



# Planning Committee Agenda

Wyre Borough Council  
Date of Publication: 30 January 2024  
Please ask for: George Ratcliffe  
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**Planning Committee meeting on Wednesday, 7 February 2024 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 - 20)

To approve as a correct record the Minutes of the meeting of the Planning Committee held on Wednesday 10 January 2024.

**4. Appeals**

(Pages 21 - 40)

The Schedule of Appeals lodged and decided between 15 December 2023 – 15 January 2024, 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 - Normoss Farm Normoss Road<br>23/00624/FULMAJ<br>Redevelopment of site for 21 new dwellings with associated landscaping and vehicular access. | (Pages 41 - 58) |
| (b) | Application 2 - 35 Dallam Dell Thornton Cleveleys<br>23/01040/FUL<br>Change of use from 1 dwelling (Class C3) to a children's care home (Class C2).          | (Pages 59 - 74) |

**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, 10 January 2024 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

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### **Planning Committee members present:**

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

### **Other councillors present:**

Councillors Collinson and Robinson

### **Officers present:**

George Ratcliffe, Assistant Democratic Services Officer  
Karl Glover, Development Manager  
Steve Smith, Head of Planning and Regeneration  
Angela Parkinson, Solicitor  
Hannah Hale, Planning Officer

Six members of the public attended the meeting.

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### **PA.47      Declarations of interest**

None.

### **PA.48      Confirmation of minutes**

The minutes of the meeting of the Planning Committee held on Wednesday 6 December 2023 were confirmed as a correct record by those who were in attendance.

### **PA.49      Appeals**

The committee noted the Schedule of Appeals lodged and decided between 15 November 2023 and 15 December 2023. The Chair invited any Member requiring any further details or clarification on the appeal to contact the relevant case officer.

### **PA.50      Planning applications**

### **PA.51      Application 1 - 1 Sarahs Fold Stalmine-with-staynall 23/00627/FUL**

The application was brought before members for consideration at the request of Councillor Robinson who cited that the creation of a new driveway in front of the applicant's house would improve visibility from the main cul-de-sac junction and it would prevent cars parking on the pavement.

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 the officer responses to the revised National Planning Policy Framework (NPPF) and amendments to the report and reason for refusal.

The Planning Development Manager introduced the report. The application was for the construction of a new driveway and vehicular access with dropped kerb onto Smithy Lane. He highlighted that the surrounding area was residential in character.

Wyre Borough Councillor for Hambleton & Stalmine ward, Julie Robinson, spoke against the officer recommendation.

Mark Evans, acting as the applicant, spoke in favour of the application.

Councillor Fielding asked a question of the speaker.

The Head of Planning and Regeneration clarified that the members were granting permission for the driveway area and there would be no suitable conditions capable of controlling the number vehicles using it.

Councillor Rimmer highlighted that the parking space at the rear of the property was very narrow with no opportunity for off-site parking.

Councillor Catterall believed a driveway would be more suitable than parking on the road.

Councillor Higgs did not consider Smithy Lane to be very busy and dangerous to pedestrians and other road users.

Councillor Belshaw proposed the recommendation, and Councillor Higginson seconded the proposal. A vote was carried out and the motion was lost.

Following discussion, it was proposed by Councillor Rendell, to grant full planning permission in principle for the development as proposed, subject to appropriate conditions addressing time and plans and that the Head of Planning & Regeneration be authorised (i) in consultation with the Chair, to agree the details of those conditions, and (ii) to issue the planning permission subject to those detailed conditions. The reasons for the proposal were that, contrary to the officer recommendation, it was considered that:

- It did not have an unacceptable impact on highway safety; and
- The proposal complied with Local Plan Policy CDMP6 and paragraph 115 of the National Planning Policy Framework (NPPF).

The proposal was seconded by Councillor Amos and the motion was carried.

**PA.52 Application 2 - Land Off Lambs Road And Raikes Road Thornton Cleveleys 22/00780/FULMAJ**

The application was brought before members for consideration as the application site fell primarily within an allocated site in the Wyre Local Plan and was of strategic importance.

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 the officer responses to the revised NPPF, additional consultee responses, additional public representations and amendment to house types and plans. The update sheet also contained a change to proposed conditions 2, 7, 11 and an additional proposed condition (condition 26) on archaeology.

The Planning Development Manager introduced the report. The application was for the proposed erection of 40 dwellings with associated landscaping, car parking and infrastructure works (Phase 3(c)). He highlighted that the application site formed part of a housing allocation (SA1/2 Lambs Road/Raikes Road) in the Wyre Local Plan 2011-2031.

Councillor Rimmer raised questions regarding Highways. The Head of Planning and Regeneration highlighted that the access was via the internal road network, therefore, the council sought the views of the most appropriate highway authority, Lancashire County Council, on this application. The Planning Development Manager confirmed that they had recently re-consulted with Lancashire County Council Highways who were satisfied that the assessments submitted with the applications were accurate. He explained that the impacts of the traffic on the Highway Network had already been considered and the mitigation measures were already in place owing to approvals for previous phases of wider masterplan site.

Councillor Higginson raised concerns over highways, flooding and infrastructure.

Councillor Raynor asked a question concerning flooding. The Planning Development Manager explained that the agent had sent more information since the agenda was published, however, Lancashire County Council still had concerns over how the surface water for highway drainage was going to be managed and maintained. He highlighted that, within conditions 13 and 14, full details of management and maintenance of all surface water and drainage systems needed to be submitted and that the conditions dealt with the

concerns raised.

Councillor Fielding raised concerns over flooding. The Head of Planning and Regeneration clarified that the application site was not within Flood Zone 2 or 3.

Councillor Rimmer asked a question regarding infrastructure. The Head of Planning and Regeneration explained that a S106 agreement was a legal agreement between the developer and appropriate infrastructure provider, however, in relation to health infrastructure and the integrated care board, the S106 agreement was with Wyre Borough Council.

