



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 24 October 2023
Please ask for: George Ratcliffe
Assistant Democratic Services Officer
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Planning Committee meeting on Wednesday, 1 November 2023 at 2.00 pm in the Council Chamber - Civic Centre, Poulton-le-Fylde

1. Apologies for absence

2. Declarations of interest

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

3. Confirmation of minutes

(Pages 3 - 16)

To approve as a correct record the Minutes of the meeting of the Planning Committee held on Wednesday 4 October 2023.

4. Appeals

(Pages 17 - 18)

The Schedule of Appeals lodged and decided between 15 September 2023 – 15 October 2023, is attached.

5. 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) (incorporating partial update of 2022)
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) Application 1 - White House Residential Park Lancaster New Road Cabus 23/00520/FUL
Change of use of land for the siting of 5 holiday caravans. (Pages 19 - 34)
- (b) Application 2 - The Willows Highgate Lane Stalmine-with-staynall Poulton-Le-Fylde 23/00598/FUL
Proposed change of use of existing ancillary residential accommodation (storage use and a gym) to ancillary residential accommodation and commercial dog kennels to house up to 8 dogs (resubmission of application 23/00295/FUL). (Pages 35 - 44)

PLEASE NOTE:

Transport for members of the committee will leave the Civic Centre, for the site visits, at 10:15am.



Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 4 October 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors Rendell, Lady D Atkins, Amos, Catterall, Fielding, Higginson, Livesey, Preston, Raynor, Rimmer and Higgs

Absent- apologies received:

Councillor Belshaw

Officers present:

George Ratcliffe, Assistant Democratic Services Officer
Karl Glover, Development Manager
Carmel White, Solicitor
Steve Smith, Head of Planning and Regeneration
Jane Collier, Human Resources Manager and Deputy Monitoring Officer
Ryan Arrell, Tree and Woodland Officer

13 members of the public attended the meeting.

PA.27 Declarations of interest

None.

PA.28 Confirmation of minutes

Councillor Higginson proposed an addition to the minutes, and Councillor Fielding seconded the proposal. A vote was carried out and the motion was lost.

The minutes of the meeting of the Planning Committee held on Wednesday 06 September 2023 were **confirmed** as a correct record by those who were in attendance.

PA.29 Appeals

The committee noted the Schedule of Appeals lodged and decided between 15 July 2023 and 15 September 2023. The Chair invited any Member

requiring any further details or clarification on the appeal to contact the relevant case officer.

PA.30 Planning applications

PA.31 Application 1 - 92 Marine Parade Fleetwood 23/00742/FUL

The application was brought before members for consideration at the request of Councillor Thewlis due to the application's potential impact upon amenity.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

An update sheet was published on the council's website, the information only having become available after the original agenda was published. The committee considered the update sheet, which contained an additional consultee response which was acknowledged by officers.

The Planning Development Manager introduced the report. The application was for a proposed change of use from a dwelling (C3) to a children's care home (C2), for up to 2 children and 3 carers. He highlighted that there were no physical alterations proposed to the semi-detached residential dwelling and the site was located within the defined settlement boundary of Fleetwood and Flood Zone 2.

Dan Smith spoke in objection to the application.

Councillor Catterall asked a question of the speaker.

David Fern spoke in objection to the application.

Gillian Crowker spoke in objection to the application.

Councillor Rimmer asked a question of the speaker.

Pauline Kennedy spoke in objection to the application.

Angela Walsh spoke in support of the application.

Councillor Rimmer and Preston asked questions of the speaker.

Remi Tomlinson, acting as the applicant, spoke in favour of the application. Councillor Lady Atkins asked a question of the speaker.

The Head of Planning and Regeneration responded to the questions and concerns raised during the public speaking portion of the meeting. He highlighted that within the report, the representations received were dealt with in section 7 and the guidance document was covered in paragraph 9.11. He clarified that an additional condition could be added to protect residential amenity which would prevent the use of the flat roof as a balcony or to be used in anyway. He explained that the work which had already started on site

did not require permission.

Councillor Raynor asked the Head of Planning and Regeneration if the application was permitted, were there more steps the applicant had to go through before a care home was setup. He explained that the majority of other regulatory regimes require planning first.

Councillor Catterall asked for clarification around the dropped crossing which Lancashire County Council (LCC) had requested. The Head of Planning and Regeneration explained that this was covered in informative note 2.

Councillor Lady Atkins proposed an additional condition to be added, seconded by Councillor Livesey, to prevent the use of the flat roof on the existing rear extension from being used as a balcony/roof terrace. The Committee agreed that an additional condition of this nature would be appropriate on the application if it were to be approved.

Councillor Rimmer proposed that the application be approved in principle as per the Officer's recommendation but subject to an additional condition to the satisfaction of the Head of Planning and Regeneration (in consultation with the Chair) to prevent use of the flat roof as an amenity area and that the Head of Planning and Regeneration be authorised to issue the decision subject to the four conditions set out below and to the additional condition. Councillor Livesey seconded the proposal. The motion was carried.

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 27.07.2023 including the following plans/documents:

- Site Location Plan (received 14.08.2023)
- Proposed Floor Plans and Site Plan ref.MPRD92/23/01

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. The premises shall be used for a children's residential home (C2 use) only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes)

Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without prior express planning permission from the local planning authority.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The number of children to be cared for at the premises shall be limited to a maximum of 2 at any one time.

Reason: To enable the Local Planning Authority to retain a measure of control over the development thereby safeguarding the amenities of the area including neighbouring properties in accordance with Policy CDMP3 of the adopted Wyre Local Plan 2011-31.

PA.32 Application 2 - Havenlyn Residential Retirement Park Lancaster New Road Cabus 22/01179/FUL

The application was brought before members for consideration at the request of Councillor Lady Atkins.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

The Planning Development Manager introduced the report. The application was for a proposed change of use of land for the siting of 5 static caravans for holiday use only along associated internal access road and parking. He highlighted that the application site relates to land to the eastern side of Havenlyn Residential Retirement Park off Lancaster New Road (A6) in Cabus and was located within Flood Zone 1.

Lesley Marshall spoke in objection to the application.

Councillor Catterall asked a question of the speaker.

Wyre Borough Councillor for Garstang ward, Alice Collinson, spoke against the officer recommendation.

Councillor Amos asked a question of the speaker.

