability of river flooding and more than 1:200 annual probability of sea flooding. Hence, flood risk is calculated over a far longer time-period than 13 years.
28. I heard at the Hearing that the appellant did not undertake a sequential test because his view is that the proposal constitutes an expansion of an existing business and therefore, there are no other sites that could accommodate the development. However, I have already found that the proposal does not constitute an expansion of an existing business in terms of Planning Policy. In addition, both parties agree that there is no shortage of employment land in the borough. Therefore, the sequential test should have been undertaken and passed.
29. I note that the buildings would be in Flood Zone 1 but it is important that workers can get home or be rescued in a flooding event. Notwithstanding the fact that a sequential test has not been passed, as the access and parking is in Flood Zone 2/3, this would hinder the escape from the site. Paragraph 163 of the Framework states that developers must demonstrate that safe access and escape routes are included but this has not been done.
30. The Framework and the PPG are clear that the Exception Test should only be applied following the application of the Sequential Test. It says that an applicant will need to show that both elements of the Test can be satisfied. This procedure has not been followed. I appreciate that the Environment Agency did not object to the proposal but it did advise that the Council should determine the sequential test.
31. I conclude that the proposed development would be subject to an unacceptable flood risk. It would therefore conflict with LP Policy CDMP2 which indicates that where development is proposed in areas at risk of flooding, unless specifically proposed in the Local Plan, it must be demonstrated that the Sequential Test has been applied and there are no reasonable available alternative sites at lower risk, considering the nature of flooding and the vulnerability of the development. It would also be contrary to advice in the Framework and the PPG.

#### *Surface Water Drainage*

32. LP Policy CDMP2 indicates that a sustainable drainage system should be incorporated into new development and only as a last resort, there should be controlled discharge into the combined sewerage network where United Utilities have indicated acceptance. Development will be required to minimise the rate of discharge to the public sewerage system as much as possible.

Furthermore, the PPG advises that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems.

33. The proposed sustainable drainage plan includes swales to store water. The appellant's drainage report indicates that the maximum storage requirement is 490 cubic meters and the drainage plan indicates a total storage potential as 600 cubic meters in swales. However, 250 cubic meters of this would be stored in a swale outside of the site. The Council has pointed out that the swale outside of the site would be an engineering operation requiring planning permission and therefore, it cannot be considered as part of the proposal as it is outside of the red line area. I have no reason to disagree with this position. Therefore, the proposed development would not accommodate the complete sustainable drainage system.
34. I appreciate that neither the Council's Drainage Engineer nor United Utilities objected to the planning application. However, neither consultees had the proposed drainage scheme before them when they were consulted. I have already found that the site has an unacceptable flood risk. Given this identified risk, and the fact that the appellant has not been able to demonstrate that a sustainable drainage system can be fully accommodated within the site, I conclude that the proposal does not provide a satisfactory drainage system and conflicts with LP Policy CDMP2 and the PPG.

#### *Habitats and biodiversity*

35. In order for a development to be screened out at the Stage 1 part of the Habitats Regulations Assessment (HRA) process there must be no doubt that the scheme will not have any harmful impacts on the special interest of any European Site.
36. In response to the appellant's Stage 1 Screening, Natural England (NE) advised in its response to consultations from both the Council and myself that the bird survey information was incomplete as no local bird data had been included. It advised that information should be gathered from the local bird groups to help determine whether the application site and surroundings are being used by significant numbers of bird species from European designated sites. This information would make the submitted evidence more robust and would inform whether further survey work should be undertaken. NE did not dispute any of the findings already contained within the report.
37. A revised Stage 1 Screening report was submitted shortly before the Hearing, to include the additional information from Fylde Bird Club. The Club provided records of birds in the tetrads (2km by 2km squares) within 2 kilometres of the centre of the appeal site.
38. The report identified that, based on the relative distance to the European designated sites, and in consideration of the potential pathways of impact, the European designated sites which are potentially vulnerable to impact are the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site; Morecambe Bay Special Area of Conservation (SAC) and Ramsar Site; and Morecambe Bay and Duddon Estuary SPA.

39. These sites are designated for their intertidal estuarine flats of international significance for wintering wading birds and national significance for wintering wildfowl. The site is also within NE's Impact Risk Zone for Goose and Swan.
40. The report demonstrated that the surrounding area beyond the site has been used by 20 of the qualifying bird species at the Ribble and Alt Estuaries and/or the Morecambe Bay and Duddon Estuary SPA, with 9 of these qualifying species recorded in the tetrad which contains the site. This suggests that the immediate wider area may be used as functionally-linked land by the relevant qualifying species.
41. However, based on the distances involved and the presence of the existing road network which separates the site from the tetrads where Fylde Bird Club have reported the records, it was concluded in the revised report that the resultant development would be unlikely to cause the displacement of these 20 species from the fields in the wider area.
42. In addition, even in the event that flocks of birds were deterred from using the fields in close proximity to the site during the construction period there are other large similar fields in the wider area where the qualifying species can be displaced to beyond the site.
43. The report also assessed whether there would be combination effects of other development and found that there would be no risk of a likely significant in-combination effect either. The absence of in-combination effects has not been disputed by any party.
44. For the above reasons, I exclude the potential for likely significant effects on the integrity of birds including goose and swan or on the integrity of the habitats sites. Therefore, there would be no need to move onto the next stage of the HRA process. I conclude that there would be no harm to ecology or biodiversity. As such, I find no conflict with LP Policy CDMP4 which seeks to protect ecology.

### **Other Matters**

45. The appellant has referred to numerous legal cases in support of his interpretation of planning policy, particularly in respect of development in rural areas. The judgements have not been provided by the appellant but I note his commentary. Nevertheless, as the decision maker, I have applied the relevant planning policies as I understand them and have found conflict with policies in both the LP and the Framework in respect of rural development. I have considered all other material considerations but none outweigh the conclusions I have reached.

### **Conclusion**

46. Although I have found no harm to ecology, I do find harm in respect of all the other main issues. Therefore, the proposed development would conflict with the development plan as a whole and the appeal is dismissed.

*Siobhan Watson*

INSPECTOR

APPEARANCES

*For the Appellant:*

Mr Gary Petherbridge – Appellant

Mr Chris Wheetman BA(Hons), DMS MRTPI – Planning Consultant

Amy Sharples BSc (Hons) MSc, ACIEEM – Senior Ecologist, ERAP

Dean Blackhurst, BA (Hons), MSc, CMLI – Director, ReLandscape Ltd

Mr David Wallbank, BEng, CEng, MICE – Director, PSA Design

*For the Council:*

Miss Lucy Lowcock BSc – Wyre Borough Council

Mrs Lyndsey Hayes BA(Hons) MCD, MRTPI – Wyre Borough Council



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## Appeal Decision

Site visit made on 31 March 2021

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 04 May 2021

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**Appeal Ref: APP/U2370/X/20/3264732**

**Wharf Cottage, Cabus Nook Lane, Cabus PR3 1AA**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mrs Susan Rolfe of Exceptional Care Limited against the decision of Wyre Borough Council.
  - The application Ref: 20/00617/LAWP, dated 8 July 2020, was refused by notice dated 2 October 2020.
  - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is an Ofsted registered dwelling with 5 beds for use as C3(b) dwelling to be occupied by one child and two staff at any one time.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Notwithstanding the description of the proposal on the application form, the local planning authority determined the application on the basis of an amended description as 'Proposed use as a C3(b) residence for not more than one child and two care staff at any one time'. My understanding is that this description was agreed by the applicant at the time and that is the basis on which I will determine this appeal.

### Main Issue

3. The main issue is whether the Council's decision to refuse to grant a certificate of lawful use or development was well-founded. In this case that turns on whether the proposed use is a material change of use from the lawful use as a single dwellinghouse falling within Class C3.

### Reasons

4. The appeal property is a detached five bedroom two storey dwellinghouse situated adjacent to Winmarleigh Bridge on the Lancaster Canal. It is situated adjacent to two holiday parks in an area of open countryside. At ground floor level the property currently has an entrance hall, living room, kitchen, dining room, study, TV/games room and a bath and WC. At first floor there are five bedrooms, all with en suite bathrooms.

5. Exceptional Care has a number of barges on the canal network and it is intended to use the appeal site for an assessment and transition service, enabling children or young people to be matched to a registered bed and have a period of time on the barges, moving through the canal network whilst being assessed for their long term placement. My understanding is that children would be supported to settle into the home and integrate into the local community, including attendance at local schools. Some beds within the property would be retained for long term children who would live there and have a barge attached for the satellite bed. The maximum number of people that would sleep at the property would be six.
6. The appellant has stated that the property would be used as a family style environment for two professional parents offering care, support and accommodation for up to four children living on site. The appellant states that the use of the property would be no different from use as a family home since the number of people staying overnight would be under six. There would be two main carers with two staff sleeping at the property whilst other staff would be available to provide on site support during the day. Further evidence provided with the original application clarifies that only one child with two adult carers would live at the property at any one time and that each of the bedrooms would be registered to a child on Exceptional Care's programme.
7. I have considered case law relating to cases such as this and it is clear to me that a similar scenario to this case was considered in the case of *North Devon District Council v FSS & Southern Childcare Ltd [2003] EWHC 157 (Admin); [2003] JPL 1191* which determined that children cannot form a household and that if their carers do not live permanently at the property, the use would fall within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO). This is defined as use for the provision of residential accommodation and care, other than within a Class C3 use.
8. Case law<sup>1</sup> also confirms that *North Devon* does not lay down a principle that those who may need care can never constitute a household. It is necessary to focus first on those in occupation and ask whether they form a single household as a matter of fact and degree. It would be counter to the language of Class C3 and the underlying policy to conclude that where care is needed, C3 only applies to where the carer-givers are resident. However, in this case, since the children or young people cannot themselves be said to form a household, as established by *North Devon*, the proposed use would fall within C2 (residential institutions) of the UCO.
9. The use before me does not appear to involve occupation by a single household as required under Use Class C3. The overall use could be for up to four children with one bedroom each and a barge allocated to them. Although the appellant states that at any one time there would be only one child and two staff this is only a temporary arrangement whilst assessments are being carried out. During that temporary period, time would also be spent on a barge on the adjacent canal. How the other bedrooms would be used whilst the rest of the property is occupied by one child and two professional staff is rather unclear and the information submitted by the appellant lacks clarity and consistency.
10. For example, the information submitted with the application states that only one child with two carers would reside at the property at any one time whereas

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<sup>1</sup> R (oao Crawley BC) v FSS & the Evesleigh Group [2004] EWHC 160 (Admin)

the appeal documentation states that there would be a maximum of four children living at the home with two staff living there overnight. Furthermore, the agreed description of the proposed use relates to an Ofsted registered dwelling with up to five children registered but not living in the property overnight and appeal documentation states that some beds would be retained for long term children who would live at the home and be active members of the local community.