Councillor Lady Atkins proposed the recommendation to approve the application to the committee, and Councillor Amos seconded the proposal. It was resolved to approve the application as per the Officers recommendation, with amendments to conditions 2, 7, 11 and an additional condition (condition 26), subject to the conditions set out below and subject to a S106 legal agreement to secure on-site affordable housing (30%) and green infrastructure and financial contributions towards health care and travel planning. The committee resolved that the Head of Planning and Regeneration be authorised to issue the decision following the satisfactory completion of the S106 agreement and subject to the following conditions:

**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 02.08.2022 including the following plans/documents:

Location Plan - BH-04377-001  
Location Plan - BH-04377-002  
Proposed Site layout Plan - BH-04377-005 **Rev H**  
Proposed Site Plan - BH-04377-006 **Rev G**  
Proposed Boundary Treatment Plan - BH-04377-007 **Rev F**  
Proposed Materials Plan - BH-04377-008 **Rev F**  
Tree Removal Plan - BH-04377-009 **Rev F**  
Tree Protection Plan - BH-04377-010 **Rev F**  
Proposed Hard Landscaping Plan - BH-04377-011 **Rev G**  
Proposed Open Space Plan - BH-04377-012 **Rev F**  
Proposed Levels and Services Plan - BH-04377-013 **Rev F**  
Topographical Survey - BH-04377-014 **Rev A**  
Committee Site Plan - BH-04377-015 **Rev C**  
Proposed Solar Panel Layout Plan - BH-04377-016 **Rev B**

## House Types

2 Bed S Semi House Type Plan - BH-04377-A-03  
3 Bed Semi House Type Plan - BH-04377-A-04  
2 Bed Terrace House Type Plans -BH-04377-A-08  
2 Bed Terrace House Type Elevations -BH-04377-A-09  
Garage Plans - BH-GAR-001 Rev A  
Buckingham House Type Plan - F220-01  
Fairhaven House Type Plan - F212-01  
Hampton House Type Plan - F223-01  
Kempton House Type Plan - F32-01  
Mere House Type Plan - F31-01  
Thornton House Type Plan - F30-01  
**Tudor House Type Plan – F231-01R\_Rev C**  
**Tudor House Type Plan – F231-01B\_Rev B**

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. No development above ground level shall be commenced until a phasing programme for the whole of the application site has been submitted to and approved in writing by the Local Planning Authority. This phasing plan shall include delivery of:-

- the main internal spine road
- the dwellings and their respective spur roads
- all green infrastructure including children's play facility (LEAP) and landscaping
- boundary treatments outside of private curtilages
- pedestrian/cycle access link to the eastern boundary
- Provision of vehicular link to the northern boundary

The development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the proper development of the site, to ensure the timely delivery of supporting infrastructure and to ensure the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with policies SP7, CDMP3, CDMP6 and SA1/6 of the Wyre Local Plan (2011-31)

4. Prior to commencement of the development, a construction phasing programme for delivery of the site accesses and all off-site works of

highway improvement (to be carried out as part of a section 278 agreement under the Highways Act 1980) namely:-

- Pedestrian and cycle link to the eastern boundary
- Vehicular and pedestrian access to the northern boundary

shall be submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall be delivered in accordance with the agreed phasing programme, unless any alternative phasing programme is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the timely delivery of the necessary site accesses and off-site highway works in the interests of highway safety / to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

5. (a) Prior to the first occupation of any dwelling, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

(b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

(c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

Reason: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. (a) The new estate road 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 up to the entrance of the site compound before any other development takes place within the site.



(b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

(c) In the event of any estate roads not being proposed for adoption by the Local Highway Authority, then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

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).

7. No dwelling hereby approved shall be first occupied until the parking / turning area shown on the approved Proposed Site layout Plan - **BH-04377-005 Rev H**, as relating to that dwelling 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).

8. Prior to the commencement of development, including any demolition works and site clearance, 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 demolition / 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 demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
  - (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-

13.00 on Saturday with no working on Sunday and Bank / Public Holidays

- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable (Construction Vehicles must not access the site via Raikes Road)
- (h) external lighting (including timing) of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents and pollution
- (l) how biodiversity would be protected throughout the construction period including from noise, lighting or visual disturbance
- (m) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify appropriate mitigation measures necessary to protect and prevent pollution of these waters from sediments entering the river Wyre/Estuary

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

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with Policies CDMP1, CDMP4 and CDMP6 of the Wyre Local Plan and the provisions of the NPPF.

9. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling 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).

10. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of that dwelling (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).

11. The approved boundary treatments (as shown on Proposed Boundary Treatment Plan - BH-04377-007 **Rev F**) shall be completed prior to first occupation of the respective dwelling(s). The approved details shall thereafter be maintained and retained in accordance with the approved details.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

12. Prior to the commencement of development, details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

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

13. 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 and shall follow the parameters as set out within the

Drainage strategy and Flood Risk assessment submitted with the planning application

The scheme details shall include, as a minimum:

- (a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- (b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- (c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- (d) Flood water exceedance routes, both on and off site;
- (e) A timetable for implementation, including phasing as applicable;
- (f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- (g) Details of water quality controls, where applicable.

For the avoidance of doubt, surface water must drain separately 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 (or approved phase of the development) shall be first occupied or brought into first use until the drainage works and levels have been completed (for that phase) 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

14. Prior to the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:
  - a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company
  - b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

15. 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).

16. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

17. Prior to first occupation of any dwelling hereby approved, a scheme for the provision of home-owner information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In order to safeguard biodiversity from the recreational disturbance effects of residential development in close proximity to Morecambe Bay, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

18. Prior to the commencement of above ground development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted

mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

Reason: To meet the needs of the ageing population and people with restricted mobility in the borough in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

19. No part of the development shall be commenced until details of the refuse storage provision (including location, design and materials of construction) have been submitted to and approved in writing by the Local Planning Authority. The refuse storage area(s) shall be provided in accordance with the approved details prior to first occupation or first use of the development and shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the site and locality and the residential amenity of occupants and neighbours, in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31). The details are required prior to the commencement of the development because they were not submitted with the application.

20. 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.

21. The pedestrian/cycle connection shown linking to the eastern boundary with Raikes Road as shown on the approved site layout plan shall be constructed up to the respective site boundary in surface materials that have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved phase it falls within.

After its construction in accordance with this condition the said pedestrian/cycle connection shall thereafter be maintained and remain open and unobstructed at all times unless and until they have both been adopted by the local highway authority.

Reason: In order to ensure that the links are appropriately designed and managed, and are provided to the boundary with any adjacent land to ensure access is not prejudiced in accordance with the provisions of Policies CDMP3, CDMP6 and SA1/6 of the Wyre Borough Local Plan 2011-2031

22. The pedestrian and vehicular connections shown linking to the northern boundary (Phase 3A) as shown on the approved site layout plan shall be constructed up to the respective site boundary in surface materials that have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved phase it falls within. The pedestrian and vehicular connections shall thereafter be maintained and remain open and unobstructed at all times.

After their construction in accordance with this condition the said three pedestrian and vehicular connections shall thereafter be maintained and remain open and unobstructed at all times unless and until they have both been adopted by the local highway authority.

Reason: In order to ensure that the links are appropriately designed and managed, and are provided to the boundary with any adjacent land to ensure access is not prejudiced in accordance with the provisions of Policies CDMP3, CDMP6 and SA1/6 of the Wyre Borough Local Plan 2011-2031.

23. Prior to the installation of any external lighting within the development a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light



GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: In order to safeguard visual amenity and biodiversity and residential amenity and in the interests of public safety in accordance with Policies CDMP1, 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.

24. Prior to the commencement of development, including any demolition or tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for the retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area 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. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place

25. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage(s) hereby approved shall be retained solely for the housing of a private motor vehicle, and at no time shall any works be undertaken that would prevent it from being used for that

purpose without prior express planning permission from the Local Planning Authority.