The Head of Planning and Regeneration clarified that there were no age restrictions because the application was for holiday use only.

The Planning Development Manager highlighted that drainage was covered in paragraph 9.14 of the report. He explained that the Councils Drainage Engineer had been consulted on the application and had commented that additional information was required. He clarified that a new package treatment plant was proposed to serve the proposed units but the full details were not submitted with the application. However, they were conditioned in condition 8

of the report.

Councillors raised the following questions/concerns over:

- drainage;
- proposed caravan sited south;
- car parking;
- septic tank;
- elderly residents and;
- restricting the view of current residents

The Planning Development Manager clarified that the application can only be assessed on what was being applied for and not any existing drainage.

In response to member comments, the Head of Planning and Regeneration observed that the application was for five units and explained that members would need to identify what they considered to be the planning harm of the 1 unit sited to the south.

Councillor Preston proposed the recommendation to approve the application to the committee, and Councillor Lady Atkins seconded the proposal. It was resolved to approve the application as per the Officers recommendation subject to the conditions set out below.

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 15.11.2022 including the following plans/documents:

- Site Location Plan ref.GA3442-LP-01A (received 18.09.2023)
- Proposed Site Plan ref.GA3442-PSP-01B (received 18.09.2023)
- Norwegian Log Caravan Specifications (containing floor plans and elevations) Types Lomond, Tirol and The Alpine Compact (received 25.07.2023)

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. The caravans shall be used for the purposes of holiday

accommodation only and not as a person's sole or permanent residence.

Reason: The development is approved for holiday use only and occupation on a permanent basis would be contrary to the provisions of Policy SP4 of the adopted Wyre Local Plan (2011-2031) and would also require further consideration against Policy CDMP2 of the adopted Wyre Local Plan (2011-2031).

4. Each caravan hereby approved shall not be used as a unit of permanent accommodation and shall be solely used for holiday accommodation and not be used at any time as sole or principal residence by any occupant.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

- the name and address of the owner's permanent residence (where they pay Council tax and/or are registered to vote and keep the majority of their possessions);
- the name and address (permanent residence) of main guest who made the booking together with dates of occupation.

For the avoidance of doubt permanence residence is where the owner/guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

Reason: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy.

5. No more than five static caravans shall be sited on the land at any time and each static caravan shall be compliant in all respects with the definition of caravan in s29(1) of the Caravan and Control of Sites Act 1960 and section 13 (1) and (2) of the Caravan Sites Act 1968 as those sections provide at the date of this planning permission.

Reason: An increase in the number of units other than approved would require further consideration by the Local Planning Authority in line with Policies EP9, SP2, SP4 and CDMP6 of the adopted Wyre Local Plan (2011-2031).

6. Prior to the first occupation or use of the development hereby approved, the ground floor window(s) in the west elevation(s) of units 1 and 3 shall be:
 - i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and

- ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

- 7. The development shall be carried out in accordance with the Proposed Site Sections plan reference.GA3442-EPSEC-01 unless proposed ground level changes are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact and a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

- 8. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works and levels 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.

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, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity 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 that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

9. The development hereby approved shall not be brought into use until the parking / turning area(s) shown on the approved plan [GA3442-PSP-01B] has been laid out, surfaced and drained. The parking / turning area(s) shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off road parking is provided and retained to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

10. The new internal access road and parking for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the development site, that the road surfaces are visually acceptable, that the private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided in the interests of highway safety in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

11. An electric vehicle recharging (EVCP) scheme shall be submitted for the development for each unit unless it is demonstrated that such provision of EVCP is not practical or due to other identified site constraints. No unit shall be occupied until the electric vehicle recharging point has been provided for the unit to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

12. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft

landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

13. Prior to the commencement of development a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- * Native tree and shrub planting
- * Hedgerow planting
- * Bolstering of existing hedgerows
- * Bird Boxes
- * Bat Boxes
- * Creation of ponds

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the

National Planning Policy Framework.

14. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

PA.33 Application 3 - Formerly Mount Garage Rear of Promenade Road Fleetwood 23/00725/FUL

The application was brought before members for consideration at the request of Councillor Duffy due to concerns related to the height and scale of the proposal in comparison to adjacent properties.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

The Planning Development Manager introduced the report. The application was for the erection of a first-floor extension to the building and internal alterations to the existing light industrial unit (Use Class E) to provide first-floor ancillary office accommodation (Use Class E). He highlighted that the site was in a predominately residential area and falls within the Fleetwood Conservation Area.

Wyre Borough Councillor for Pharos ward, Ruth Duffy, spoke in favour of the officer recommendation.

Councillors raised concerns over the location and size.

Following discussion and a proposal by Councillor Raynor, seconded by Councillor Catterall, it was resolved to refuse the application as per the Officers recommendation for the following reasons:

1. Due to the overall excessive scale of the proposed extension, in close proximity to residential properties, the development would result in an adverse detrimental impact on the residential amenity of the neighbouring properties to the east, namely 141-145 Promenade Road, by way of loss of light, loss of outlook and its overbearing impact. In addition, the two windows to the front elevation of the proposal would result in unacceptable overlooking/loss of privacy to the properties to the north of the site, 7-11 Abbots Walk. As a consequence the proposal would fail to comply with Policy CDMP3 of the Wyre Local Plan (2011-2031) along with the provisions of the NPPF.
2. The proposed development by reason of its excessive scale sited within a predominantly residential area, would result in a highly prominent and obtrusive feature within the street scene, resulting in significant detrimental impact on the character and visual amenity of the surrounding area. As a consequence the proposal fails to comply with Policy CDMP3 of the Wyre Local Plan and the Supplementary Planning Guidance 4 along with the provisions of the National Planning Policy Framework, in particular section 12.

PA.34 Application 4 - 206 Breck Road Poulton-Le-Fylde 23/00679/FUL

The application was before members for determination as it was a re-submission of application 23/00392/FUL which was determined by members at the 5 July 2023 committee meeting. The application was also brought before members for consideration at the request of Councillor Le Marinel due to the applications potential impacts upon residential amenity.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

The Planning Development Manager introduced the report. The application was for a proposed single-storey side extension to form garage, two-storey front extension to the main house and alterations to all roofs with the formation of two front dormers. He explained that application 23/00392/FUL was refused due to a proposed two-storey side extension to the eastern elevation of the dwelling resulting in a harmful and detrimental overbearing impact on residential amenity for the occupiers of the adjacent dwelling at 206a Breck Road.