11. In my planning judgement, it cannot be said that there is a single household being formed and consequently it is my opinion that it would be occupied as a C2 residential institution. However, a change of use to a different use class only requires planning permission if it is material in planning terms. In this case, the appellant considers that the proposed use would fall within Class C3 and that the nature of the use as detailed in the application would not be materially different than a typical household in Class C3. In order to establish whether or not there would be a material difference a comparison between the existing and proposed uses must be carefully considered.
12. The property could quite easily accommodate a large family, but the proposed level of occupation is materially different than would be expected for a typical family dwelling. The key differences include the use as an assessment centre, the potential pattern of occupation by different children and carers, the relationship between occupation of the property and occupation of barges on the adjacent canal and the day to day support being provided by other scheduled staff on site during the day. These factors clearly distinguish the proposed use as a residential institution rather than as a C3 dwelling.
13. Under application reference 19/01279/LAWP the Council found the use of the property as a residence for not more than two children with care provided by two staff to be lawful; however, the proposed use before me is materially different to the use previously found to be lawful.

### **Conclusion**

14. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of use of the property as an Ofsted registered dwelling with 5 beds for use as C3(b) dwelling to be occupied by one child and two staff at any one time was well-founded and that the appeal should fail. I will exercise the powers transferred to me under section 195(3) of the 1990 Act as amended.

*A A Phillips*

INSPECTOR

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**Committee Report****Date: 02.06.2021****Item Number 01****Application Number 20/01221/FULMAJ****Proposal Construction of a coastal defence revetment system and improvements to seawall, and creation of site compound at Jubilee Gardens Public Park in association with the construction works****Location Cleveleys Promenade Thornton-Cleveleys Lancashire****Applicant Wyre Council****Correspondence Address c/o Wyre Council  
FAO Carl Green Civic Centre Breck Road Poulton-Le-Fylde  
Lancashire FY6 7PU****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

Site Notice Date: 04/02/2021

Press Notice Date: 24/02/2021

1.1 This application is being presented to the Planning Committee for consideration following a call-in request from Councillor Fail. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site relates to a 783m length of sea wall and also an 883m length of beach immediately below the sea wall off the Promenade in Cleveleys, between Café Cove and Rossall School. This stretch runs immediately alongside the Public Right of Way 2234, which is part of the Lancashire Coastal Way, and National Cycle Route Number 62. The site also relates to a portion of Jubilee Gardens, including Jubilee Gardens car park, located to the south east of this stretch of the Promenade.

**3.0 THE PROPOSAL**

3.1 This application is made by Wyre Borough Council and seeks full planning permission for the construction of a coastal defence revetment system (a sloping

defence structure) and improvements to seawall, and the creation of a site compound at Jubilee Gardens in association with and for the duration of the construction works.

3.2 The works form Phase 1 of the Wyre Beach Management Scheme, a programme of planned coastal civil engineering works on the Fylde Coast, to provide a high level of protection and to extend the serviceable life of, the existing sea defences and prevent them progressively failing structurally. The scheme will maintain 0.5% annual probability event (overtopping) along the frontage over the next 50 years. Phase 1 (this application) comprises of toe protection works to an 883 metre length of existing sea defences between Cleveleys and Rossall School. Phase 2, Beach management works and additional toe protection works between the boundary with Blackpool and Fleetwood, will be subject to a separate planning application to be submitted in due course.

3.3 The proposal would involve the demolition of 783m of the existing recurve crest wall (which is currently 200mm higher than the level of the public footpath/ promenade) to footpath level, and the installation of a new taller crest wall, up to 1100mm high, of a contemporary concrete design. Overall the existing front seawall would be raised by approximately 400mm, making it 600mm above the existing public footpath level when on the promenade.

3.4 The Toe Protection Works also involve excavating below existing beach level in front of the existing sea defences and placing new 3-7 tonne graded rock armour (boulders piled up together) in a two-layer arrangement to provide scour protection, to reduce the risk of flooding due to undermining and any subsequent breach of the existing defences.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 There is no planning history relevant to this proposal.

#### **5.0 PLANNING POLICY**

##### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN**

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- Policy SP1 - Development Strategy
- Policy SP2 - Sustainable Development
- Policy SP7 - Infrastructure Provision and Developer Contributions
- Policy SP8 – Health and Wellbeing
- Policy CDMP1 - Environmental Protection
- Policy CDMP2 - Flood Risk and Surface Water Management
- Policy CDMP3 - Design
- Policy CDMP4 - Environmental Assets
- Policy CDMP5 - Historic Environment
- Policy CDMP6 - Accessibility and Transport

## 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2: Achieving sustainable development and The Presumption in favour of Sustainable Development
- Section 3: Plan - Making, paragraph 20
- Section 4: Decision-making, paragraphs 47-50, and 54-55
- Section 8: Promote healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE NOTES (SPG's)

5.3.1 None relevant

### 5.4 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG):

5.4.1 The NPPG provides advice on the application of Government policy. Within the NPPG, the following sections are of most relevance:

- Air Quality
- Climate Change
- Design
- Flood risk and coastal change
- Healthy and Safe Communities
- Natural environment
- Noise
- Travel plans, transport assessments and statements
- Use of planning conditions
- Waste
- Water supply, wastewater and water quality

### 5.5 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS AMENDMENT) (EU Exit) 2019

### 5.6 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

## **6.0 CONSULTATION RESPONSES**

### **6.1 LANCASHIRE COUNTY COUNCIL as LOCAL HIGHWAY AUTHORITY (LCC HIGHWAYS):**

6.1.1 No objections subject to conditions 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. Requests that the routing of the loads to the site is signed and placed on appropriate street furniture to reduce the impact of the wagon movements on the highway network.

Conditions suggested requiring road surveys prior to and on completion of the works, and requiring a Traffic Management Plan.

### **6.2 HISTORIC ENGLAND:**

6.2.1 Confirm do not need to notification or consultation on this application under the relevant statutory provisions.

### **6.3 LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (LAAS):**

6.3.1 Concur with the conclusion of the submitted Heritage Statement (Jacobs UK Ltd, 11 November 2020) that no physical impacts would occur to known heritage assets by the proposed works. As such no archaeological mitigation works are required as part of the scheme.

### **6.4 MARINE MANAGEMENT ORGANISATION (MMO):**

6.4.1 Comments received that any works within the Marine area require a licence from the Marine Management Organisation, and similarly for any works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Applicants should be directed to the MMO's online portal to register for an application for marine licence (link and information provided for the applicant).

### **6.5 NATURAL ENGLAND:**

6.5.1 First response: Email request for clarification on rock armour details.

6.5.2 Second response: No objection and considers that the proposed development will not have significant adverse impacts on designated sites (Liverpool Bay Special Protection Area (SPA), Morecambe Bay & Duddon Estuary SPA, Morecambe Bay Special Area of Conservation (SAC) and Ramsar site).

6.5.3 Notes that the Authority, as competent authority under the provisions of the Habitats Regulations, has screened out from further stages of Environment Impact Assessment because significant effects are unlikely to occur, either alone or in combination.

### **6.6 GREATER MANCHESTER ECOLOGY UNIT (GMEU):**

6.6.1 No objections to the proposal on nature conservation grounds, and accept that the proposals will not affect any designated sites, important habitats or notable species. Further, the scheme is in the wider public interest.

## 6.7 ENVIRONMENT AGENCY (EA):

6.7.1 First response: The site lies within Flood Zone 3 and Flood Zone 2 on the Environment Agency's mapping service, and that the Wyre Beach and Dune Management Outline Business Case (Wyre Council, Jan 2020) has been approved by the Environment Agency Large Project Review Group and this project (Phase 1) forms part of this larger proposal. No objection to the development in terms of Flood Risk as the submitted 'Rossall South Toe Protection Works -Coastal Processes, Geomorphology and Flood Risk Assessment' and is satisfactory. Whilst not objecting, have some concerns that the buried toe protection, in the long-term (and with sea level rise) could be more frequently exposed and/or permanently exposed and as such this would constitute loss of natural shingle beach. It is not clear from the details submitted if this been considered, quantified and accounted for as part of the scheme.

Pollution prevention and Environmental Permit advice provided for the applicants information.

6.7.2 Second response: Have considered comments from the applicant in relation to previous EA response. Given the next phase for the new groynes are designed to improve shingle retention and beach recharge on top of this would manage any losses in material, and that the EA's Large Project Review Group has approved the scheme (including modelling and monitoring), the EA have no further comments to make in this regard.

## 6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE):

6.8.1 First response: Refuse as additional information is required. Site offices and welfare facilities will need to be connected to mains foul and surface water drainage networks. Details of connections to be submitted for approval. An Emergency evacuation plan is required for the site offices and welfare facilities.

6.8.2 Second response: No objection in principle. No drainage proposals have been included with the application. Site offices and welfare facilities will need to be connected to mains foul and surface water drainage networks. Condition needed requiring proposed drainage details to be submitted for approval.

## 6.9 UNITED UTILITIES (UU):

6.9.1 Requests additional information prior to determination of the application as a water main crosses the site and unrestricted access is needed for operating and maintaining it. Also a large diameter combined sewer crosses the site (2850mm combined sewer Fylde Coast Tunnel) which is located within the area of the proposed coastal defence works and must not be compromised. Standard guidance on working adjacent to pipelines provided for the applicants information. Require further information with regards to drainage proposals for the proposed site compound, offices, welfare and parking area.

## 6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY):

6.10.1 First response: Objects to the application until further information is provided with regard to noise, dust and light. The applicant needs to provide further clarity regarding the mitigation of noise from the development. Standards of noise levels needing to be met at the nearest residential properties provided. The applicant also

needs to clarify the working hours for the site. The Environmental Action Plan needs to be revised to ensure that the applicant outlines their responsibilities and how they will be responsible for monitoring, recording and addressing issues at the development. Condition suggested in relation to artificial lighting to prevent light intrusion into nearby sensitive premises.