Reason: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

26. No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, compounds, services, landscaping, etc. shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological monitoring and recording works, to the standards and guidance set out by the Chartered Institute for Archaeologists as an integral part of the groundworks required for the development. This watching brief must be carried out by an appropriately qualified and experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a contingency plan for the unexpected discovery of significant remains. These works shall result in the compilation and deposition of a formal report on the works undertaken and the results obtained. The development shall be carried out in accordance with the agreed details.

Reason: Such a programme of archaeological work and investigation was not submitted with the application but is necessary prior to the commencement of development to ensure that any archaeological remains at the site are recorded and to ensure that there is an understanding of the significance of the heritage asset before it is lost, in accordance with policy CDMP5 of the Wyre Local Plan (2011-31) and Section 16 of the NPPF. The condition is required to be approved prior to commencement of development to ensure full details are provided, that have not been forthcoming with the application, providing a true and accurate record which would not be possible after development.

### **PA.53 Application 3 - Layby At Woodfold Lane Cabus 23/00941/FUL**

The application was brought before members for consideration at the request of Councillor Collinson who cited concerns in relation to residential amenity and anti-social behaviour.

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 the officer responses to the revised NPPF.

The Planning Officer introduced the report. The application was for the proposed re-siting of a shipping container to use as short stay café. She highlighted that the application site was within the countryside as defined in the Wyre Local Plan 2011-2031.

Wyre Borough Councillor for Garstang ward, Alice Collinson, spoke in favour of the officer recommendation.

Councillor Rimmer asked a question of the speaker.

Councillor Fielding highlighted that the café might not be the cause of anti-social behaviour.

Councillor Lady Atkins and Catterall raised concerns over the location.

Councillor Higgs believed the location was effective in achieving its intended purpose.

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

1. The application site was located in the countryside, which was protected for its open and rural character. The proposal, by way of its detached position, would lead to a detrimental impact upon the rural character of the area. The application had not demonstrated that the proposed siting of the shipping container was reasonably necessary in this location and, owing to the shipping container being relocated from a nearby layby, fails to determine that the proposal was necessary for the expansion of an existing business. The proposal would therefore represent an unjustified and unnecessary structure in this location within the countryside and was detrimental to the surrounding area. This would be contrary to Policies CDMP3, SP4 and EP8 of the Adopted Wyre Local Plan and the overarching aims and objectives of the NPPF.
2. Woodfold Lane was an unlit rural road, subject to national speed limits with no pedestrian footpath and the proposed location of the shipping container would result in customers exiting the café directly onto the carriageway. This would result in an unacceptable risk to pedestrians and also to vehicles, particularly during hours of darkness owing to there being no street lighting. As a consequence the proposal would result in a detrimental impact to highway safety and was contrary to Policy CDMP6 of the Wyre Local Plan (2011-2031) and the provisions of the National Planning Policy Framework.

The meeting started at 2.00 pm and finished at 3.06 pm.

**Date of Publication:** 18 January 2024

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**APPEALS LODGED AND DECIDED**  
**Appeals Lodged between – 15<sup>th</sup> December 2023 and 15<sup>th</sup> January 2024**

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
22/01267/FUL	Land Adjacent To Flitcraft Ltd Tarnacre Lane St Michaels-on-wyre, Lancashire	Change of use of land for the siting of 9 (holiday use) chalets and associated landscaping and creation of a footpath	Delegated	Written Reps	20/12/23
23/00316/FUL	Outlook Strickens Lane Barnacre-with-bonds Preston Lancashire PR3 1UD	Proposed erection of two-storey rear extension, single storey side extension, conversion of existing integral garage into living accommodation, detached single garage to front and formation of raised terrace patio to rear	Delegated	Written Reps	19/12/23

**Appeals Decided between – 15<sup>th</sup> December 2023 and 15<sup>th</sup> January 2024**

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
22/00071/NOCOMP	2 Breck Road Poulton-Le-Fylde Lancashire FY6 7AA	Appeal against enforcement notice	NA	Appeal allowed	18/11/23
22/00287/FUL	Stables At The Bays Field New Road Stalmine-With-Staynall Lancashire FY6 9DT	Change of use of land to allow the siting of a holiday chalet	Delegated	Appeal dismissed	02/01/24
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	Appeal dismissed	11/01/24

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## Appeal Decisions

Inquiry held on 7-9 November 2023

Site visit made on 6 November 2023

**by Ms Watson BA(Hons), MCD, MRTPI**

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

**Decision date: 18 December 2023**

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**Appeal A Ref: APP/U2370/C/23/3325409**

**Appeal B Ref: APP/U2370/C/23/3325410**

**Cube Bar Ltd, 2 Breck Road, Poulton-Le-Fylde, FY6 7AA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr Paul Mellor (Cube Bar Ltd) and Appeal B is made by Mr Paul Mellor against an enforcement notice issued by Wyre Borough Council.
  - The notice, numbered PLG/6/144, was issued on 25 May 2023.
  - The breach of planning control as alleged in the notice is (1) a) The increase in the height of brick boundary walls to the western, northern, and eastern boundaries of the land respectively in the approximate locations marked yellow on the plan attached hereto to a height of approximately 2.25 metres from ground level; and
  - b) The erection of a polycarbonate roof, measuring approximately two metres in width projecting from each of western, northern and eastern boundary walls and a length approximately two metres in width joining the polycarbonate roof east and west respectively together to the south to create a rectangular covered area for seating (the "overhanging roof") in the approximate location shown shaded purple on the attached plan; and
    - (ii) On 17 May 2007 planning permission in respect of the Land was granted by the Council under reference 07/00319/FUL for a ground floor extension to form staircase and the change of use from car park to outside eating/drinking area, subject to conditions. One of those conditions, namely Condition 2 is as follows "*The use of the rear yard hereby permitted, shall only be used between the hours of 9am and 6pm (0900 and 1800). There shall be no customers in the yard at any other time.*" It appears to the Council that the condition has not been complied with, because the rear yard has been used outside the hours of between 9am and 6pm (0900 and 1800). There have been customers in the yard outside the hours between 9am and 6pm (0900 and 1800)
  - The requirements of the notice are: (i) Reduce the height of each of the brick boundary walls to the western, northern and eastern boundaries of the Land to the height that they were before the unlawful development took place, namely to 1.65 metres from the respective immediately adjoining ground levels; (ii) Remove from the land all debris and rubble that arises from compliance with sub paragraph 5(i) above; (iii) Remove the overhanging roof in its entirety from the land; (iv) Cease the use of the rear yard for the purposes of eating and drinking outside of the permitted hours of 9am and 6pm (09:00-18:00) and (v) Cease the presence of customers in the rear yard outside of the permitted hours of 9am and 6pm (09:00 – 18:00)
  - The periods for compliance with the requirements are: Steps (i), (ii) and (iii):- 3 months and steps (iv) and (v):- 1 month.
  - Appeal A is proceeding on the grounds set out in section 174(2)(a), (c), (d) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. Appeal B is proceeding on grounds (c), (d) and (f).
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## **Decision**

1. Appeals A and B: It is directed that the enforcement notice be corrected by the deletion of the word "polycarbonate" in Section 3(i)(b).
2. Subject to the correction, the appeals are allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely, a) the increase in the height of brick boundary walls to the western, northern, and eastern boundaries to a height of approximately 2.25 metres from ground level; and b) an overhanging roof, measuring approximately two metres in width projecting from each of western, northern and eastern boundary walls and a length approximately two metres in width joining the roof east and west respectively together to the south to create a rectangular covered area for seating at Cube Bar Ltd, 2 Breck Road, Poulton-Le-Fylde, FY6 7AA as shown on the plan attached to the notice.