He highlighted that the application's main difference from the previous refused planning application was the formation of a single-storey side extension with pitched roof to the eastern elevation rather than a gable ended two-storey side extension and changes to window openings to the eastern elevation and windows in the front dormers.

Wyre Borough Councillor for Breck ward, Peter Le Marinel, spoke against the officer recommendation.

Councillor Lady Atkins and Fielding asked questions of the speaker.

The Head of Planning and Regeneration explained that the concerns raised during the public speaking were immaterial to the planning decision.

Councillor Catterall asked for clarification around the lean to roof.

Councillor Livesey proposed the recommendation to approve the application to the committee, and Councillor Lady Atkins seconded the proposal. A vote was carried out and the motion was lost.

The Head of Planning and Regeneration reminded committee that in circumstances where planning applications are refused, reasons for refusal, should refer to the planning harm and the policy that supports that reason for refusal.

Councillor Higginson asked the Chair whether reasons must be given if a planning application is refused. The Chair confirmed that reasons for refusal must be given.

Councillor Raynor asked for further clarification around policy SP8 Health and Well-Being.

Councillor Rimmer asked for clarification around a further determination.

Councillor Higginson asked if the application could be deferred until the committee had reasons for refusal. The Chair said that it was not an appropriate reason for deferral.

The Committee considered the matter further. Councillor Fielding left the room.

Councillor Rimmer proposed the recommendation to approve the application to the committee, and Councillor Livesey seconded the proposal. It was resolved to approve the application as per the Officers recommendation subject to the conditions set out below.

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 06.07.2023 including the following plans/documents:

- Location plan 23050 LOC received on 06.07.23

- Proposed site plan 23050_11S received on 06.07.23
- Revised proposed plans and elevation drawing 23050_110 REV D received on 15.08.23.

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. The development shall be carried out strictly using those materials specified on the approved plan 23050_10 Rev D unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. Prior to the first occupation or use of the development hereby approved, the first floor windows in the eastern elevation shall be:
 - i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
 - ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

PA.35 Wyre Council Tree Preservation Order No 9 of 2023: Heyswood House, Head Dyke Lane, Pilling, PR3 6SJ

The Corporate Director Environment submitted a report for the committee to consider the objection to the making of the Wyre Council Tree Preservation Order No 9 of 2023: Heyswood House, Head Dyke Lane, Pilling, PR3 6SJ.

The Tree & Woodland Officer, Ryan Arrell, introduced the report.

The committee had visited the site and had no questions on the report.

The Chair asked the committee to consider the recommendation. It was proposed by Councillor Catterall and seconded by Councillor Amos that the tree preservation order be approved in accordance with the Officer

recommendation. It was resolved to confirm the Council Tree Preservation Order No 9 of 2023: Heyswood House, Head Dyke Lane, Pilling, PR3 6SJ without modification for the reasons set out in the officer report.

The meeting started at 2.00 pm and finished at 3.42 pm.

Date of Publication: 09 October 2023

APPEALS LODGED AND DECIDED
Appeals Lodged between – 15th September 23 – 15th October 23

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
23/00389/FUL	106 Hardhorn Road Poulton-Le-Fylde Lancashire FY6 8AX	Replacement of 1m height boundary wall with a 1.8m gabion fence infilled with white pebbles, along with rendered entrance peirs and sliding gate (retrospective)	Delegated	Written Representation	25.09.23
22/00708/FUL	Weavers Farm Weavers Lane Cabus Preston Lancashire PR3 1AJ	Change of use of agricultural building to one dwelling house (Use Class C3), restriction of use of agricultural building to agricultural storage only, erection of separating boundary treatments and retention of access road to serve residential properties only.	Delegated	Written Representation	09.10.23

Appeals Decided between – 15th September 23 – 15th October 23

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided

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Committee Report

Date: 01.11.2023

Item Number	01
Application Number	23/00520/FUL
Proposal	Change of use of land for the siting of 5 holiday caravans.
Location	White House Residential Park Lancaster New Road Cabus Preston Lancashire PR3 1BG
Applicant	UAE Company, Company Services LLC
Correspondence Address	c/o Mr Jake Salisbury 2 Croston Villa High street Garstang Preston PR3 1EA
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Philip Glennon

Site Notice Date: 28/06/2023

Press Notice Date: N/A

1.0 INTRODUCTION

- 1.1 This planning application is presented before Planning Committee at the request of Cllr Lady Atkins due to the applications potential impacts upon neighbouring residential amenity in particular from noise and disruption. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The application site is located on the east side of Preston Lancaster Road to the north of Garstang and is known as White House Residential Park. The application site is an existing residential park which provides residential accommodation mainly through 18.no caravans but does include one dwelling house. The existing site is accessed through a lane located to the side of an existing car sales business and is located within a defined area of countryside with a few commercial businesses and a caravan park located to the west.

3.0 THE PROPOSAL

- 3.1 The proposal is for the change of use of the existing land to accommodate the siting of 5 holiday caravans. The 5 caravans would be located over two areas across the wider application site.

- 3.2 To the north of the application site there is the proposed siting of two caravans which are 4.8m by 7.55m with a gable roof having an eaves height of 2.4m and a ridge height of 3.35m. To the east of the application site located behind No17 there is the proposed siting of three caravans. Each of these 3 caravans will be 3.7m by 12.4m with an eave's height of 3.35m and a ridge height of 4m. The proposed finish of each caravan has not been stated or provided with the application which solely states that they will match the existing caravans within the residential park.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site has the following relevant planning history:
- 4.2 09/00694/FUL- Replacement and re-siting of four existing units. Application Permitted

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022)

5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 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 WLPPU 2031 are of most relevance:

- SP1 Development Strategy
- SP2 Sustainable Development
- SP4 Countryside Areas
- CDMP1 Environmental Protection
- CDMP3 Design
- CDMP4 Environmental Assets
- CDMP6 Accessibility and Transport
- EP8- Rural Economy
- EP9 Holiday Accommodation

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 5th September 2023. 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 2023 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 4- Decision making
- Section 6- Building a strong, competitive economy
- Section 12- Achieving well designed places.
- Section 15- Conserving and enhancing the natural environment.