6.10.2 Second response: The information provided does not address concerns on how noise from the works will impact existing sensitive receptors as further information is still needed that is specific to this proposed development and how noise from the works will be controlled and mitigated. However provided all the following conditions are attached the objection can be withdrawn;

- Working hours for the site shall be restricted to 8.00am to 18.00pm Monday -Friday and 8.30 am to 13.30pm Saturdays with no work to take place on Sundays and Bank/Public Holidays.
- Deliveries to the site including waste collections shall not take place outside the hours 8.30am to 18.00 pm Monday to Fridays. 8.30am to 13:30pm Saturdays and no deliveries including the collection waste will occur on Sundays and Bank/Public Holidays.
- There shall be 65dB(A) noise limit for noise arising from construction operations. The level will be determined when measured 1 meter away from facade of the nearest noise sensitive property. The Sound level meter and microphone used will meet the requirements of BS 61672-1:2013.
- Submission of a Construction Environmental Management Plan to help mitigate dust pollution and nuisances.
- Various site compound locations (other than Jubilee Gardens) shall be agreed before any works commence
- The developer to install and maintain monitoring equipment for the purpose of measuring noise and vibration during construction works and when such construction works are determined to breach the noise limit for the site. Investigations will commence to address the breach to mitigate the noise and vibration
- A suitably qualified noise consultant shall be employed to assess the monitoring in order to ensure the noise limit for the site is not breached and to determine if other noise sources outside the developers control e.g. road traffic noise, sound from waves at the sea front, noise from meteorological sources etc. may have caused the noise limit for the development to be breached.
- All monitoring data and data analysis will be kept and made available upon request from the local authority or government agency.
- Before work commence a noise report will be produced that assess the sites ability to meet the construction noise limits of 65dB at noise sensitive receptors near the works and outline mitigation that will help the site achieve the construction noise limit. All mitigation outline in the noise assessment are to be implement full before work commences
- If work is required to take place outside of permitted hours both the Planning authority and Council's Environmental Health Team are to be notified in writing 24hrs before works are intended to take place so that new a temporary noise limit and mitigation can be agreed for the notifiable works. Works will not take place until agreement has been reached.

## **7.0 REPRESENTATIONS**

7.1 31 letters of objection have been received to this application, from 30 individuals. The issues raised can be summarised as follows:

#### Use and location of compound:

- Object to the use of Jubilee Gardens which is a local green space of which there are few, is used as a play area for children, dog walkers, the elderly, and is well used.
- The scheme would have a detrimental and unacceptable destructive impact on Jubilee Gardens.
- The proposal will impact upon the Bowling Green.
- Concern about Jubilee Gardens being totally closed to the public, especially visitors, for up to 3 years as this is a popular tourist location and drive to location. Visitors will reduce.
- It is queried whether Jubilee Gardens could be opened in the summer months for parking if works take place in winter.
- Other locations for the compound should be considered such as the use of the car park at the Jubilee Leisure complex, Vue Cinema and Gym, the hard surface of the long stay car park, or land at or near Rossall School.
- The Council has refused to pay to store equipment at Rossall School.
- Justification should be provided to why this site (Jubilee Gardens) is being used.
- It is counterproductive and a waste of money to have refurbished and built a new park on the gardens if they are essentially put out of use for 3 years or destroyed.

#### Impact upon amenity:

- The compound is to the rear of existing houses and will ruin enjoyment of these properties and their gardens through noise, pollution, dust, danger, and visual impact.
- The loss of the gardens will have an adverse impact upon health and wellbeing for children and residents. The Council do not care.
- Noise will impact upon the nearby school and children's education
- There will be disruption to the promenade for walkers, wheelchairs, and cyclists, and the increase in noise and dust.
- There is no assessment of traffic pollution, noise, vibration on the two businesses in the middle of the works.

#### Impact upon businesses:

- Closure of Jubilee Gardens would have a knock-on effect on land at North Promenade which is used for customer parking for patrons of The Venue.
- Visitors would park on the Venue car park, and discourage or inhibit its own patrons using it, especially at peak wedding season. Would result in staffing of the car park at a cost to the business. Whilst it has been suggested by the Council the car park could be made pay and display there has been no confirmation from the Council.
- The compound location will cause unnecessary upheaval and disruption to The Venue, Café Cove, the Angling Club, and Friends of Jubilee Gardens. It will also financially impact the businesses on the back of Covid.

#### Highways concerns:

- Concern over increase in traffic and construction traffic.
- Concern how many trucks will pass existing businesses a day and at what times, as this could affect trade.

- Lorries will cause vibration to properties and impact on repaired roads.
- Queried what route lorries will take and whether they will be directed down Carr Gate. Considered Thornton Gate is more appropriate.
- The closure of the road is unacceptable for such a long period.
- Existing small roads will be used as cut-throughs (such as Palatine road)
- Roads are already in a state of disrepair.
- Increase in traffic will be a risk to children with a school located at the back of the park.
- Parking will be an issue. People will park on residents roads. Residents and visitors will be unable to park.
- There are no detailed plans included for the alterations to the ramp to the rear of Café Cove. This is referred to as minor widening work which is not the case.
- The plan provided for access to the compound is lazy and inaccurate.
- The Construction Phase Plan was written in 2020 and takes no account of different hazards and far greater numbers of the public
- No mention anywhere of environmental impact of lorry movements or traffic control measures.
- The planning application states no effect to rights of way. This is questioned.

Other matters:

Consultation:

- Consultation on the scheme was done assuming a Rossall base.

Competition:

- Concerned with the developments intention will add yet more competition to this over-competited area of the town. Development for green usage to benefit the town shouldn't take away from existing enterprise.

7.2 One letter of support has been received to this application. This states that:

- the disappointment local people feel at the loss of parkland amenity for up to 3 years is understandable, but the application is supported as all other options appear to have been exhausted.
- The rocks need to be stored somewhere before being put on the beach.
- As no privately owned place nearby has been found, and the nearby school is unwilling to accommodate the rocks, there isn't much else the Council can do.
- The long term protection of property along the coast is paramount and will outweigh the short term inconveniences.

7.3 A letter has been received from Friends of Jubilee Gardens (FOJG). The matters raised can be summarised as follows:

- Support the scheme's overall objective to reduce the risk of flooding, but have concerns with the current proposals that need addressing in order for them to support the proposals.
- The originally planned compound on Rossall School land would have had a far lesser impact on residents.
- Concern about impact on residents along the traffic route. The current plan has a much greater impact on residents along Victoria Road, Crescent East,



Anchorsholme Lane, South Promenade, North Promenade, Carr Gate, Thornton Gate, and Rossall Road.

- Residents should be consulted and have input in the planning conditions.
- The Group are deeply disappointed about the plans to place a compound on a public park as opposed to land owned by Rossall School.
- The detrimental impact on the town's main park should not be understated. Residents, visitors, and tourism will be badly affected for over three years.
- FOJG perceive the impact is: General damage to the existing park; Relocation of existing equipment and benches (some of which has only just been installed; loss of up to half the park for over 3 years (scarce public open space); and delay of implementing the existing improvements masterplan
- Asserts proposal is contrary to the NPPF section 8, and Wyre Local Plan Policies CDMP4 and SP7, and improvements are required due to these policies. Mitigation and compensation for loss of open space should be provided, but there is no intention to replace the lost open space with equivalent or better provision elsewhere.
- The impact on environmental assets is always going to be unacceptable unless compensation is provided in the way of a future upgrade.
- This plan also involves closure of current public rights of way and access for a sustained period.
- Consider there has to be a plan for improvement, not just restoration of the park on completion.
- Proposals for the restoration and upgrade of the park should be placed in the project management plan. It should then be for the Planning Officer and the public to determine if that is sufficient compensation.
- Upgrades should be planned for and documented in the planning process

7.4 A letter has been received from Councillor Fail raising concerns. The matters raised can be summarised as follows:

- Sure the scheme will be welcomed by local residents, and while happy with the scheme, is not happy with the plan as it stands.
- Residents are concerned about the plans and reservations need to be addressed.
- The compound was original on Rossall School, and is now on Jubilee Gardens.
- Deeply concerned that the school who will benefit from the scheme enormously have not recognised their civic responsibility, or chosen to disregard responsibility.
- If the compound had been at Rossall School much traffic issues would have gone away and there wouldn't have been impact on Jubilee Gardens.
- Residents on the proposed traffic route will face 3 years of traffic.
- There should be a summary put up of the traffic route to see if concerns can be overcome
- If concerns cannot be overcome another site should be used (for the compound) and consultation take place including traffic routes, safety measures and speed restrictions.
- The developer should put together a plan to repair/resurface roads, and carry out surveys before and after
- Kids of Thornton-Cleveleys won't be playing on Jubilee Gardens if the plans go ahead.
- Using Jubilee Gardens will delay the masterplan and vision for the future of the Gardens.

- Loss of green open space for 3 years is a big ask for residents. There must be guarantee of satisfactory compensation by way of an ungraded funded by the scheme.
- Using the Gardens as a compound must be used as an opportunity to advance the masterplan rather than delay it. This proposal is delaying it, so significant long-term benefit must be provided.
- Restoration of the park on its own after works should not be seen as acceptable. There must be long-term gain, as per the NPPF and the Council's Local Plan.
- Asserts that the proposal is contrary to Section 8 of the NPPF, Paragraph 5.8.2 of the Local Plan, and Policy CDMP4, as there are no compensatory proposals for restriction of pathways and access to the park, and loss of public open space, restoring the gardens to its current state, and with no mitigation for loss of green space for 3 years. Requests that the application documentation be amended.
- Asserts Policy SP7 requires infrastructure or a financial contribution and which the developer provides needs to be negotiated through residents, stakeholders, and Friends of Jubilee Gardens.

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 Various, including updates on the progression of the application and requests for further drainage and noise information. Contact regarding agreement of pre-commencement conditions.

## **9.0 ISSUES**

9.1 The main issues in this application are as follows:

- Principle of development (Including loss of green space)
- Visual Impact / Design / Impact on the street scene
- Impact on Highway Network/ Parking
- Impact on Residential Amenity and nearby premises
- Flood Risk and Drainage
- Impact on Ecology
- Impact on the Historic Environment

Principle of development (Including loss of green space)

9.2 Policy SP1 of the adopted Local Plan seeks to direct new development to within existing settlements. The application site, the existing sea wall and Jubilee Gardens, is located within and along the edge of the settlement of Cleveleys and therefore complies with this Policy. Policy SP2 states that all development in Wyre should be sustainable. This includes that policies and proposals should reduce and manage flood risk. Furthermore Policy SP2 requires development to demonstrate how it will respond to the challenge of climate change. The application proposal is itself a flood risk defence scheme to protect 28,500 properties in the flood plain of Wyre that are in Flood Zone 3, and is a direct response to the challenge of climate change. The proposal therefore complies with Policy SP2 as a form of sustainable development.

9.3 The location of the sea wall and revetment system is along the edge of a defined area of Green Infrastructure (GI) in the Local Plan (the existing beach and coastal area). Whilst the proposal would alter the site by providing rock armour to a width of 6m, it is considered that this section of the promenade does not primarily

serve as amenity space and the area would still remain as GI albeit with a function of flood defences. The proposal would not result in the loss of GI and it would still remain as part of the coast with a similar use and visual appearance as existing. Therefore no alternative provision of GI is required. There is no change to current access provision onto the beach on completion of the works, with impacts only to occur during construction. These works therefore satisfy policy CDMP4 of the Adopted Local Plan.