## **Applications for costs**

3. An application for costs has been made by Mr Paul Mellor (Cube Bar Ltd) against Wyre Borough Council. This is the subject of a separate decision.

## **The Notice**

4. The allegation in Section 3(i)(b) states "polycarbonate roof". The roof is not polycarbonate so it was agreed at the Inquiry that the word "polycarbonate" could be removed from the allegation.

## **The appeal on ground (c)**

5. The ground (c) appeal is in relation to the use of the beer garden outside of the hours between 9am and 6pm. As I see it, there are two elements to the appellant's case for the ground (c) appeal. One is that planning permission was never required to use the outside area as a beer garden due to a previous 2001 planning permission and that this permission gave unrestricted use of the yard (01/00569). The other is that Condition 2 of 07/00319/FUL which restricts hours of use is not enforceable because the permission was not implemented.
6. Two permissions were granted in 2001. The first is 02/01/00167 for a "change of use to public house, two/three storey side extension and replacement windows to existing building". Condition 11 on that permission required that "The rear yard area shall be used for car parking and for the servicing of the premises only and shall not at any time be used for any other purpose relating to the use of the site." The Council say that it was this first permission, which did not allow the use of outside area as a beer garden that was implemented.
7. The second permission is 02/01/00569 for "amendments to approved scheme, enlargement of staircase tower, addition of external fire escape, second floor toilet extension and new doorway to front elevation." There is no condition on that permission relating to the rear yard. The Council claim that this was simply an amendment to the first permission. The appellants said at the Inquiry that the Council changed the description from that on the application form and that the application was not submitted as an "amendment".
8. On the second 2001 permission, the description of development on Section 4 of the application form is "bar/restaurant – inclusion of door to front elevation and



toilet block to second floor". The option "Full application for a change of use and/or new building/engineering work or alterations" at 5(c) of the application form has been ticked. Section 9 of the application form says "describe the existing use of the site. If vacant, state the last use". The use stated in this section is "Con Club" referring to the previous use as a Conservative Club. Therefore, the change of use was applied for in that application. The red edge of the application site is also larger than in the first permission as it incorporates 4 Breck Road.

9. I do not accept the Council's position, therefore, that the 2<sup>nd</sup> permission is simply an amendment to the first scheme. Notwithstanding the description on the second permission stating "Amendments to approved scheme", this second permission is a stand-alone permission. Two separate full planning permissions, both of which were for a change of use, were granted. The appellant was free to choose to implement either one of them.
10. I heard at the Inquiry that the second permission was implemented because 4 Breck Road, which was not part of the first scheme, has been incorporated into the site. There was no dispute at the Inquiry that this element of the 2<sup>nd</sup> permission had been implemented. Furthermore, the appellant and his architect both stated under Oath at the Inquiry that the development did not commence until after the second permission was granted. In any event, even if the use had changed prior to the second application, a permission can be implemented retrospectively. There is no suggestion that there is anything in the first permission that would prevent the appellant implementing the second. I consider that the second permission was for a change of use of the whole premises and that it was implemented.
11. On the balance of probabilities, therefore, this second permission is the one under which the use operates. On that basis, as there was no condition on the second permission to restrict the outside areas, the whole of the site has permission to be used as a bar/restaurant with no restrictions on the outdoor area. There are no conditions in relation to operating hours.
12. As I have found that the second 2001 planning permission granted an unrestricted permission and has been implemented and remained in effect in 2007, it follows that there was no need to obtain planning permission for the beer garden in 2007. The question of whether the 2007 permission was implemented, therefore becomes irrelevant as the site is operating under the second 2001 permission. Condition 2 on the 2007 permission therefore does not bite.
13. The ground (c) appeal succeeds and therefore there is no need for me to consider the ground (d) appeal which relates to the use only.

#### **The appeal on ground (a)**

14. As the matter of the hours of use succeeds under ground (c) the overhanging roof remains to be considered under ground (a).
15. The main issue is the effect of the development upon the living conditions of occupiers of nearby residential properties with particular regard to noise.
16. The wall around the beer garden has been made taller in order to fix a canopy on top of it. This canopy shelters the seating areas along the sides of the beer garden and there are heaters under it.

17. As the canopy allows for people to sit outdoors at times when it would not otherwise be comfortable or attractive to sit outdoors, the canopy facilitates a greater use of the beer garden compared to when before the canopy was constructed. However, the appellant has pointed out that if the canopy were removed, the pub could erect umbrellas with heat lamps underneath. Umbrellas could also facilitate people to sit outdoors like the canopy does.
18. The beer garden, as set out, has a capacity of some 126 customers. The Licence requires patrons to be seated which limits capacity, although, I saw at my visit that more tables and chairs could be put in the middle of the beer garden to increase occupancy. An increase in occupancy would make the beer garden noisier. It was agreed at the Inquiry that, even with the canopy, the internal noise in bedrooms of the dwellings at 4 and 5 Prudy Hill would be about 34dB whilst the beer garden was being used with some 126 occupants. If the occupancy were to increase by some 50% the noise levels would be likely to increase to around 37dB.
19. I appreciate that BS8233 and the World Health Organisation guidance<sup>1</sup> indicates that noise levels above 30dB would disturb sleep. I also understand that the sleep period described in these documents is between 23:00 and 07:00. The beer garden does not operate between 23:00 and 07:00 as the Licence does not allow for it. However, I recognise that people, including children would be asleep outside of these times as the beer garden is licenced to operate until 10pm at the latest. Therefore, it would be used during the sleep times of some people.
20. Nevertheless, the appellant has demonstrated within their noise report that the canopy and wall provide noise attenuation. Moreover, residents and the local Councillor say that the wall and canopy has improved the residents' quality of life due to the noise attenuation it provides and it has improved residents' privacy and security. Furthermore, one of the residents stated at the Inquiry that he was worried that if the canopy were removed then even more noise would come from the adjoining Cavo bar which has a very late-night beer garden, some of which has planning permission. The neighbour and the local Councillor pleaded with me at the Inquiry to allow the canopy to remain. I appreciate that the neighbours would prefer no beer garden at all. Nevertheless, it was very clear at the Inquiry that if the beer garden is to remain operative beyond 6pm, the preference from the neighbours is that the canopy remains. The lived experience of the neighbours attracts great weight in my considerations.
21. The Council considers that the neighbours have simply got used to the noise and that future residents would find it noisy with even with the canopy. However, the noise attenuation derived from the wall and the canopy would be the same regardless of who happens to live in the houses. If they were taken away, the residents would suffer additional noise, particularly in fine weather when it is more attractive to sit outside.
22. In addition, if the canopy were removed, umbrellas could provide shelter instead. Umbrellas do not attenuate noise like the wall and canopy. As umbrellas are common in beer gardens, and if moveable are not operational development, I think there is a realistic prospect that the appellant would use

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<sup>1</sup> Guidelines for the prevention of Community Noise Annoyance, World Health Organisation & 1995 & BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'

them if the canopy were removed. Therefore, the increased use of the beer garden could be facilitated anyway, even without the canopy.