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- SPG2- Trees and Development

6.0 CONSULTATION RESPONSES

6.1 CABUS PARISH COUNCIL

- 6.1.1 Recommend refusal as the existing park is a residential park not a holiday park and this proposed use is not in keeping with the residential use. Furthermore there are concerns that the cost of holiday lets will fall on existing residents and due to an increase in noise and traffic from the proposed development.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

- 6.2.1 No objections subject to conditions that parking area's and access as shown on plans is provided.

6.3 GREATER MANCHESTER ECOLOGY UNIT

- 6.3.1 No objections subject to conditions

6.4 WBC WASTE CONTRACT OFFICER

- 6.4.1 No objections

6.5 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

- 6.5.1 No objection in principle but require full drainage plans to be submitted in full

6.6 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

- 6.6.1 Request a desktop survey for contamination to be provided prior to commencement of development.

6.7 WYRE BC TREE OFFICER

- 6.7.1 No objections

7.0 REPRESENTATIONS

- 7.1 During the application 9 letters of objection have been received. The primary reason for objection are:

- De-valuation of property
- Increase in traffic throughout site.
- No facilities for proposed holiday let.
- High safety concerns regarding proposed access
- Increase in noise.
- Incompatibility with existing residential caravan park

8.0 CONTACTS WITH APPLICANT/AGENT

- 8.1 Planning agent during the application process provided a business plan and agreed to conditions.

9.0 ISSUES

- 9.1 The main issues to be considered in the determination of this application are:

- Principle of Development
- Visual Impact / Design / Impact on the street scene
- Impact on the Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage
- Impacts upon Ecology/Trees

Principle of the Development

- 9.2 The application site is located within designated Countryside area as defined within the Wyre Local Plan (WLP31) and as such Policy SP4 is relevant. Policy SP4 allows certain types of development within the countryside, including holiday accommodation, provided they meet the requirements of relevant core development management policies. Holiday accommodation is also required to meet the provisions of Policy EP9. Policy EP9 relates to 'Holiday Accommodation' and states that sites including new short stay touring caravan and camping sites, will be permitted where they meet the requirements of the Core Development Management Policies and provided they satisfy the following criteria:

- a) The totality of development, including on site services, is of appropriate scale and appearance to the local landscape;
- b) Any new building and supporting infrastructure is necessary;
- c) New tourism accommodation sites incorporating new build accommodation will need to be supported by a sound business plan demonstrating long term viability; and
- d) Proposals for extensions to sites which include new built accommodation outside settlement boundaries will need to be supported by a viability assessment of the existing and proposed business.

- 9.3 Policy EP9 supports the expansion and/or creation of new holiday accommodation provided that the proposed development is of an appropriate scale, does not negatively impact on the landscape (criterion a), new buildings and supporting infrastructure are necessary (criterion b), and where new build accommodation is proposed, a sound business plan. In this case the application is for a new holiday let business and so criterion c) applies but business plans have been provided for the existing residential caravan park and the proposed holiday let as these are interconnected businesses.

- 9.4 Criterion a) of Policy EP9 requires that proposals are of an appropriate scale and appearance within the local landscape. (This is assessed in paragraph 9.10 below) With regards to criterion b) no additional supporting buildings or infrastructure are proposed. As such the proposed works are considered necessary and appropriate. As this is the creation of new holiday accommodation criterion c) applies as there is currently no existing holiday accommodation within the site which is purely residential in its current format.
- 9.5 As part of the application, a viability assessment has been provided. It is outlined that the proposed holiday accommodation will work on the basis that the holiday park will see the caravans being allocated to individual owners. Then following on from this monthly ground rents will be collected which will generate an income for the holiday park in question as each of the caravan would have a 15 year site licence attached to it. Further details within the business plan set out the initial costs, proposed rental income as well as general running costs and upfront expenses which appear reasonable and appropriate. It also includes a cash flow forecast and profit projections for 3 years. It is considered that the business plan has outlined that the holiday lets in question are considered to be appropriate, reasonable and justifiable. The applicant has demonstrated a viable business model within the submitted supporting documentation. As such taking the above into account it is considered that the proposal complies with criterion c) of Policy EP9.
- 9.6 Notwithstanding the above whilst the proposal is considered viable it is nevertheless considered necessary to impose restrictive occupancy conditions on the units to ensure that they are operated in a way that reflects the business plan (as required by Policy EP9). As such the development will be conditioned as with a limited period of occupancy and a requirement for a register of guests to be kept. The proposal must also be considered against other relevant policy requirements such as matters of sustainability required under Policy SP2 of WLP31.
- 9.7 Policy SP2 of the WLP31 states that all development in Wyre should be sustainable and contribute to the continuation or creation of suitable communities in terms of its location and accessibility. Alongside Policy SP2, Policy CDMP6 of WLP31 requires development to include measures to encourage access on foot, by bicycle and public transport and reduce car reliance. Sustainable development is also a requirement of the NPPF. The concept of sustainable development in this context means that development should be in the 'right place', accessible to local services, protect the natural environment and foster a low carbon economy. However, it is accepted some forms of development where vehicle movements are less for example, holiday accommodation, may be appropriate in rural locations depending on the individual merits of each site.
- 9.8 The application site is located as part of an existing residential park and is located off the Preston Lancaster Road where both footpaths and cycle paths are available. Further to this, there are bus stops located 200m from the application on the main road which provides public transport to nearby settlements such as Garstang where a range of local facilities exist. It is therefore considered that the site is in a sustainable location in terms of location and accessibility and would be consistent with the aims of the NPPF and Policies SP2 and CDMP6 of the WLP31

- 9.9 Overall it is considered that the proposed development is acceptable in principle.

Visual Impact / Design / Impact on the street scene

- 9.10 The proposal is for the siting of 5 caravans for holiday use. It is considered that the proposed caravans will not be visible from the Preston Lancaster Road as they are separated by the existing car sales business and existing residential park. The caravans will be constructed of similar materials to the existing caravans at the residential park which will help to ensure visual assimilation. It is however considered necessary to condition that the finishes of the proposed caravans be submitted and approved by the Local Planning Authority before installation to ensure they are of an appropriate finish. Overall, it is considered that the caravans are acceptable in terms of design and will not be distinctly different from the existing caravan/mobile homes on site thus complying with Policies CDMP3 and SP4 of the WLP31.