9.4 Concern has been raised about the temporary loss of Jubilee Gardens as a green space whilst it is used as a site compound to store rock, and that no compensation or mitigation is being provided during the timeframe it would be closed for public use. Whilst Policy CDMP4 of the local plan is concerned with the loss of GI, this relates more generally to permanent developments, rather than short-term loss during construction phases. There is therefore no policy basis to insist on temporary replacement facilities. Given the loss of this green space would be on a short-term basis, estimated to be six months for this phase of works, the wider public benefits arising from the sea defence works mean the development is considered to significantly outweigh this temporary loss of green space. The council is looking into long-term improvements to Jubilee Gardens after the site compound has ceased use, however this is not being proposed as part of this application, nor is restoration beyond the current situation a requirement to make the development acceptable, and so no weight should be afforded to this in determining this planning application.

9.5 Members are advised that they are required to consider the proposals applied for, and whether those proposals are acceptable. Therefore whilst many objections and letters received state that alternative sites would be more suitable for the compound, this is not a relevant material consideration.

#### Visual impact/design/impact on the street scene

9.6 The proposal would result in an increase in the existing wall for a length of 783m along the promenade by 400mm in height. Rock armour works are also proposed. The rock armour would be approximately 6 metres wide, 2.4 metres in depth, and sit at a level approximately 4.5 metres below the beach level for a length of 883 metres. It is proposed that following completion of the rock armour it will be buried under the beach. It is considered that the increase in the wall height when viewed along the promenade, road network, and existing properties opposite the promenade would be minimal in terms of visual impact in the locality given that the increase is less than half a metre in height. The rock armour would only be visible at times of severe storms and it is considered that given the low level of this rock armour the proposal would not result in unacceptable visual impact from public vantage points on shore. For these reasons whilst the proposal is along a sizeable length of the promenade, it is not considered to result in unacceptable visual harm to the area.

9.7 The application also proposes the use of Jubilee Gardens as a site compound during the works. The submitted plans detail that site offices, welfare and car parking facilities would be on the existing car parking area nearest the existing properties, and that the compound would extend south of the existing access into the Gardens, and east of an existing play area, to be used as the rock armour storage area. This would result in visual impact from the promenade opposite the gardens, within part of the Gardens itself, and from existing dwellings and properties adjacent during the course of the works. However the siting of the compound is not permanent in nature, and whilst it would cause visual harm to the locality during the course of the works, it is temporary and to be removed. It is also considered any temporary

visual impact would be outweighed by the benefits of the resultant flood defence scheme. A condition can be attached requiring the area of the site compound to be restored to its original state prior to the works.

#### Impact on the highway network/parking

9.8 The submitted Design and Access Statement states that there will be no impact or change to vehicular and transport links as a result of these works, including the National Cycle Route Number 62 which runs along the promenade between Blackpool and Fleetwood and will remain open, and inclusive access will not be affected. The proposal would include a rock armour haulage route between the compound storage area on Jubilee Gardens and the proposed works. This route will require strengthening works to facilitate the vehicles, and the existing beach access ramp (north of Café Cove) will require widening. A Traffic Routing Plan has been submitted which indicates a traffic route with vehicles coming via Victoria Road West, Crescent West and Kelso Avenue, Anchorsholme West, Princes Way, South Promenade and North Promenade to the site compound. A one way route out of the compound is also shown down Carr Gate eastwards along Thornton Gate and Rossall Road back to Victoria Road West.

9.9 Objectors have raised highway concerns including increase in traffic, impact of construction traffic and times, vibration from lorries, traffic routing, road closures, use of roads as cut-throughs, state of existing roads, risk to children, and parking concerns. Lancashire County Council (LCC) Highways have been consulted on the application and have no objections to either the permanent works or site compound, citing that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They require the traffic routing to be secured, including use of signage. In addition they require a Traffic Management Plan (TMP) to be submitted including wheel washing details, times of deliveries, measures to ensure existing accesses to properties aren't impeded. These can both be secured by condition (with the TMP to form part of the CEMP condition).

9.10 LCC Highways have suggested a condition requiring joint surveys of the condition of the whole route to and from Amounderness Way so that any damage can be rectified. However this is not considered a reasonable condition to impose, as there it would not be possible to attribute any damage / road wear and tear specifically to this development, and the vehicles are, in any case, lawfully allowed to use the highway.

9.11 In terms of impact upon parking, whilst there would be a temporary loss of the Jubilee Gardens public pay and display car park, LCC Highways have not raised any concerns on this matter. The use of the compound is temporary, and therefore whilst there will be disruption in the area during the course of the works, it is not proposed to be in the long-term, and is also an impact that can be controlled with working times and deliveries to be agreed by condition.

#### Impact upon residential amenity and amenity of nearby premises

9.12 Existing residential properties are on the opposite side of The Promenade to the proposed sea wall works, at between 20-26m distance from the actual sea wall. Residential properties are also located around the north and east of Jubilee Gardens on Carr Gate and Jubilee Drive/The Links, adjacent to where the site compound is proposed. Those on Carr Gate have their rear elevations towards the compound, and those across Jubilee Drive, their front elevations. These properties have been

notified of this planning application by letter. The haulage route would pass properties in the wider area on Victoria Road West, Crescent West, Kelso Avenue, Anchorsholme West, Princes Way, South Promenade and North Promenade, and one way route on Carr Gate, Thornton Gate and Rossall Road.

9.13 There are also non-residential premises in the area including Café Cove which is situated immediately south of the proposed wall and revetment works, and almost directly opposite Jubilee Gardens. The Venue also sits on the corner of North Promenade and Carr Gate, immediately north west of Jubilee Gardens, and just south east of the stretch of promenade and sea wall relating to this application.

9.14 The council's Environmental Health team (amenity) have been consulted, and initially objected to the scheme on the basis of concerns regarding noise, dust and light. Following the submission of further information, the Environmental Health officer still considers the submitted information to be insufficient in terms of noise control and mitigation from the works. However his objection is withdrawn if the application is conditioned as listed in section 6 of this report. One condition includes the submission of a noise assessment to demonstrate the stipulated noise levels can be achieved, with mitigation proposed if necessary to achieve such levels. Ordinarily a noise assessment is a pre-decision requisite however in this instance some noise details have been included to give Environmental Health reasonable confidence these levels can be achieved. Furthermore it is also acknowledged the noise is in relation to construction rather than operational, and is therefore a temporary impact rather permanent. Therefore a condition in this instance is accepted, along with the other conditions they recommend, in order to ensure that the nearest residential and noise receptors are not unacceptably affected by noise.

9.15 It is inevitable that existing business and residential properties will experience disruption during the course of the works due to the size and nature of the development with the associated compound. This is acknowledged. However this disruption must be considered in the balance. The proposal is considered to be in the wider public benefit with the significant benefit of flood risk protection for thousands of homes and properties in the area for many future years, which in turn by flood prevention would be in the environmental, economic and social interest of Cleveleys and the surrounds. It is therefore considered that the significant public benefits of the proposal outweighs the temporary adverse impact upon existing properties and premises in the area, and that planning conditions can seek to control and mitigate temporary impacts as far as is reasonably possible.

#### Flood risk and drainage

9.16 As mentioned above in this report, the proposals are to provide flood risk defence measures. The relevant drainage bodies including the Environment Agency (EA), United Utilities (UU), and the Council's Drainage Engineer have been consulted on the proposals.

9.17 The EA has no objections and comment that the site lies within Flood Zone 3 and Flood Zone 2 on the Environment Agency's mapping service. They confirm that in terms of flood risk the 'Rossall South Toe Protection Works -Coastal Processes, Geomorphology and Flood Risk Assessment' is satisfactory. They also confirm that that the Wyre Beach and Dune Management Outline Business Case (Wyre Council, Jan 2020) has been approved by the Environment Agency Large Project Review Group and this project (Phase 1) forms part of this larger proposal. The EA originally asked for further information on the buried toe protection due to sedimentation, its possible future exposure, and potential loss of shingle beach. Following an email

from the applicant confirming the rock revetment is part of a wider scheme designed to stabilise and raise the beach levels of the upper beach through the use of rock groynes, the ongoing beach management strategy will seek to introduce additional sediment to counteract sea level rise, and that this approved by the EA as part of the business case, the EA have responded they have no further comments to make on this matter. Overall the permanent part of the proposals are considered to be acceptable in terms of flood risk.

9.18 In terms of drainage details United Utilities (UU) have responded that they require further information of a water main UU asset which crosses the site, and to which unrestricted access is needed for operating and maintaining it. Further information has been submitted however UU have provided the same response. Members are advised that protection of UU assets is a separate matter to the application process, and one the applicant is aware of through their own discussion with UU and will have to satisfy separately from the planning process.

9.19 The council's Drainage Engineer has been consulted. Having originally recommended refusal, following submission of further information, he has no objection in principle but states that the site offices and welfare facilities, which are proposed on the site compound, will need to be connected to mains foul and surface water drainage networks. He therefore recommends a condition requiring full drainage details are provided on this matter. UU have also requested further information on drainage proposals for welfare facilities. This condition is deemed necessary to ensure adequate drainage is provided to serve these facilities. Subject to this condition it is considered the proposal would be acceptable in terms of flood risk and drainage.

#### Impact upon ecology

9.20 The site is not located within any ecological designation. Liverpool Bay Special Protection Area (SPA), an International designated site, is located to the west 1.4km away. The northern extent of the permanent works are located adjacent to the Fleetwood Promenade - Coastal and Dune Grassland (Rossall School to Marine Gardens) Biological Heritage Site, and the Fleetwood Farm Fields Biological Heritage Site is just over 450m away to the east. A number of ecological related documents have been submitted with the application including a Habitat Regulations Assessment (HRA), a Preliminary Ecological Appraisal, a Roesel's Bush Cricket Survey, a Water Framework Directive Assessment, and a Jubilee Gardens Habitat Survey.

9.21 Natural England and GMEU have been consulted on the proposals. Natural England have no objections following the submission of further information on the proposed rock armour, and consider the proposal will not have any significant adverse impacts on nearby International designated sites. GMEU have no objections to the proposal on nature conservation grounds, and accept that the proposals will not affect any local designated sites, important habitats or notable species. They also consider the proposal is in the wider public interest. They recognise that the reinstatement of Jubilee Gardens presents an opportunity to create new habitat areas, which can be secured by condition.