23. I therefore conclude that the development does not have a harmful effect upon the living conditions of occupiers of nearby properties. I therefore find no conflict with Policies SP2, CDMP1 and CDMP3 of the Wyre Local Plan (2011-2031). In combination and amongst other matters, these policies seek to ensure development promotes health and well-being; is compatible with adjacent uses with reference to noise and nuisance and does not have an unacceptably adverse impact upon the amenity of neighbours.
24. I do not consider that LP Policies EP4 and EP5 are directly relevant to the main issue.
25. I have come to a different conclusion to that of the Inspector in the 2022 S.78 appeal decision<sup>2</sup> for the canopy and walls. However, the Inspector in that case had objections to the proposal from residents at the time, whereas now the residents want the canopy retained. In addition, it appears from that Inspector's decision that evidence about noise from Cavo was not before her. Furthermore, I have placed more weight on the potential of using umbrellas. I am not bound to come to the same conclusion as a previous Inspector providing that my reasoning is clear.

### **Other Matters**

26. As the site is located in Poulton-le-Fylde Conservation Area I have taken account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. The character of the Conservation Area is urban in nature with tightly clustered buildings which are mostly terraced and late Victorian and Edwardian in origin. It has a commercial core with dwellings surrounding it. Streets are narrow and it has a bustling ambience. Its significance is derived from its association with the development of the town and its collection of old buildings.
28. The development is to the rear of the application site and it is surrounded by other buildings. It is not apparent in the street scene and is only glimpsed from Prudy Hill. The Council has not raised any objection in respect of the effect of the development upon the Conservation Area. The Inspector in the 2022 appeal found that the development preserves the significance of the conservation area. There is nothing before me to indicate that I should come to any other conclusion and therefore, I find that the development preserves the character and appearance of the conservation area.

### **Conditions**

29. The Council mentioned an hours condition, but since I am allowing operational development rather than a use I do not consider that such a condition would pass the test of reasonableness.

### **Conclusion**

30. For the reasons given above, I conclude that the appeals succeed on ground (c) in respect of the hours of use and Appeal A succeeds on ground (a) for the

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<sup>2</sup> APP/U2370/W/21/3280992

wall and canopy. I shall grant planning permission for the overhanging roof and increase in height of the walls as described in the notice, as corrected.

31. The appeals on grounds (d) and (f) do not fall to be considered.

*Siobhan Watson*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Kate Olley KC instructed by Mr Kingsley Smith LLB  
Jane Fox MSc Dip, Fox Planning Consultancy  
Mr Neil Martin BSc (Hons), PGDIP, EnvDipNEBOSH, CEnvHMCIEH, MIOA  
Ronnie Preston  
Paul Mellor  
Danielle Mellor  
Chris Bradley ARB RIBA RIAS  
Bob Hewitt  
Bashir Rassas  
Antonia Duddle  
Amanda Whitehead

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Philip Robson instructed by Carmel White of Wyre BC  
Robert Clewes BSc (Hons) MCD, MSc  
Mr Nicholas Clayton BSc (Hons) PG Dip

### INTERESTED PARTIES:

County Councillor Alf Clempson

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

Council – Letter from N Barrett, Senior Licensing Officer to Mr Mellor, The Cube Bar, dated 29 April 2021

Appellant – Letter from Graham Avis, Planning Enforcement Officer to The Manager, The Cube, dated 8 September 2016.

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## Appeal Decision

Site visit made on 22 November 2023

**by J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

**Decision date: 2 January 2024**

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**Appeal Ref: APP/U2370/W/23/3320984**

**Bay Stables, New Road, Hambleton FY6 9DT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Katie Nuttall against the decision of Wyre Council.
- The application Ref 22/00287/FUL, dated 17 March 2022, was refused by notice dated 15 November 2022.
- The development proposed is change of use of land to allow the siting of a holiday chalet.

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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A previous appeal<sup>1</sup> for a similar scheme at Bay Stables was dismissed due to its effect on the character and appearance of the area. The appeal proposal has been amended from that scheme. The difference between the two schemes includes a reduction in the number of chalets, a change in the orientation of the chalet and the pitch of the roof has been altered so that the chalet is shorter than those previously proposed. Moreover, the overall footprint of development has been reduced.
3. The description of development only refers to a change of use of land to allow the siting of a chalet. Plans showing the proposed elevations of the chalet have been submitted. Also, the appellant has amended the design of the chalet from the previously dismissed appeal, to address concerns raised by that inspector. I consider that the appellant applied for planning permission for a chalet of the design proposed as well as changing the use of the land. The design of the chalet is therefore assessed within this appeal decision.
4. The planning permission<sup>2</sup> for the siting of additional stables, storage container and caravan tea room on neighbouring land has been provided as part of the appeal representations. This permission was subject to a condition which restricted the use of these facilities to a private use not for any trade, business or livery use.

### Main Issues

5. The main issues are:
  - whether the appeal site is an appropriate location for the proposal having regard to the development strategy and the accessibility of facilities and services, and

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<sup>1</sup> Appeal Ref. APP/U2370/W/21/3277792

<sup>2</sup> Planning Permission Ref. 17/00150/FUL

- the effect of the proposal on the character and appearance of the area.