Impact on the residential Amenity

- 9.11 The proposal is for the siting of 5 caravans for holiday use. The proposed 5 caravans are split into two groups with 2 caravans being located to the north side of the application site and the remaining 3 caravans being located to the east side of the application site.
- 9.12 The proposed 2. No caravans which are located to the North of the application site are located approximately 6m from No.6 which is the nearest residential caravan. It is not considered that these two caravans could be considered to be overbearing or result in any loss of light for the existing residential caravans in the area. As no windows face No.6 there will be no loss of privacy for the caravan in question. It is acknowledged that one of these two proposed holiday caravans face No.16 with a separation distance of approximately 10m. It is however considered that this will not reduce the privacy or cause a perceived loss of privacy from No.16 when taking into account the separation distance and the layout of the proposed caravan which ensures only a bathroom window and entrance door is facing No.16. As such there will be no perceived loss of privacy for No.16.
- 9.13 The proposed 3. No larger holiday caravans are located to the east side of the application site in a plot of land between No. 18 and the existing dwelling. Considering their size, it is not considered that the proposed holiday lets in this location would be overbearing or result in a loss of light. This is applicable as the layout of caravan parks typically provides much reduced spacing compared to residential dwellings. Furthermore due to the of the low heights of the units, they do not give a sense of being overbearing
- 9.14 It is acknowledged there have been concerns expressed surrounding an increase in noise or traffic due to the erection of the proposed 5. No holiday lets. It is not uncommon to see mixed residential and holiday sites. Holiday use is not considered to be significantly different to a residential dwelling in terms of how the unit would operate i.e. comings and goings, level of occupation. However, it would be unreasonable to say that this would cause a disruption on a level that would warrant refusal of the application, due to the nature and scale of the units proposed. As holiday use still falls under the same use class as a residential dwelling (C3) they are not considered to be significantly or materially different in their operation and there would be no

detrimental harm in terms of noise. In terms of increase in traffic it is acknowledged any traffic movements will have to go through the existing residential caravan park but it is not envisaged that there would be any significant increase in traffic which could result in detrimental effects on the amenity of occupants of the surrounding caravans.

- 9.15 Overall, it is considered that the proposed 5. No holiday lets are not detrimental to the residential amenity of any of the existing residential caravans or the existing dwelling house. As such it is considered the proposal is acceptable in terms of amenity impacts and the proposal complies with the provisions of Policy CDMP3 of the WLP31.

Impacts on Highway / Parking

- 9.16 The proposal will utilise an existing site entrance for the existing residential caravan park with each of the proposed holiday use caravans having one parking space each. As part of the application LCC Highways have been consulted who have acknowledged that the proposed change of use will result in an intensification of the existing private access. They have raised no objections to the proposed change of use as the site plan has shown a width of 4.8m for a distance of 10m at the site entrance which allows for two cars to manoeuvre past each other. Overall it is considered that subject to conditions there no issues identified in relation to parking or highway safety and the proposal would comply with Policy CDMP6 of the WLP31.

Flood Risk and Drainage

- 9.17 The application site is located in Flood Zone 1 which is identified as being at low risk of flooding on the Environment Agency's Flood Maps as such the sequential and exception tests are not required. As part of the application the councils Drainage Engineer has been consulted who has raised no objection in principle but as the drainage will connect to the existing system the full details including the size of the existing treatment plant and discharge point for effluent should be provided. This can be conditioned accordingly.

Impacts upon Ecology and Trees

- 9.18 As part of the application an ecology survey has been submitted and therefore Greater Manchester Ecological Unit (GMEU) have been consulted. GMEU have acknowledged the site lies within the SSSI (Site of Special Scientific Interest) Impact Risk Zone (IRZ) of Morecambe Bay SSSI and Bowland Fells SSSI as well as 5 further SSSI Risk Zones. As part of their consultation, they have required conditions including a CEMP and lighting design strategy due to roosting bats being located nearby and due to other protected species, such as hedgerows, amphibians and breeding birds. It is considered that a CEMP is not required in this case as the lands subject to this application has been cleared therefore a CEMP condition would not be applicable. However, it is considered that subject to a lighting condition and ecological enhancements the proposal would not result in significant impacts upon ecology or biodiversity.
- 9.19 Due to the proximity of trees on the northern boundary of the site, the Councils Tree Officer was consulted. The Tree Officer has stated that if the trees are not a sufficient distance away a tree protection plan would be required. During a site visit it was evident that the area in question has

already been finished in hardstanding with only one tree within the application in this area. It is considered that as hardstanding is already surrounding the tree in question a tree protection would not be required.

Other Matters

Contamination

The Councils Environmental Health Officer responsible for land contamination has requested that a Land Contamination Pro Forma be filled out prior to decision, or a condition be added for a Desk Study. This was relayed to the agent who requested that the condition be added. This would be a pre-commencement condition. Subject to this, there are no concerns at this stage in terms of contamination.

Neighbour Representations

It is acknowledged that in the objections concerns have been raised in relation to de-valuation of existing residential caravans within the site. These objections are acknowledged but de-valuation of property is not a material planning consideration and as such cannot be considered when assessing the application in question.

10.0 CONCLUSION

10.1 The proposed development is acceptable in principle based on location and the submission of a robust Business Plan. The proposal will not have an unacceptable impact on the landscape character of the area and there are no issues regarding highway safety, flood risk or residential amenity. All other matters have been assessed to be acceptable, subject to relevant conditions. The application is therefore recommended for approval.

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 24.05.2023 including the following plans/documents:

- Access Plan. Drawing Number Ga3521-ap-01. (Received 13.07.2023)
- Proposed Site Plan. Drawing Number Ga3521-pp-001a. (Received 03.07.2023).
- Site location plan.
- Proposed plans and elevations. Drawing Number Ga351-pp- 002 (Received 14.06.2023).
- Kelso proposed floor plan. (Received 16.06.2023).
- Proposed elevations and floor plan - 40ft x 12ft. Drawing Number Gga3521-pp-001 (Received 16.06.2023).

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

3. No caravan shall be installed until details of the external surfaces of that caravan (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The caravans shall be used for the purposes of holiday accommodation only and not as a person's sole or permanent residence.