9.22 The Marine Management Organisation (MMO) have been consulted as the non-departmental public body responsible for the management of England's marine area. A response has been received advising that if the works taking place fall below the mean high water mark a licence may be required from them. It is for the applicant to ascertain whether the works fall below this mark. Overall it is considered the

proposals would not result in unacceptable ecological harm and would comply with Policy CDMP4 of the Local Plan and the provisions of the NPPF.

#### Impact upon the historic environment

9.23 A Heritage Statement has been submitted as part of the application. There are a number of heritage assets in the wider area of the proposals. These include a number of grade II listed buildings within the Rossall School complex and eight cottages on the junction of Rossall Road and Way Gate. There are also non-designated heritage assets include a line of 'tank traps' approximately 200m north of the site and a WWII firing range around 200m to the north east of the site.

9.24 The nearest listed buildings are around 500m from the application site, and are considered to be sufficient distance away so as to be preserved and unharmed by the development. The Council's Conservation Officer concurs with this. He also considers that the proposal would preserve the appearance and setting of the non-designated heritage assets in the area. Overall he considers the proposed development would be in conformity with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF, and policy CDMP5 of the Adopted Local Plan.

9.25 The Lancashire Archaeological Advisory Service (LAAS) have confirmed that they are in agreement with conclusions of the submitted Heritage Statement and that that no physical impacts would occur to known heritage assets by the proposed works. They confirm no archaeological mitigation works are required. The proposal is therefore considered acceptable in terms of impact upon archaeology and the historic environment.

#### Other matters

9.26 Contamination: It is considered there are no issues in relation to contamination. Members are advised that the site is not within or close to an area with any known contaminated sites, and the nature of the proposed works are not for buildings for the purposes of permanent human habitation.

9.27 Competition: One of the objections received raises concerns about the impact the development may have upon bringing competition to the area. Members are advised that the matter of competition between businesses is not a material planning consideration, and cannot be taken into account.

## **10.0 CONCLUSION**

10.1 The proposal is Phase 1 of the Wyre Beach Management Scheme (a programme of planned coastal civil engineering works on the Fylde Coast) to provide sea defences against flooding, between Cleveleys and Rossall School. Permanent works are proposed to raise the sea wall 400mm and to provide rock armour (revetment system), and alongside this a temporary site compound at Jubilee Gardens. The proposal is acceptable in principle in terms of location and as a sustainable development to reduce and manage flood risk.

10.2 The proposal will undoubtedly cause temporary disruption and some loss of amenity to existing properties and businesses in the area, and through the use of the road network through the construction phase. However subject to conditions it is considered that impacts of noise, light, dust and traffic routing can be mitigated to prevent unacceptable impact. Furthermore the permanent works are considered to

be in the wider public benefit to prevent flooding in the area and to thousands of properties in the Wyre Catchment area, and once constructed the proposals will not result in any permanent disruption or harmful impact to existing residents and businesses.

10.3 The proposal would also be acceptable in terms of impact upon the wider highway network, ecology, heritage, and drainage, subject to appropriate conditions.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

## **12.0 RECOMMENDATION**

12.1 Grant full planning permission subject to conditions.

### **Recommendation: Permit Conditions: -**

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 25.11.2020 including the following plans/documents:

- Drawing No. WBMS/PL/02 Phase 1 Works and Site Compound Details (received 12th January 2021)
- Drawing No. WBMS/FEAS/02/OPT2 Existing Cross Sections Showing Proposed Toe Protection as the OBC with crest reduced by 1 rock (received 25th November 2020)
- Drawing No. WBMS/FEAS/01 Level Survey and Cross Section Location (received 25th November 2020)
- Drawing No. Wyre Beach ILP2 Revision P01.4 (received 6th May 2021)

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:



- (a) dust and dirt mitigation measures during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties
- (d) contractors' compounds and other storage arrangements, including any storage / compound arrangements which may be required outside of the Jubilee Gardens site along the construction route
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- (f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) external lighting of the site during the construction period
- (h) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (i) recycling / disposing of waste resulting from construction work
- (j) measures to protect watercourses against spillage incidents and pollution

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

4. The traffic route for all construction vehicles, including vehicles carrying plant and materials to and from the site compound, shall take place in accordance with the traffic routes shown on Drawing No WBMS/PL/01, with one way traffic only along Carr Gate and Thornton Gate onto Rossall Road, at all times during the course of the works.

Reason: For the avoidance of doubt, to ensure that traffic associated with the construction of the development does not impede traffic flow in the area, and in order to ensure that the integrity of the local highway network is maintained in the interests of road safety in accordance with Policy CDMP6 of the Adopted Wyre Borough Local Plan (2011-31).

5. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters for the site offices and welfare facilities, and their connection to mains foul and surface

water drainage networks, shall be submitted to and approved in writing by the Local Planning Authority.

The site offices and welfare facilities shall not be brought into first use until the drainage works have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details for the duration of the site offices and welfare facilities being in use.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in a timely manner.

6. The working hours for the construction of the development hereby approved shall be restricted to 8.00am to 18.00pm Monday - Friday and 8.30am to 13.30pm Saturdays, with no work to take place on Sundays and Bank/Public Holidays.

Should any works be required to take place outside of these permitted hours both the Local Planning Authority and the Council's Environmental Health Team are to be notified in writing 24 hours before works are intended to take place so that a temporary noise limit and mitigation can be agreed for the notifiable works. Works shall not take place under any circumstances outside of these permitted hours until agreement has been reached in writing, and the works shall then take place in accordance with the agreed details.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

7. There shall be no deliveries or collections of goods (including waste) to or from the site outside the hours 8.30am to 18.00 pm Monday to Fridays, and 8.30am to 13:30pm Saturdays. There shall be no deliveries including the collection waste on Sundays and Bank/Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP1 of the Wyre Local Plan (2011-31).

8. (a) The development hereby permitted shall be designed so that the level of noise emitted from the site during construction does not exceed 65dB (A) as assessed in accordance with British Standard 61672-1: 2013 and WHO guidelines (or any subsequent replacement national standards / guidance) when measured 1 metre away from the facade at nearby noise-sensitive premises.

(b) Prior to commencement of the development, a noise report shall be produced that assesses the site's ability to meet the aforementioned construction noise limit and outlines mitigation measures necessary to help the site achieve this noise limit. All mitigation outlined in the noise assessment shall be implemented in full prior to any development taking place.

(c) Prior to commencement of the development, monitoring equipment for the purpose of measuring noise and vibration during construction works shall be installed. If/when any construction works are deemed to breach the aforementioned noise limit, investigations shall commence immediately to address the breach (e.g. to determine if other noise sources outside the developers control (for example, road traffic noise, sound from waves at the sea front, noise from meteorological sources) may have caused the noise limit for the development to be breached) and a suitably qualified noise consultant shall be employed to investigate and present the findings to the Local Planning Authority along with any further additional mitigation measures which may be deemed necessary. Any additional mitigation shall be implemented thereafter.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

9. The use of Jubilee Gardens as a site compound shall be for use in association with the sea wall and revetment system hereby approved, and within 2 months following completion of these permanent works, this compound shall be removed and the land restored to its former condition, unless an alternative timetable for restoring the site or an alternative landscape/habitat creation area is granted express planning permission by the Local Planning Authority.

Reason: For the avoidance of doubt, in the interests of the visual and residential amenity of the area in accordance with policy CDMP3 of the Wyre Local Plan.

**Notes: -**

1. Flood Risk guidance: The Environment Agency recommends the applicant should be fully aware of the latest climate change allowances for FRAs guidance on GOV.UK (<https://www.gov.uk/guidance/flood-riskassessments-climate-change-allowances>) - in particular the updated sea level rise allowances. The applicant should also be aware of the coastal design sea levels and coastal flood boundary extreme sea levels 2018 data.

Pollution prevention guidance: It is advised that the applicant refers to the following pollution prevention guidance which is available on the GOV.UK website at: <https://www.gov.uk/guidance/pollutionprevention-for-businesses>.

2. You are advised that you should have regard to the following document provided by United Utilities which is online under this planning application on the Council's website dated 4th March 2021:

- United Utilities Standard Conditions for Works Adjacent to Pipelines Document Ref. 90048 Issue 3.1 July 2015

3. Marine Licensing: Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Applicants should direct to the Marine Management Organisation (MMO's) online portal to register for an application for marine licence <https://www.gov.uk/guidance/make-a-marine-licence-application>

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# Planning Committee

20/01221/FULMAJ - Cleveleys Promenade Thornton Cleveleys



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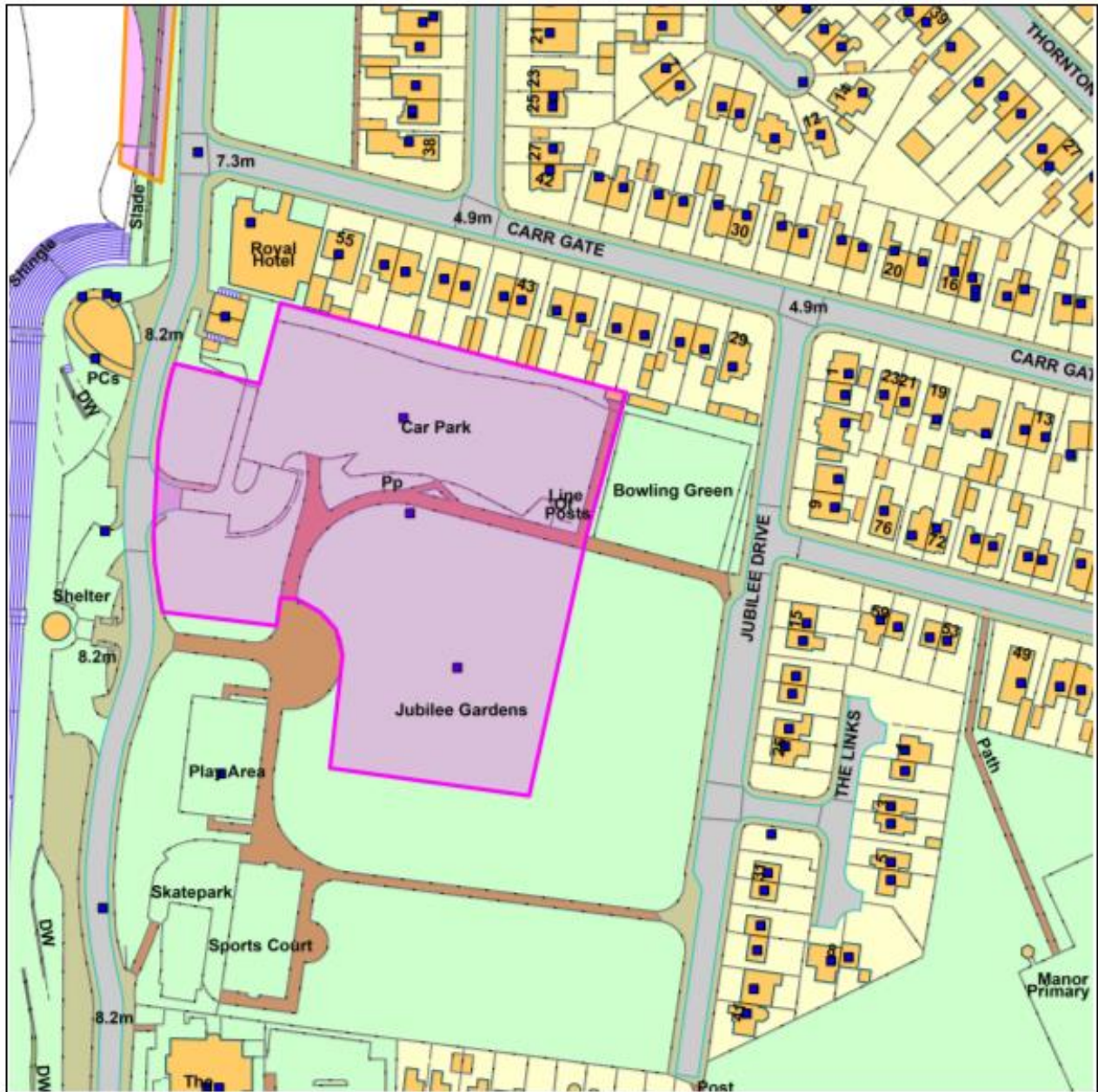
Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	18 May 2021
SLA Number	100018720