## **Reasons**

### *Appropriate location*

6. Policy SP1 of the Wyre Local Plan (2011-2031) (incorporating partial update of 2022), January 2023 (LP), outlines the overall planning strategy for the borough. It explains that outside settlements with defined boundaries the amount of new built development will be strictly limited. However, individual opportunities that support tourism will be supported where they are in accordance with other policies, where relevant.
7. LP Policy SP2 explains that all development should contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. LP Policy CDMP6 indicates that development will be permitted provided it demonstrates that measures are included to encourage access on foot, by bicycle and public transport and reduce car reliance, amongst other factors.
8. The appeal site is located some distance from the nearest defined settlement, Hambleton. It is accessed via very narrow lanes which have no footways or street lighting and are subject to the national speed limit. In the dark or inclement weather, walking and cycling these roads would be uncomfortable at best, at worst it would be unsafe. There are no bus stops, or alternative provision of public transport, in proximity to the site. On this basis, future holidaymakers would be heavily reliant on the use of private motor vehicles.
9. The appellant's representations indicate that the use of the holiday chalet business could be connected to the use of the facilities on neighbouring land to create a unique experience. However, the appellant has not applied to change the use of the stables, storage container and tea room to allow them to be used for business purposes. Moreover, they are outside of the application boundary. As such, due to the condition restricting the use of these facilities, the facilities could not lawfully be linked to the proposed business use. On this basis, future holidaymakers would be reliant on facilities off-site. Therefore, the likelihood of them travelling further afield, is not reduced by the presence of on-site facilities.
10. Within the previous appeal decision at Bay Stables, it was concluded that, having regard to accessibility, the site is suitable for holiday accommodation. Nonetheless, that assessment was partially based on the holiday accommodation being linked to the existing equestrian activity at the site. This would have reduced the likelihood of future holidaymakers travelling to destinations further afield. The planning permission for facilities on neighbouring land was not before the previous inspector; therefore, their assessment differs from mine.
11. As LP Policy SP1 supports tourism development in the countryside, there is an implicit acceptance that holiday accommodation may not be located in the most accessible places. In considering proposals, it is necessary to balance the objectives of both LP policies SP1 and SP2, which may not always fully align. In this instance, the proposal cannot lawfully be linked to the existing equestrian business. There is a lack of clear and persuasive evidence to explain why the



proposed location is appropriate, and, consequently, why the conflict between the proposal and LP Policy SP2 is acceptable.

12. Overall, I conclude that the appeal site is not an appropriate location for the proposal having regard to the development strategy and the accessibility of facilities and services. It would therefore be contrary to LP policies SP2 and CDMP6 which seek to contribute to sustainable communities in terms of the location of development and accessibility as well as reducing the reliance on cars. As it is contrary to these policies, it would also be contrary to LP Policy SP1 which supports tourism development in the countryside subject to it being in accordance with other policies in the development plan. Furthermore, it would not be in accordance with the National Planning Policy Framework (the Framework) where it advises to meet the social objective of the planning system, it supports vibrant communities with accessible services.

#### *Character and appearance*

13. The surrounding area is characterised by the undulating landscape, which accommodates small clusters of agricultural and equestrian development. There are residential properties scattered across the landscape, but these are few and far between. Hedgerows and low fences generally demarcate the fields. These factors combine to create an open and verdant area, which is rural in character.
14. The existing development at Bay Stables is low key and blends well with the rural character of the area. The buildings are single storey and clustered together, next to an area of hardstanding which is used for parking and vehicles manoeuvring. This is adjacent to a tall, dense hedgerow which largely screens the development in views from New Road. Therefore, the existing development is not particularly prominent in wider views.
15. I acknowledge that the parking and access arrangements would be unaltered from the existing development, other than a small footpath connecting the parking area to the chalet. This element of the proposal would be acceptable. The proposed holiday chalet would also be sited in a field next to the cluster of existing development, such that the narrowest elevation would be broadly facing New Road. This would reduce the extent of built development fronting the road, compared to the previous appeal scheme.
16. However, whilst the chalet would not be remote from existing buildings, it would extend development into a field that is undeveloped. The domestic appearance of the chalet would appear incongruous and contribute to the urbanising effect of the appeal proposal. It would therefore have a harmful effect on the open and verdant nature of the area.
17. As well as a reduction in the number of chalets, the removal of the proposed vehicle access and parking spaces, from the previously dismissed scheme, has reduced the built footprint. Nevertheless, the introduction of a residential use to the site could lead to domestic paraphernalia being present in external areas. This alongside the formal, domestic landscaping associated with the chalet would also have an urbanising effect on the rural area.
18. Additional planting is proposed to partially screen the proposed development. Once this vegetation has matured, given the reduced height of the chalet and the extent of the existing vegetation, the proposal would be largely screened

from public views. Nonetheless, new vegetation would take time to reach sufficient height and density to provide meaningful screening. It would also be in views from neighbouring land and properties and be seen within the context of the existing low key equestrian development on the site. Therefore, the extent of the vegetation would not fully mitigate the harmful effect the proposal has on the openness and rural character of the area.

19. Overall, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would be contrary to LP Policy EP9 which requires new holiday accommodation to be of appropriate appearance to the local landscape. Moreover, it would not be in accordance with the Framework, where it advises that the creation of high quality, beautiful buildings is fundamental to what the planning and development process should achieve.

### **Other Matters**

20. The appeal site is in proximity to the Morecambe Bay and Duddon Estuary Special Protection Area, and the Morecambe Bay Ramsar and Wyre Estuary Site of Special Scientific Interest. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, or to consider this matter further.
21. I note that the viability of the holiday accommodation is not disputed. Also, I consider that the amount of development proposed is limited to the minimum required to ensure the proposal is viable. Moreover, I acknowledge that an appropriate drainage scheme could be achieved, and vehicles could turn around within the site and exit in a forward gear. However, these factors do not alter my overall assessment of the acceptability of the appeal scheme.
22. The first reason for refusal on the decision notice indicated that the proposal would be contrary to the locational guidance contained within paragraph 102 of the Framework. This paragraph, now paragraph 106 and remaining unaltered in the latest version of the Framework, refers to Local Green Space designations and, in this instance, is not relevant to the location of the appeal proposal.

### **Planning Balance**

23. The proposal would provide public benefits through the provision of new modern holiday accommodation. This would provide economic benefits to the area through increased spend and employment during the construction period and once operational. Nonetheless, only limited weight could be ascribed to these public benefits due to the modest scale of the proposal.
24. As the proposal would harm the open and rural character of the area and would not achieve substantial public benefits, it would also be contrary to LP Policy SP4.

**Conclusion**

25. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*J Hobbs*

INSPECTOR

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## Appeal Decision

Site visit made on 19 December 2023

**by J D Westbrook BSc(Hons) MSc MRTPI**

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

**Decision date: 11 January 2024**

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### **Appeal Ref: APP/U2370/W/23/3321048**

### **Weavers Farm, Weavers Lane, Cabus, Lancashire, PR3 1AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Davis against the decision of Wyre Borough Council.
  - The application Ref 22/00708/FUL, dated 11 July 2022, was refused by notice dated 11 April 2023.
  - The development proposed is described as the change of use of an agricultural building to one dwelling house (Use Class C3), restriction of use of an agricultural building to agricultural storage only, the erection of separating boundary treatments and retention of the access road to serve residential properties only.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue in this case is the effect of the proposed change of use on the open and rural character of the surrounding countryside.