Reason: The development is approved for holiday use only and occupation on a permanent basis would be contrary to the provisions of Policy SP4 of the adopted Wyre Local Plan (2011- 2031) and would also require further consideration against Policy CDMP2 of the adopted Wyre Local Plan (2011-2031).

5. Each caravan hereby approved shall not be used as a unit of permanent accommodation and shall be solely used for holiday accommodation and not be used at any time as sole or principal residence by any occupant.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

- the name and address of the owner's permanent residence (where they pay Council tax and/or are registered to vote and keep the majority of their possessions);
- the name and address (permanent residence) of main guest who made the booking together with dates of occupation.

For the avoidance of doubt permanent residence is where the owner/guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

Reason: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism

and contributes to the area's economy in accordance with Policy SP4 of the Wyre Local Plan (2011-31).

6. Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works and levels 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.

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, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity 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 that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and layout.

7. Prior to the commencement of development, a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore

be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

8. The proposed access from the site to shall be constructed to a (minimum) width of 4.8m and this width shall be maintained for a minimum distance of 10m measured back from the rear of the adopted highway.

Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

9. The development hereby approved shall be first occupied until the parking / turning area(s) shown on the approved Proposed Site Plan [As submitted on the 03.07.2023] has been laid out, surfaced and drained. The parking / turning areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off-road parking is provided and retained to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

10. An electric vehicle recharging (EVCP) scheme shall be submitted for the development unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No unit shall be occupied until the electric vehicle recharging point has been provided for the unit to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

11. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy

Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

12. Prior to the commencement of development, a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- * Native tree and shrub planting
- * Hedgerow planting
- * Bird Boxes
- * Bat Boxes

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of Wyre Local Plan (2011-31)

13. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

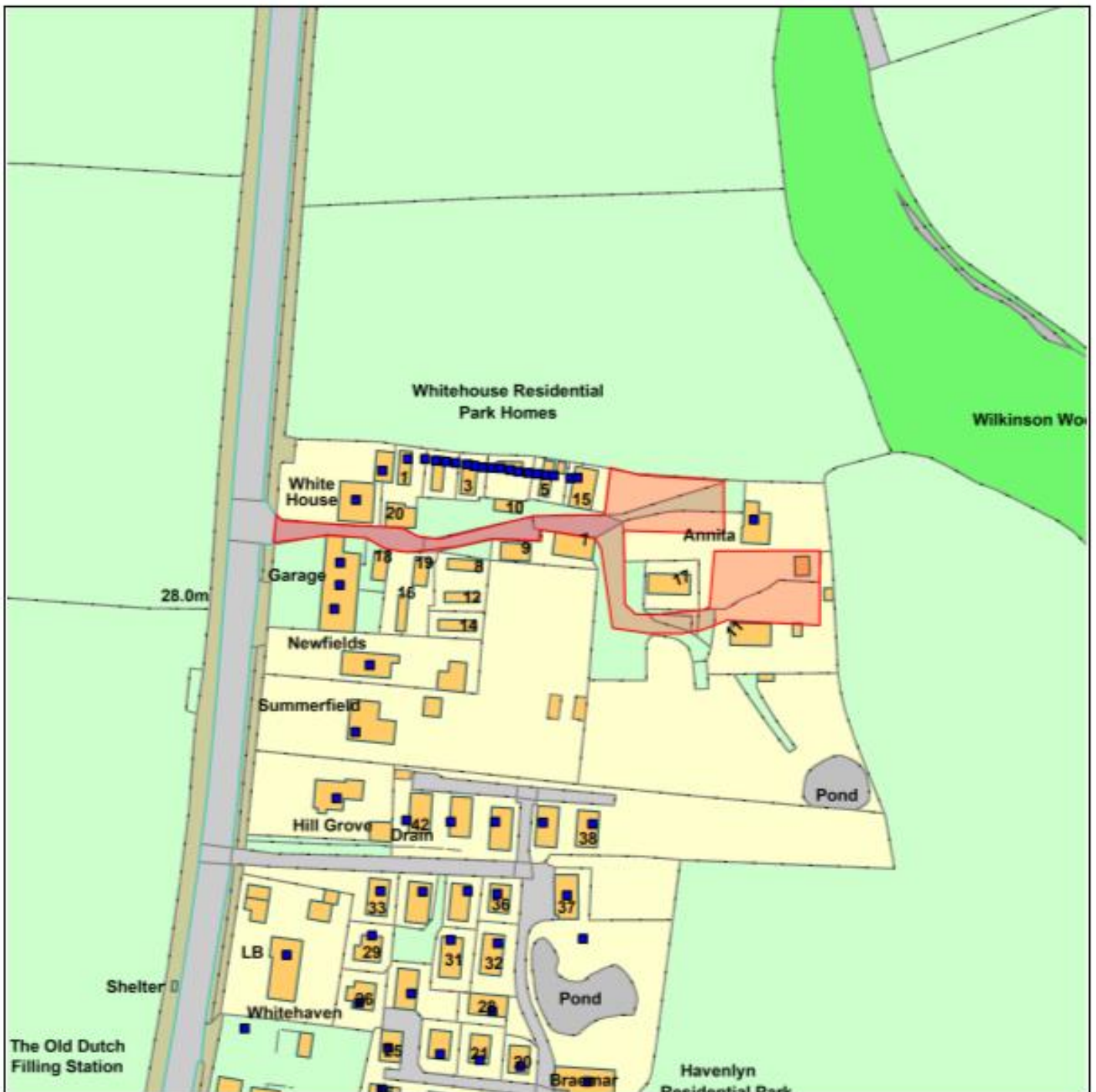
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Such a scheme was not submitted with the application but is necessary to in order to minimise impacts on protected species and in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of Wyre Local Plan (2011-31)

15. No more than five static caravans shall be sited on the land at any time and each static caravan shall be compliant in all respects with the definition of caravan in s29(1) of the Caravan and Control of Sites Act 1960 and section 13 (1) and (2) of the Caravan Sites Act 1968 as those sections provide at the date of this planning permission.

Reason: An increase in the number of units other than approved would require further consideration by the Local Planning Authority in line with Policies EP9, SP2, SP4 and CDMP6 of the adopted Wyre Local Plan (2011-2031).