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# Planning Committee

20/01221/FULMAJ - Cleveleys Promenade Thornton Cleveleys



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	20 May 2021
SLA Number	100018720

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**Committee Report****Date: 02.06.2021****Item Number 02****Application Number 21/00113/FUL****Proposal Conversion of first floor to form five residential apartments (C3), with insertion of new windows, and repositioning of external staircase and enclosure of roof top****Location 34 - 37 High Street Garstang Preston Lancashire PR3 1EA****Applicant ND And AN Stores Ltd****Correspondence Address c/o Mr Kiran Patel  
2 Fossdale Moss Leyland Preston Lancashire PR26 7AT****Recommendation Refuse****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Lowcock****1.0 INTRODUCTION**

Site Notice Date: 5/2/21

Press Notice Date: 17/2/21

1.1 This application is brought to Planning Committee at the request of Councillor Lady Atkins. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is a supermarket that is situated on the western side of the High Street, Garstang. The site is within the Town Centre boundary of Garstang as defined in the Adopted Local Plan. It is also in the Conservation Area of Garstang. The site is in Flood Zone 1.

2.2 The first-floor of the supermarket is currently used for storage, a staff room and plant room. The building is a two-storey detached building with a mainly flat roof. There is a small pitched roof element towards the front. The building is constructed from brick. There are windows in the front of the building facing the High Street. There are existing external stairs on the northern side of the building. There is a first-floor window on the angled part of the rear elevation serving a staff room.

2.3 To the northern side of the building is an access and delivery area for the supermarket. There is a shop ('Car-Care') facing this side of the site with a first-floor store room window facing the site. There is also a detached bungalow with ground

floor windows facing the northern side of the site, which serve main habitable rooms. There is a low wall and hedge between the site and this neighbour. From the site the windows in this bungalow can be seen above the wall behind the hedge, as the level of the bungalow is higher than the site. To the rear of the site is a grassed area. Houses on West View have their main rear elevations and rear gardens facing this western side of the site. There is a path that runs along the rear boundary of these dwellings. A Public Right of Way runs down the southern side of the building. Beyond this, there is a 2m high wall along the boundary with neighbouring properties to the south. These properties facing onto the southern side of the site consist of the main rear elevation of a bungalow 'The Old Smithy', the side elevation of a property fronting West View 'Lyndencot', the garden of No. 39 High Street and an angled view of the rear of this property. This has a secondary first-floor window in the side facing the site with obscure glazing.

### **3.0 THE PROPOSAL**

3.1 The application proposes the conversion of the first-floor of the building into five residential dwellings. The proposal includes external alterations to the existing building. New windows, including some projecting windows, are proposed in the rear and sides of the building. Balustrades are proposed to the front elevation. Existing vents in the east elevation would be replaced by 2 windows. Ground-floor doors are proposed to be inserted to the rear of the north elevation. A new external staircase is proposed to the southern elevation. The existing staircase on the north elevation would be removed. A bin store would be provided in the ground floor of the new staircase and separately in the rear garden space. A cycle store is proposed in the ground floor of the existing supermarket, along with access stairs to one of the apartments. Part of the rear of the building is to be 'cut out' setting back the rear and side elevations in part. This would have a flat roof and would be enclosed by a parapet wall and screening forming an enclosed roof top. The roof top is shown to be finished in artificial grass. A fence is proposed to enclose the grassed area to the rear of the building, and a path would be created along the back of the building. The grassed area is shown to be used as a garden space for the proposed apartments.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 App. No: 19/00769/FUL

Conversion of first floor to form five apartments with insertion of new windows, and repositioning of external staircase and provision of wall and fencing (resubmission of 19/00230/FUL). Refused (appeal dismissed)

4.2 App. No: 19/00230/FUL

Conversion of first-floor to form seven apartments with insertion of new windows and repositioning of external staircase and provision of wall and fencing. Withdrawn

4.3 App. No: 18/00158/ADV

Part retrospective application for the erection of 5 x 'One Stop' (3 x illuminated ) (2x non-illuminated) signs, 1 x 'Post Office' illuminated fascia sign, 4 x non-illuminated direct print panels, and 4 x non-illuminated poster frames. Consent granted

4.4 App. No: 13/00417/FUL

Two full height replacement windows and installation of ATM machine and window to replace existing entrance door to front elevation. Approved

4.5 App. No: 06/00317/FUL

No. 39 High Street (Neighbouring property to south)

Rear conservatory. Approved

## **5.0 PLANNING POLICY**

### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN**

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 Development Strategy
- SP2 Sustainable Development
- SP8 Health and Well-being
- CDMP1 Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 Design
- CDMP5 Historic Environment
- CDMP6 Accessibility and transport
- HP1 Housing Land Supply
- EP4 Town, District, Local and Neighbourhood Centres

### **5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2. Achieving sustainable development
- Section 5. Delivering a sufficient supply of homes
- Section 7. Ensuring the vitality of town centres
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed places
- Section 16. Conserving and enhancing the historic environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing

land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply position of a minimum 5.2 years (including a 5% buffer). There is therefore full confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

## OTHER MATERIAL CONSIDERATIONS

### 5.3 SUPPLEMENTARY PLANNING DOCUMENT

- SPG 4: Spacing Guidance for new housing layouts

### 5.4 OTHER RELEVANT CONSIDERATIONS

5.4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), S.66 and S.72;

5.4.2 Historic England, Good Practice Advice in Planning.

## 6.0 CONSULTATION RESPONSES

### 6.1 GARSTANG TOWN COUNCIL

6.1.1 No objection but supports comments about sound mitigation and advice from the fire brigade.

### 6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 Unlikely to have a significant impact on highway capacity or safety. The site is within a sustainable location and off street car parking is not requested. The covered cycle provision is acceptable. The pedestrian and cycle access is from FP10 which is called Grayston's Weind. 25m is the maximum distance a two wheeled refuse container is to be transported to the refuse wagon. The bin store for apartment one is approx. 24m from Grayston's Weind and a further 23m to Parkhill Road and 43m to High Street. The bin store for apartments 2-5 are under the proposed staircase and are over the 25m to either end. Recommend conditions about the provision of the cycling facilities.

### 6.3 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)

6.3.1 No comments received.

### 6.4 LANCASHIRE FIRE AND RESCUE

6.4.1 Building regulations requirements for fire appliance access provided.

### 6.5 THE RAMBLERS

6.5.1 No comments received

### 6.6 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.6.1 No objection

## 6.7 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.7.1 First response: Have considered the submitted noise report carried out in October 2019 in support of an earlier application. Object to this application until further information regarding the emission of noise is provided. The report identified that mitigation for the proposed dwellings in order to meet the necessary sound levels is required, to cover the glazing specification of the windows and the installation of trickle vents as an alternative means of ventilation. However noise from the new plant and deliveries has not been assessed in terms of impact on nearby noise sensitive properties. The proposed mitigation only addresses the newly proposed dwellings and not the other nearby existing properties. As such the applicant should outline how they will mitigate the noise to other properties and not just the proposed properties associated with this development.

6.7.2 Second response: Following the receipt of further information in a revised noise assessment, no objection provided the mitigation is installed - this is upgraded glazing and trickle vents to the proposed apartments.

## 6.8 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (WASTE AND RECYCLING OFFICER)

6.8.1 There does not appear to be a dedicated bin store facility for the residential apartments, but providing the residential apartments have access to the courtyard area and their bins can be stored in the Courtyard (in close proximity to the entrance at Garstang High Street), collections can be undertaken as there is direct access from Garstang High Street.

## 7.0 REPRESENTATIONS

7.1 13 letters of objection have been received, points raised are as follows:

- overlooking and loss of privacy from windows and door, and use of outdoor areas
- over-intensive development
- noise from the use, including open windows, patio area, doors and use of path
- safety hazard of relationship of bin/cycle store with loading/parking area
- intrusion from lighting
- security of entrances/site
- fire risk
- boundary hedge has not been acknowledged in the application and is not protected
- angled windows visually inappropriate in conservation area
- the proposed gate and fencing does not make the site secure
- emergency services would have difficulty accessing the back of the terraced houses in Park Hill Road
- waste collection issues
- bin storage area unsightly, maintenance and security issues
- lack of heights/details of the proposed windows
- lack of an update to the noise report
- minimal outlook and sunlight for the proposed residents
- concerns about closure of Post Office
- question how use of the roof top area will be prevented, which would cause overlooking

- does not provide disabled facilities for occupants
- safety of balustrades
- error on the plans labelling of 'first floor flat entrance'
- encroachment of staircase onto Public Right of Way
- lack of parking
- congestion along the Public Right of Way
- access issues to existing property for maintenance and no clear access route along the back of the properties including for bin collection
- harm to Conservation Area
- who would be responsible for the upkeep of the communal garden area?
- it is stated within Section 6, titled 'Planning Policy Assessment', that "Apartment 1 will be accessed via the existing door located on the northern side of the building." This is factually incorrect, there is no existing door here.

7.2 1 letter of support. Not to the detriment of the area and a need for more accommodation.