### **Reasons**

3. The appeal building is a detached barn that is part of a group of farm buildings, known collectively as Weavers Farm, lying within a largely open area of countryside to the north of the small settlement of Cabus. The group includes several large modern agricultural buildings, extensive hardstanding yard areas and a dwelling. The barn is a traditional detached stone structure with large, sliding doors in the main north elevation, and a slate roof. There is an attached single-storey building on its eastern side, constructed in a mix of materials. There is also an additional, 'lean-to' extension to the rear of the barn, which would be demolished as part of the proposal. Access to the barn can be gained via the access to the existing dwelling off Weavers Lane. The proposed development would involve the conversion of the main barn and attached single-storey building into a three-bedroomed dwelling.
4. Policy SP4 of the Council's recently adopted Local Plan (2011-2031) (LP), which relates to protecting the open and rural character of the countryside, indicates that the conversion of existing buildings will be permitted where it is demonstrated that a specific order of priority of uses has been considered. In order and in summary, these are: employment uses appropriate to the rural area; tourism destination uses; live/work units; tourism accommodation; and, finally, residential.

5. Policy SP6 of the LP indicates that the Council's overarching objective is to ensure that development is viable. Where a developer proposes a form of development that would not normally be acceptable on a particular site, on grounds of financial viability, the Council will require the developer to supply evidence as to the financial viability of the development. Evidence of marketing may also be required.
6. The Council contends that Policy SP4 of the LP sets out a list of priorities for conversions in the countryside and requires applicants to demonstrate that a reasonable effort has been made to secure a use higher in the order of the list. In this case, it submits that satisfactory justification has been provided for why three of the uses would not be suitable, but that the barn could be converted to holiday accommodation, which would also provide a long-term use for what is a non-designated heritage asset. No marketing evidence has been provided to suggest that this would not be viable.
7. The appellant contends that the potential occupancy of the building as a unit of holiday accommodation would be significantly greater than its use as a permanent residence, and that this could potentially result in harm to the living conditions of the current occupiers. On this basis, he considers that use of the barn as a residence would offer an optimum reuse that would also secure the longevity and security of the non-designated heritage asset.
8. The council accepts that a conversion of the barn to residential use would secure a long-term future for the non-designated heritage asset. The Council also accepts that the conversion of the barn would not be desirable or feasible for employment uses appropriate to the rural area; tourism destination uses; or live/work units. I concur with those views. However, Policy SP4 indicates that where the proposal involves a use other than for employment uses, applicants will be expected 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). In this case, the Council contends that the appellant has not provided any evidence of having made a reasonable effort to secure a use as tourist accommodation.
9. The appellant has referred to a recent appeal (ref: APP/C2741/W/22/3293998) in which a change of use from a dwelling to use as a holiday let for up to 14 people was refused by the inspector, on the grounds that the proposed use would give rise to a general level of noise and disturbance at an intensity that would be disruptive, particularly to the occupiers of the neighbouring properties. The appellant contends that the use of the barn at the appeal property for a similar purpose could result in an occupancy of up to 10 people and thereby lead to undesirable harm to the living conditions of the occupiers of the existing dwelling at Weavers Farm. By way of contrast, use of the barn as a single dwelling, with a likely occupancy of only 5 people, would be preferable and less disruptive. In addition the resultant significantly heavier usage of the converted barn as holiday accommodation could cause damage to the non-listed heritage asset in the longer term.
10. I find that there is a significant difference in circumstances between the proposed development in the earlier appeal case and those of the current proposal. In the earlier case, the appeal property was an attached dwelling that appears not to have been in the ownership of, or under the control of, the adjacent occupiers. In this case, the barn is detached from the existing

dwelling and under the same ownership. For this reason, it is within the control of the occupiers of the dwelling at Weavers farm to set limits on the level of occupancy of any holiday let and, thereby, influence its usage. On this basis, there need be no significant harm to living conditions at the existing dwelling, nor need there necessarily be any physical harm to the non-designated heritage asset.

11. Other than the reference to the earlier appeal case, there would not appear to be any evidence before me of any effort to secure a use higher in the order of priority, in this case tourism accommodation, either by way of a financial viability study or by way of appropriate marketing. I acknowledge that the Council has previously adopted a 'pragmatic' approach with regard to the needs for marketing evidence, and there would not appear to be any earlier specific requirement made by the Council to provide such evidence in this case. However, I find that the lack of any effort by the appellant to provide information on the viability of, or the potential for, conversion of the barn to tourism accommodation, means that the proposed development does not meet the requirements of either Policy SP4 of the LP or the related policy SP6, and would not, therefore, protect the open and rural character of the countryside.
12. I am required to determine the proposed development in accordance with development plan unless there are material considerations that indicate otherwise (paragraph 38(6) of the Planning and Compensation Act 2004). In this case, the proposal would not be in accordance with the provisions of the LP and the benefits of securing a use for the non-designated heritage asset, could potentially be equally well achieved by a suitable conversion to tourist accommodation use. I conclude, therefore, that the proposal conflicts with Policies SP4 and SP6 of the development plan and that there are no material considerations to indicate that the proposal should be allowed. Consequently, I dismiss the appeal.

*J D Westbrook*

INSPECTOR

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## Committee Report

Date: 07.02.2024

Item Number	01
Application Number	23/00624/FULMAJ
Proposal	Redevelopment of site for 21 new dwellings with associated landscaping and vehicular access
Location	Normoss Farm 40A Normoss Road Normoss Lancashire
Applicant	Walbury Commercial Ltd
Correspondence Address	c/o Mr Harry Tonge 130 Highgate Kendal LA9 4HE
Recommendation	Refuse

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Mr Rob McKillop

Site Notice Date: 31.08.2023

Press Notice Date: 16.08.2023

#### 1.0 INTRODUCTION

1.1 This application is presented to Planning Committee at the request of Councillors Roger Berry and Steve Nicholls. The concerns identified relate to the proposed development being inappropriate and located within the Green Belt. Concerns were also raised about the number of dwellings for the size of the site, and the car parking being distant from the properties they served which could result in security issues. 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 lies on the north side of Normoss Road. The site previously hosted agricultural buildings of differing sizes but these have since been removed with the site cleared with some hard surfaced areas remaining. There is an open agricultural field immediately to the north, with residential properties beyond. There are some residential properties to the west fronting on to Normoss Road and the land to the east is used for storage of stone and building materials as part of a business operation. The land to the south is largely open rural land with some dwellings and farm/equine buildings. No.36 Normoss Road, immediately adjacent to the south western boundary would be retained, with the adjoining buildings already largely removed. The site has had several different uses over the years including a caravan site for static caravans. The surrounding land is relatively flat and there is a pylon

with overhead cables running along the northeast of the site. The site lies within the Green Belt as defined by the Wyre Local Plan 2011-2031 (WLP31).

### **3.0 THE PROPOSAL**

3.1 This application seeks full planning permission for the erection of 21 dwellings including landscaping and vehicular access onto Normoss Road. The proposed access would be repositioned further to the east along Normoss Road, with the existing access closed. The dwellings would essentially be pseudo-terraced properties proposed in four linear blocks. One block (5-10) would project north from the adjoining rear elevation of No.36 Normoss Road, with another block (1-4) facing opposite with an estate road in between. Another block (16-21) would be perpendicular to these dwellings, and a final block (11-15) would be to the west behind No.40 Normoss Road. The 21 dwellings comprise of 10 x2 bed units and 11 3 x bedroom properties including 7 units identified as affordable properties (33%).