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	17 October 2023
SLA Number	100018720

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Committee Report**Date: 01.11.23****Item Number 02****Application Number** 23/00598/FUL**Proposal** Proposed change of use of existing ancillary residential accommodation (storage use and a gym) to ancillary residential accommodation and commercial dog kennels to house up to 8 dogs (resubmission of application 23/00295/FUL)**Location** The Willows Highgate Lane Stalmine-with-staynall Poulton-Le-Fylde Lancashire FY6 9DS**Applicant** Mr Darren Curtis**Correspondence Address** The Willows Highgate Lane Stalmine-with-staynall Lancashire FY6 9DS**Recommendation** Refuse**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Charlotte Parkinson**

Site Notice Date: 18.09.23

1.0 INTRODUCTION

1.1 This planning application is presented before the Planning Committee at the request of Cllr Julie Robinson who is in support of the proposal citing that the rural location would be more sustainable and have less impacts upon neighbouring amenity and the proposal would have no greater impacts upon the open countryside. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application comprises a detached dormer bungalow with associated land and outbuildings to the rear and is located on the east side of Highgate Lane outside of the rural settlement of Stalmine in a Countryside Area as designated in the adopted Wyre Local Plan (WLP 31).

2.2 The dwelling is finished in white render with a grey tiled hipped roof and has been extensively extended. It is set back from the road in an elevated position with a lawned front garden area enclosed by a feature red brick wall. There are two access points off Highgate Lane, the northern access serves the existing bungalow and the southern access leads to the land and buildings to

the rear. The outbuildings include the building subject of this application which is adjacent to a stable building, barn and sand paddock area.

- 2.3 The surrounding area comprises sporadic residential and agricultural development. The site is located within a SSSI Impact Zone and is within the 3.5 km buffer zone of Morecambe Bay.

3.0 THE PROPOSAL

- 3.1 The application seeks planning permission for a change of use from existing outbuilding (Building B) from ancillary residential accommodation (storage and a gym) to ancillary residential accommodation and commercial dog kennels to house up to 8 dogs. There are no changes to external elevations, all of the works would be internal and would involve half of the building being split into 8 dog kennels, 4 on each side with a central passageway. The application is a resubmission of application 23/00295/FUL.

4.0 RELEVANT PLANNING HISTORY

- 4.1 23/00295/FUL - Proposed Change of use from existing outbuilding (Building B) from ancillary residential accommodation (storage and a gym) to ancillary residential storage and commercial dog kennels to house up to 8 dogs - Application refused for the following reasons:
- 1) No marketing information has been provided to demonstrate that alternative uses have been considered for the existing building in accordance with the hierarchy set out in Policy SP4 of the WLP. Given the absence of marketing information, the application does not demonstrate that every reasonable effort has been made to secure a higher priority use. The application would therefore conflict with Policy SP4 and Policy SP6 of the Local Plan.
 - 2) The application site is located within the countryside and the development would involve the creation of new commercial business which would rely wholly on trips to and from the site by car, in a poorly accessible location detached from the nearest settlement. The site would be accessed via unlit rural roads with no pedestrian footpaths. The proposed development is considered to be sited in a poorly accessible and unsustainable location which would increase the need to travel by car and fails to contribute towards creating a sustainable development. The proposal is therefore contrary to locational guidance contained within the NPPF, in particularly paragraph 105 and contrary to Policy SP2 of the Adopted Wyre Local Plan (WLP31).
- 4.2 04/01412/FUL- Two Storey side and rear extension. Application Permitted.

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 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.

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

- SP2- Sustainable development
- SP4- Countryside Design
- CDMP1- Environmental protection.
- CDMP2 - Flood risk and surface water management
- CDMP3 - Design
- CDMP6- Accessibility and transport
- EP8- Rural Economy

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 5th September 2023. 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 2023 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 4. Decision making
- Section 6. Building a strong, competitive economy
- 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.

6.0 CONSULTATION RESPONSES

6.1 STALMINE WITH STAYNALL PARISH COUNCIL

6.1.1 No objections

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections. A condition is requested to provide the car parking and turning as shown on the submitted plans. A further condition is requested to restrict the proposed use to dog boarding kennels in order to prevent an increase in vehicle movements on the local highway network.

6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)

6.3.1 No objections

6.4 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.4.1 No objection

7.0 REPRESENTATIONS

7.1 Two letters of objection have been received at the time of compiling this report. Comments are summarised as follows:

- Concerns regarding noise
- A livery stable already operates from this site the proposal would increase traffic
- Single track lanes not suitable for additional traffic
- The proposal has been refused and there is no new evidence

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During the course of the application the applicant has contacted the Council in order to check progress of the application.

9.0 ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of Development
- Visual Impact / Design / Impact on the street scene
- Impact on the Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage
- Impacts upon Ecology/Trees

Principle of Development

9.2 The application site is located in a Countryside Area as designated in the Adopted Wyre Local Plan (WLP 31) as such, Policy SP4 is relevant. Policy SP4 aims to protect the countryside and manage development in a way that supports rural communities and the rural economy whilst maintaining its essential attributes. Paragraph 4 of Policy SP4 allows for the conversion of existing buildings in the countryside where it meets the Core Development Management Policies and it is demonstrated that the order of priority has been followed:

- 1) Employment (use class B1 (now part of Class E(g) , B2 and B8) uses appropriate to the rural area,
- 2) Tourism destination uses or other non retail commercial use or retail to serve local needs in accordance with Policy SP7 (Local Convenience Stores);
- 3) Live work units;
- 4) Tourism Accommodation subject to Policy EP9 (Holiday Accommodation)
- 5) Residential provided the development results in enhancement so the immediate setting.

9.3 The proposal seeks a change of use of the existing building to a dog boarding kennels which would fall under the use class Sui Generis which is not one of the preferred uses stated in criteria 1). The use is however considered to fall within 2) 'other non retail commercial use'. Where the proposal involves a use

other than 1) above the policy requires applicants to demonstrate that they have made every reasonable effort to secure a use higher in the order of priority including appropriate marketing in accordance with Policy SP6 (Viability). The applicant has not submitted any evidence of marketing. The submitted planning statement sets out that the list of priority uses is not relevant for this site and proposal, and suggests that the application relates to the re-use of an ancillary residential outbuilding which cannot be separated by freehold from the main dwelling given its position and relationship to the main dwelling.