## **8.0 CONTACTS WITH APPLICANT/AGENT**

- 8.1 Revised noise assessment 27/4/21
- 8.2 Revised site plan 22/4/21
- 8.3 Requested noise assessment 9/4/21
- 8.4 Revised plans 19/2/21 and 6/4/21
- 8.5 Correspondence with the agent about waste management 1/4/21
- 8.6 Raised concerns with application to agent 11/2/21

## **9.0 ISSUES**

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential amenity
- Impact on Highway / Parking
- Flood risk and drainage

Principle of development

9.2 The site is within the Town Centre of Garstang. It is also within the Garstang Conservation Area. The visual impacts on the conservation area are discussed in the next section. Policy SP1 of the Adopted Local Plan identifies Garstang as a key service centre and directs development to within settlement boundaries, including Garstang. The proposal would meet the sustainable development goals of Policy SP2 of the Adopted Local Plan, including "maximising the use of previously developed land" and "ensuring accessible places and minimising the need to travel by car". The site is in an accessible location with services, employment and access to public transport within walking distance of the site. Policy EP4 of the Adopted Local Plan encourages a diversity of uses within defined centres to maximise their vitality and viability. The site is not allocated or protected for a specific use. The proposal

would make use of the first-floor of an existing supermarket, so would not result in the loss of retail provision in the Town Centre. On this basis it is not considered that the proposal would unacceptably impact on the vitality and viability of the Town Centre and therefore would comply with Policy EP4. Overall, the proposal is considered to be acceptable in principle. A neighbour has raised concerns about the potential loss of the Post Office. This planning application does not relate to the ground floor of the premises where the Post Office is currently located, except the provision of a staircase and cycle store. These will not involve any change of use of the main ground floor retail use.

9.3 Policy SP2 of the Local Plan requires development proposals to demonstrate a response to climate change. In this case, the site is in Flood Zone 1, the lowest classification for flood risk. There is the potential for some tree planting in the proposed rear garden, which could be agreed through a planning condition, to ensure suitable tree species in this location. The planting of new trees has been identified by the Wyre Council climate change policy group as helping to tackle climate change. In this case, it is not considered reasonable to require an electric vehicle charging scheme, as no car parking is proposed. This is in line with Policy CDMP6 of the Local Plan. Overall, based on the accessible location of this proposal and that it is in flood zone 1, it is considered to provide residential accommodation that forms sustainable development and provides an adequate response to climate change to meet the requirements of Policy SP2.

9.4 As the proposal would provide only 5 dwellings, there is not a Local Plan policy requirement for the provision of Green Infrastructure, affordable housing or contributions towards education for this number of dwellings. For this small number of dwellings, it is also not a requirement that a certain housing mix be provided, or for it to be designed to be adaptable for older people. Although, separate legislation may require certain accessibility standards to be met.

#### Visual Impact / Design / Impact on the conservation area

9.5 The site is within the Garstang Conservation Area. The building is existing and is described by the Conservation Officer as 'a modern, probably 1960s, purpose-built supermarket' which 'contributes nothing to this character or significance' of the Conservation Area. The proposal includes external alterations to the building, including the insertion of windows and doors, removal of the existing external staircase and its replacement, and the erection of fencing. Some of the proposed windows are flush with the wall, and others are proposed as projecting windows. The council's Conservation Officer considers all of the external works to be visually acceptable and that the proposed development would preserve the appearance of the conservation area and sustain the significance of this designated heritage asset in conformity with S.72 of the PLBCA, Section 16 of the NPPF and policy CDMP5 of the Adopted Wyre Local Plan.

9.6 It is considered that the replacement external staircase would be in keeping with the building and would not stand out as obtrusive or be visually harmful to the conservation area. It would be of a scale and design in keeping with the main building. The proposed fencing to enclose the rear grassed area is considered to be visually acceptable in terms of its siting. As no materials details have been submitted for the proposed pathway, staircase or fencing, these would need to be agreed by condition.

9.7 It is acknowledged that the building is a modern building and the insertion of windows in the structure would not be visually unacceptable in itself. On previously

refused application no. 19/00769/FUL at appeal the Planning Inspector addressed the visual impact of proposed projecting windows on the building. It was stated 'whilst the frames of the projecting windows would be wide, this would reflect the existing bulky window frames to the front of the building. At first floor level they would draw the eye and be visible from the highway and nearby properties, however their scale would be minor, and their form would be in keeping with the angular appearance of the building. A planning condition could also ensure a suitable quality of materials'. The Planning Inspector went on to state 'there are no similar windows in the vicinity of the site, however, the building is already unique within the street scene, and for the above reasons they would not detract from the overall commercial nature of the building or the prevailing character and appearance of the area'. That application proposed three projecting windows, as does this current application, albeit in a different position. Overall, based on the advice from the council's Conservation officer and the comments of the Inspector on the previous planning appeal, it is considered that the visual appearance of the proposed windows would be acceptable on this relatively modern building. A condition could be used to agree the details of the materials.

9.8 Balustrading is proposed to the front elevation to enclose existing flat roof areas and to the proposed roof top at the rear. It is considered that this would also be in keeping with the appearance of the building, and the materials details could be agreed through condition. The appearance of the external bin store could be agreed through condition. Overall, the proposal would not have an unacceptable impact on the visual appearance of the area, including the character and appearance of the conservation area and the setting of the Public Right of Way (PROW).

9.9 A communal garden area is shown to the rear of the site. This is already a grassed area, but would be fenced off and would serve the development. It is considered reasonable that a condition be used to require a maintenance plan for this area of open space. A path and area of hardstanding is shown around the building. The details of this could be agreed through condition. The site is generally level at the rear, however, it does slope down at the northern side, and levels changes may be required to enable access to the cycle store. A condition could therefore be used for existing and proposed ground levels to be provided.

#### Impact on residential amenity

9.10 Light – it is proposed to build a new staircase on the southern side of the building. This would have a flat roof, which would have a height of 6.93m. It would project out beyond the existing side elevation by 1.2m. It would be directly opposite the gardens of 'The Old Smithy' and 'No. 39' to the south of the site. At present the gardens of these properties are already enclosed to this side by the supermarket building, which is higher than the proposal, so that it is not considered that the staircase being 1.2m closer would have a significantly greater impact over the existing situation in terms of overbearing or light. The main rear elevation of 'The Old Smithy' would have an angled view of the extension, however, as assessed for the impacts on the gardens, it is not considered that this would be significantly more harmful than the present layout. The roof height of the south-west corner of the supermarket is to be reduced, which may present a reduced sense of enclosure to this neighbour than at present. A new 2m high fence is proposed to enclose the rear grassed area. This would include a fence along the western boundary opposite the rear elevations of properties on Park Hill Road. Some of these properties have rear extensions themselves, bringing them closer to the boundary with the site. The general separation distance from the fence would be around 7m, but in some cases it would be reduced to around 3.6m. Despite this proximity, it is considered that this



would still provide a sufficient gap for the 2m high fencing not to be overly enclosing to the ground floor windows of these properties or harmfully reduce their light. It should be noted that generally fencing of this height could already be erected without requiring planning permission.

9.11 Overlooking – new window openings are proposed in the rear and sides of the building. There are already large windows in the front of the building. The distance between the front windows and the properties on the opposite side of the High Street is at least 30m, so it is not considered that there would be an unacceptable overlooking impact from these front windows serving residential flats. Balustrades would be provided and the flat roof areas made accessible to the occupants. These would be over 21m from the properties opposite, so would not cause unacceptable overlooking. A window is proposed in the angled part of the southern elevation at the front. This would face the High Street and would not cause unacceptable overlooking. A projecting window in the northern side would also face the High Street. It would potentially also have a view of the side of 'Car Care', which would not cause unacceptable harm.

9.12 First-floor windows are proposed in the southern side elevation. Two are shown to be projecting windows with angled windows. The projecting windows would face the rear elevation and part of the rear garden of 'No. 39'. This neighbouring property has a takeaway at part of the ground-floor. There is a 2m high wall to the adjacent weind. There is a door and window in the rear of the takeaway kitchen that would be directly faced. As these do not serve residential accommodation, this would be acceptable. Previously approved plans (app. No: 06/00317/FUL) show a ground-floor window in the side of No. 39 serving a residential flat. This would be around 5m from the proposed windows. It is considered that this would present unacceptable overlooking, based on the possible view and insufficient separation, resulting in an unacceptable adverse impact on the amenity of the occupiers of that property. Part of an outdoor area would also be faced. As this is already directly faced by the window in the takeaway kitchen and forms a relatively small area of the outdoor space, with the main garden space not overlooked, it is not considered that this would present an unacceptable impact on amenity.

9.13 A ground-floor door and doors to the bin store are also proposed to this southern side elevation. As there is already a Public Right of Way along this side of the site, it is not considered that the potential for overlooking would be more harmful to neighbouring amenity than at present. First-floor windows are proposed in the southern side towards the rear of the building. These would be 20m from the main windows in the rear of 'The Old Smithy' and over 14m from their garden. Although not a typical residential situation, the principle of the spacing standards in SPG4 can be applied. Normally, 21m is an expected separation distance between main first-floor windows, therefore, the proposal would be 1m short of this. A parapet wall and balustrading is proposed to enclose the roof top area. A section has been proposed showing the parapet wall to be 0.8m above the floor level and the glazing would be 1.2m above this, providing 2m of screening above floor level. It is considered that this would sufficiently provide adequate screening from the windows towards this neighbouring property, so as to prevent unacceptable overlooking. A condition could be added for this screening to be provided. With the separation distance to be provided, there would not be unacceptable overlooking of the neighbour's garden.

9.14 First-floor windows are proposed in the rear of the 'cut-out' rear wall. These would be 17m to the neighbours' gardens and 20m to the closest main window. As set out above, screening is proposed to the roof-top area. If provided as set out above, this would prevent unacceptable overlooking. There is an existing first-floor

window in the angled rear wall in the north-west. This currently serves a staff room, and is proposed to serve a bedroom. This is approximately 4.5m from the boundary with the bungalow to the north, known as 'Oddfellows Hall' and 9.5m to the closest neighbour's garden on West View and 12m from their rear windows. As this room being a staffroom, can already be used by staff during the supermarket opening hours, it is not considered that its use as a bedroom would have significantly greater potential for overlooking than at present. Ground floor doors on this side would be adequately screened by an existing hedgerow to the boundary. First-floor windows are proposed in the northern side of the building. Some of these would be high-level windows. Two high-level windows serving a stairwell and plant room would be closest to the boundary, with a separation distance of 3m from the boundary and 6m from the main elevation of the neighbour. A condition could be used to ensure that they are obscure glazed and non-opening to prevent overlooking. Other windows are proposed in this side, which would be a minimum of 12m from the boundary and 14.45m from the main rear elevation. The separation distance from the garden meets the standard required distance, typically found in residential situations. In the decision notice for the appeal on application no. 19/00769/FUL, the Inspector stated 'an existing wall and high level planting provide screening for the windows to the side of Oddfellows Hall. This in combination with the separation would prevent loss of privacy'. As the windows on the current application are proposed in a similar position as on that application, with the same situation as previously in terms of the separation distance and boundary treatment, it is considered that the proposal would not result in unacceptable overlooking to the neighbouring property to the north to warrant the refusal of the application.

9.15 Two windows are proposed in the rear part of the building facing towards the front of the site behind the delivery area. For the same reasons as above, plus the angled view, these would not cause unacceptable overlooking to the bungalow to the north.

9.16 Noise/disturbance – the proposed use is residential and it is considered that this would be compatible with the adjacent residential uses. Some neighbours have objected about noise/disturbance, but in this town centre location it is not considered that the proposal would have a significantly greater impact over the existing situation. There will already be people coming and going, activity at the supermarket delivery yard and general background noise. Residential uses are generally compatible with each other, and if a resident is considered to be unacceptably noisy this would have to be dealt with through separate legislation. A neighbour has concerns about potential intrusion from external lighting. No external lighting is proposed and a condition could be added to ensure that any external lighting is agreed with the Council. Light from within the rooms of the flats would be that typically found in residential situations, and it is not considered that it would be unacceptably intrusive. A 2m high fence has been proposed to enclose the rear grassed area. This would provide privacy to the adjoining gardens and could be conditioned to be provided.

9.17 Concerns have been raised from neighbours about the use of the roof-top area. This has not been shown to be accessible on the proposed plans, with no door access. The insertion of a door would require planning permission and any such proposal would be considered on its own merits.

9.18 Amenity of occupants – each main room of the flats would have a window providing a view and outlook. This would present adequate amenity to the occupants of the proposal. A communal outdoor garden area is proposed to the rear for the users of the flats. This would be adequate outdoor amenity space in a town centre location.

9.19 A bin store has been shown on the ground-floor of the building under the stairwell to serve the flats and in the communal garden area. The internal bin store would be 24m from the High Street. The external bin store would be around 22m from Park Hill Road. LCC Highways state 25m is the maximum distance a two wheeled refuse container is to be transported to the refuse wagon. Therefore, the bins stores proposed are considered to meet this requirement. A condition could be added for them to be provided as shown.

9.20 A noise assessment has been provided to ensure that there would not be an unacceptable impact on the occupants of the proposed flats from existing uses. Environmental Health have been consulted on this and have no objections. The mitigation measures could be conditioned, which are upgraded glazing and the provision of trickle vents.

#### Impact on Highway / Parking

9.21 Lancashire County Council (LCC) Highways have been consulted on the application. There are no concerns raised about traffic general or highway safety. Whilst no on-site parking is proposed, as the site is in the town centre, LCC Highways have no objections to this. It would be expected that residents would use sustainable transport and therefore the lack of parking is considered to be acceptable in this location. It is considered that the proposal would provide acceptable cycle storage and this would need to be conditioned to be provided. A fence is shown to separate the flats off from the delivery yard, which will support safe access. A condition could be added for this fence to be installed prior to occupation.

#### Flood Risk

9.22 The site is in Flood Zone 1. The council's drainage engineer has been consulted on the application and has no objections. There are no flood risk concerns with the proposal. A sequential/exception test is not required to be carried out for this development in Flood Zone 1.

9.23 There is considered to be a technical means of suitably draining the site. Surface water and foul drainage details are required and these could be conditioned to be provided. This would ensure suitable drainage is utilised and the sustainable urban drainage (SUDs) hierarchy followed.

#### Other Issues

9.24 A Public Right of Way (PROW) runs along the southern side of the building. LCC Public Right of Way Officer and The Ramblers have been consulted on the application but have not commented. The site plan shows the route to remain open, therefore it is considered that the proposal would comply with Policy CDMP6 of the Adopted Local Plan, which requires proposals to not have an adverse impact on an existing Public Right of Way and the public's enjoyment of it. As a precaution an informative could be used to ensure that the developer is aware that this route should not be blocked. Neighbour comments have been provided raising concerns about congestion on the route and encroachment onto the PROW. As the route can be used by the public and is in a town centre location, it is not considered that the potential additional users from 5 apartments, would cause a significantly greater level of congestion. When the internal bin and cycle stores are being used, there may be some additional activity on the route, but it is considered that this would cause

minimal interference for users, and akin to any general delays caused on the highway when refuse is collected.

9.25 Neighbour representations have raised concerns about fire safety. This is not a planning matter, but would be covered by other legislation including building regulations.

9.26 A neighbour has raised concerns about damage to the boundary hedge. Damage to a person's property is not a material planning consideration. Any existing landscaping could be shown on a landscaping scheme to be agreed through condition.

9.27 Concerns have been raised about security of the entrances. This would be a private matter that would be the responsibility of the flat owner/occupier.

9.28 Concerns have been raised about access to the rear of properties on Park Hill Road, including for bin collection and emergency vehicles. The site plan shows the existing path to the rear of these properties to be retained.

9.29 Concerns have been raised about the safety of the balustrades. Health and safety of structures is not a planning matter, but may be covered by separate legislation.

## **10.0 CONCLUSION**

10.1 In this town centre location it is considered that the proposal is acceptable in principle, providing housing in an accessible location and within the settlement boundary on previously developed land. The proposal has been designed, so as to be visually acceptable respecting the character and appearance of the conservation area. The bin and cycle storage proposed to the flats would be adequately located so as to enable the convenient and safe removal of the domestic waste or access to cycles. The proposal would provide adequate amenity for the occupants of the flats. There are no highway safety concerns with the proposal.

10.2 In terms of impact on existing properties, subject to conditions there is considered to be an acceptable impact with the exception of the impact upon no. 39 High Street, to the south of the site. This property has habitable room windows directly facing the site which would be directly overlooked by the new projecting side windows proposed. The resultant harm caused by this overlooking is not outweighed by the benefits to development, namely the provision of housing in a sustainable location. As such the proposal is deemed contrary to Policy CDMP3 of the Wyre Local Plan.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

## **12.0 RECOMMENDATION**

12.1 Refuse planning permission

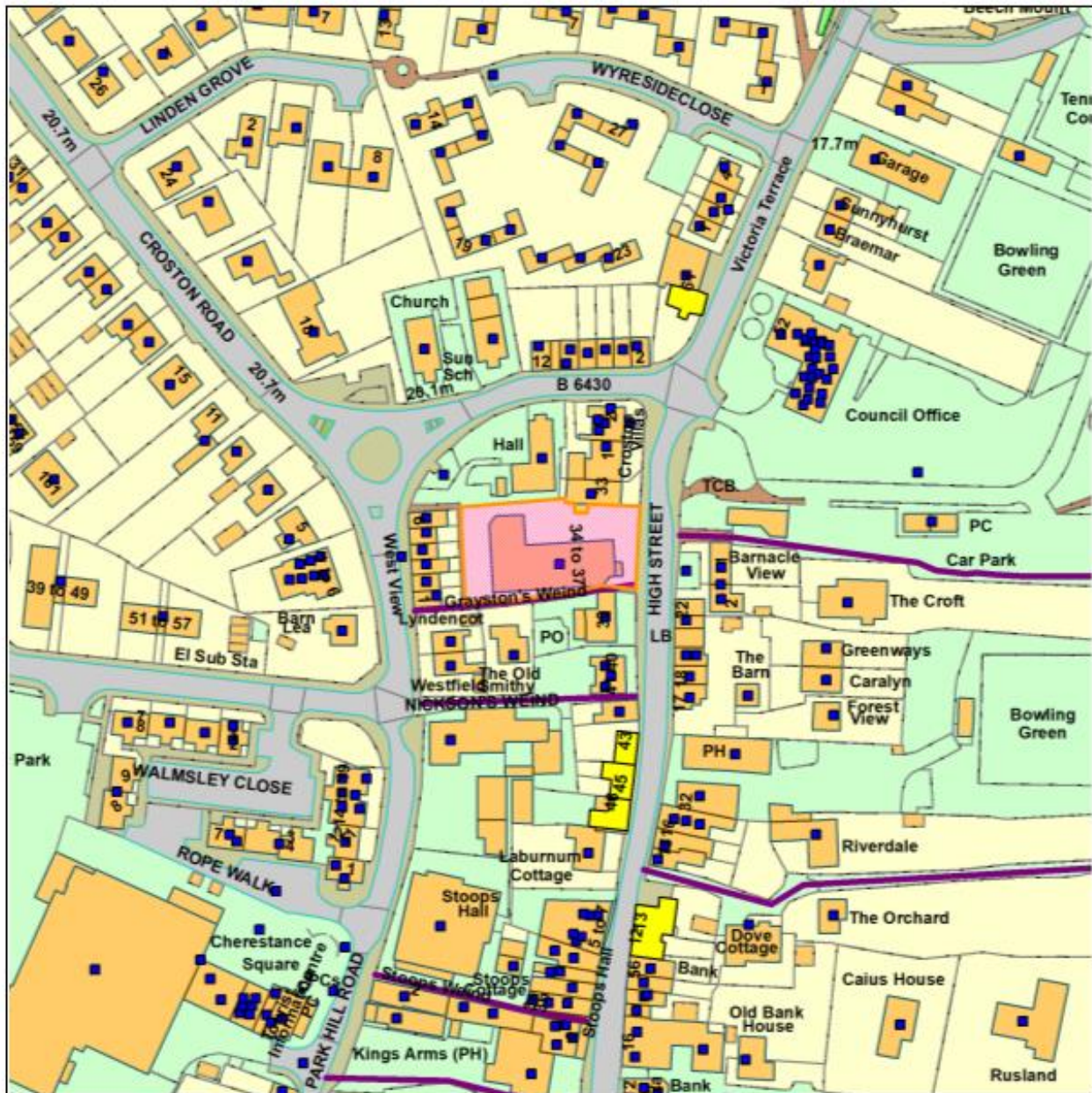
**Recommendation: Refuse**

1. The proposed projecting windows in the development would have an unacceptable overlooking impact to neighbouring residential property No. 39 High Street, to the detriment of their amenity. This would be contrary to the NPPF, Policy CDMP3 of the Adopted Wyre Local Plan and SPG4 Spacing Guidance for New Housing Layouts.

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# Planning Committee

21/00113/FUL - 34-37 High Street Garstang



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	18 May 2021
SLA Number	100018720

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