- 9.4 The relevant employment uses in 1) of the policy are restricted to B1 E(g) (i) offices, (ii) research and development and (iii) any industrial process being a use which can be carried out in a residential area without detriment to the amenity of that area by noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, B2 (general industrial), and B8 storage and distribution. The purpose of this restriction is to support the rural economy whilst still maintaining the essential attributes of the countryside. Employment generating uses are given priority in order to increase the sustainability of rural areas (subject to other impacts). Notwithstanding the lack of marketing information the planning statement fails to demonstrate why a use within 1) could not be achieved. The marketing required in accordance with Policy SP6 is not restricted to freehold but also includes equivalent long leasehold therefore whilst it is accepted that the applicants may not wish to market the freehold of the property given its proximity and relationship to the existing dwelling, it has not been demonstrated why the building could not be marketed for an employment use within 1) with a long leasehold.
- 9.5 Para 4b) further requires the buildings to be of permanent and substantial construction capable of conversion without major or complete construction and c) requires the building to be large enough for the proposed use without the need for extension which would be out of scale with the host building or incompatible with the character of the area. The existing buildings are constructed from block and render and the proposed conversion would result in internal works only with no extensions, therefore the proposal would comply with this criterion.
- 9.6 The applicant makes reference to Policy EP8 in the submitted Planning Statement and states that the proposal would be compliant with this Policy as it would offer an additional service in the rural area and would diversify the rural economy. No information has been submitted regarding an existing business at the site therefore the proposal is considered to be a standalone business and Policy EP8 would not therefore apply.
- 9.7 Policy SP2 sets out that all development in Wyre should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. In this case, the application site is located approximately 1.7 miles from the rural settlement of Stalmine and 1.3 miles from Hambleton. Access to the site is via single track lanes with limited passing places which Lancashire County Council noted in the previous application mainly relate to access points to fields and not designated passing places. There are no footpaths or street lighting along Highgate Lane and Staynall Lane. The proposed use would result in an increased number of visitors to the site which given the lack of alternative forms of sustainable travel available, would be highly likely to depend on the use of private motor vehicles which would directly conflict with the aims of Policy SP2.

The applicant has failed to demonstrate that they have made every reasonable effort to convert the building to a use which is higher in the priority. The proposal is not considered to be sustainably located and would therefore fail to comply with Policies SP2 and SP4.

Visual Impact / Design / Impact on the street scene

- 9.8 The building subject of this application is located to the rear of the existing dwelling and no external alterations are proposed. The application also includes a piece of land to the rear of the stables which would be used for exercising dogs. No additional equipment is proposed or alterations to this field ie: secure fencing, therefore with regards to the conversion of the building and change of use of the land there are no concerns regarding visual impact and the proposal would therefore comply with Policy CDMP3.

Impact on the residential Amenity

- 9.9 The application site is located in an isolated location and the closest residential dwelling is over 300m to the south west on Staynall Lane. Given this distance it is unlikely that the proposal which does not involve any external alterations to the building and would therefore retain existing windows and doors would not result in an unacceptable adverse impact in terms of overlooking or loss of privacy. It is noted that objections have been received which relate to concerns regarding noise therefore the Council's Environmental Health Officer (EHO) has been consulted. The EHO has concluded that sensitive residential receptors are located sufficient distance away and the proposal would not result in significant adverse environmental impact as a result of this development. In consideration of this the proposal would comply with Policy CDMP3.

Impact on Highway / Parking

- 9.10 Lancashire County Council Highways (LCC) have been consulted and have not raised any objections in terms of highway safety. LCC note the existing 5 No car parking spaces available and have requested a condition be added to the application to require this area to be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority in order to allow for the effective use of the parking areas. This could be achieved by adding a suitably worded condition. As the proposal includes parking provision a further condition would be added to require an Electric Vehicle Charge point in line with Policy CDMP6.

Flood Risk and Drainage

- 9.11 The application site is located in Flood Zone 1 which is identified as being at low risk of flooding on the Environment Agencies Flood Maps. A Flood Risk Assessment is not therefore required and the Sequential and Exception Test are not required to be passed. The Council's Drainage Officer has been consulted and has no objections. There are no further concerns regarding flood risk and drainage therefore the proposal is considered to comply with Policy CDMP2.

Impacts upon Ecology and Trees

- 9.12 The application proposes the conversion of an existing building which is currently in use for ancillary residential purposes and no external works or alterations are proposed. Therefore, it is not considered to be of significant ecological value and as such it is unlikely that there would be any adverse impacts on protected species. Whilst the application site is located within a SSSI Impact Zone and is within 3.5 km of Morecambe Bay it would not have any adverse impacts upon European designated specially protected sites given that there are no external alterations proposed.
- 9.13 There are no trees within the site which would be impacted by the proposed development.

Other Matters

Contamination

- 9.14 No issues identified

Neighbour representations

- 9.15 It is noted that an objection has been received making an allegation that livery stables is being operated from the site. A check of the Council records fails to reveal an application for this use.

10.0 CONCLUSION

- 10.1 The applicant has failed to demonstrate that they have made every reasonable effort to secure a use higher in the order or priority including appropriate marketing in accordance with Policy SP6. The proposal would be located in an unsustainable location and would not minimise the need to travel by car. Overall, the proposal fails to comply with Local Plan Policies SP2, SP4 and SP6 and Section 2 of the NPPF. The application is not therefore not considered to be acceptable in principle and is recommended for refusal.

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

Recommendation: Refuse

1. No marketing information has been provided to demonstrate that alternative uses have been considered for the existing building in accordance with the hierarchy set out in Policy SP4 of the Wyre Local Plan 2011 - 2031. Given the absence of marketing information, the application does not demonstrate that every reasonable effort has been made to secure a higher priority use.

The application would therefore conflict with Policy SP4 and Policy SP6 of the Wyre Local Plan Local Plan 2011-2031.

2. The application site is located within the countryside and the development would involve the creation of new commercial business in a poorly accessible location detached from the nearest settlement. The site would be accessed via unlit rural roads with no pedestrian footpaths and visitors to the site would be heavily reliant on the use of a private motor vehicle. The proposed development is considered to be sited in a poorly accessible and unsustainable location which fails to contribute towards creating a sustainable development. The proposal is therefore contrary to locational guidance contained within the NPPF, in particularly paragraph 105 and contrary to Policy SP2 of the Wyre local Plan 2011-2031.



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	17 October 2023
SLA Number	100018720

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