3.2 The following documents have been submitted in support of the application:

- Design & Access Statement
- Planning Statement
- Flood Risk Assessment
- Landscape Proposals
- Schematic Drainage Layout
- Preliminary Ecological Appraisal

### **4.0 RELEVANT PLANNING HISTORY**

4.1 20/01314/FULMAJ: Erection of 28 dwellings (including 8 affordable units) with associated landscaping, including open space, attenuation lake and vehicular access onto Normoss Road. Refused.

4.2 19/01006/DEM: Prior approval for the demolition of redundant farm buildings. Prior approval not required.

15/00297/AEA: Application for additional environmental approval to extend the time limit for implementing the planning permission to 1 May 2021. Accepted.

4.3 15/00297/FULMAJ: Redevelopment of existing farm and caravan park to create 21 residential units with associated landscaping and vehicular access onto Normoss Road. Permitted.

4.4 12/00229/FULMAJ: Application to replace an extant planning permission (09/00090/FULMAJ) in order to extend the time limit for implementation for conversion and extensions to ex-agricultural buildings to provide charity headquarters including offices and ancillary accommodation and associated 24 respite holiday units, creation of new vehicular access off Normoss Road and associated car park and landscaped areas, creation of lakes, childrens play areas and gardens. Permitted.

4.5 09/00090/FULMAJ: Conversion and extensions to ex-agricultural buildings to provide charity headquarters including offices and ancillary accommodation and associated 24 respite holiday units, creation of new vehicular access off

Normoss Road and associated car park and landscaped areas, creation of lakes, childrens play areas and gardens. Permitted.

## **5.0 PLANNING POLICY**

### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)**

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. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. 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
- SP3 - Green Belt
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport
- HP1 - Housing Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments

### **5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th December 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:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong, competitive economy

- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 13 - Protecting Green Belt Land
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

### 5.3 OTHER MATERIAL CONSIDERATIONS

#### 5.3.1 WYRE SUPPLEMENTARY PLANNING GUIDANCE

The following is of relevance to the determination of this application:-

- Supplementary Planning Guidance 2 - Development and Trees
- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9) (October 2020)

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

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

#### 5.3.4 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

#### 5.3.5 NATIONAL DESIGN GUIDE - SEPTEMBER 2019

#### 5.3.6 NATIONAL DESIGN GUIDE AND THE NATIONAL MODEL DESIGN CODE

## **6.0 CONSULTATION RESPONSES**

### 6.1 ENVIRONMENT AGENCY

6.1.1 No response received during the application.

### 6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.2.1 An up to date ecological survey, including bat survey, is required and a biodiversity net gain assessment is requested.

### 6.3 LANCASHIRE COUNTY COUNCIL EDUCATION AUTHORITY

6.3.1 No objection subject to financial contribution towards any required school places (to be calculated at the point of approval).

### 6.4 LANCASHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

6.4.1 Objects due to the absence of an acceptable surface water drainage strategy.

### 6.5 LANCASHIRE COUNTY COUNCIL HIGHWAYS

6.5.1 No objections subject to suitable details being provided in relation to sustainable travel, bin storage and collection and off-site highway improvements.

- 6.6 NHS FYLDE & WYRE INTEGRATED CARE BOARD (ICB)
  - 6.6.1 No objections subject to financial contribution of £14,533 towards improvements at Queensway surgery
- 6.7 UNITED UTILITIES
  - 6.7.1 No objections subject to conditions.
- 6.8 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)
  - 6.8.1 Objects due to the FRA being dated from 2009 with out of date maps, plus the lack of details in relation to proposed surface water management details (SuDS). Concern raised in relation to the emergency plan not meeting requirements.
- 6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY CONSIDERATIONS)
  - 6.9.1 No objection subject to construction hours restriction.
- 6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)
  - 6.10.1 No objections subject to conditions.
- 6.11 NATURAL ENGLAND
  - 6.11.1 No response received during the application.

## **7.0 REPRESENTATIONS**

- 7.1 At the time of compiling this report six letters of objection have been received. The primary concerns raised are summarised as follows:
  - Properties to the west of the site suffer garden flooding resulting from existing poor drainage and run-off from Normoss Road which is likely to be worsened by development;
  - Following site clearance there is already significant surface water run-off from the site;
  - Normoss Road is a country road (single lanes both ways with footpath on one side) and proximity to Baines School means the road is already overloaded and will be more dangerous;
  - Traffic calming measures have not been considered and the access is opposite a bus stop plus a phone mast where maintenance access is required;
  - Whilst supportive of development, the land owners have demolished the majority of buildings and the land should be improved for visual amenity;
  - Development should not take place until improvements have been made to No.34 Normoss Road to the front of the site in accordance with previous enforcement cases;
  - The Windsor house type proposed for Plot 2 would, if constructed, cause overlooking to neighbouring properties and should be amended.

7.2 One neutral comment was received requesting details of the application status.

## **8.0 CONTACT WITH APPLICANT/AGENT**

8.1 The applicant was advised there were concerns in relation to the principle during the course of the application, and that the application would be a committee item.

## **9.0 ISSUES**

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

- Principle of Development
- Visual impacts, Design
- Impact on Residential Amenity
- Impact on Highway Safety, Access and Highway network
- Flood Risk and Drainage
- Ecological Matters
- Trees and Landscaping
- Housing Mix
- Infrastructure / Developer Contributions

### Principle of Development

9.2 In accordance with the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the Development Plan which, in this instance, includes the adopted Wyre Local Plan.

9.3 The application site is within an area defined as Green Belt and Policy SP3, Part 1 of the Wyre Local Plan states that planning permission will not be granted for inappropriate development as defined in national policy, except in very special circumstances. Policy SP3, Part 2 sets out that any development should meet the requirements of other Core Development Management Policies and should seek to minimise the impact on the openness of the Green Belt. Policy SP3, Part 3 states that the construction of new buildings is inappropriate development in the Green Belt, except for categories of development defined in national policy. Paragraph 154 of the NPPF lists the exceptions which are not inappropriate in the Green Belt, which includes (e) limited infilling in villages.

9.4 It is noted that the site previously hosted some agricultural buildings, however these have been demolished and the site cleared. Other residential properties projecting beyond the rear elevation of No.36 Normoss Road have also mostly been demolished, although part of a former residential building is retained immediately adjoining No.36. Given the agricultural nature of former buildings, the site would not represent brownfield land, and the development would not comprise the replacement of buildings. It is noted that the applicant's Planning Statement puts forward the case that the proposed development would represent limited infilling of a village in accordance with Para 154 (e) of the NPPF.

9.5 In terms of the site's location, it is noted that the settlement edge of Poulton (rear of Kerslea Avenue) is approximately 125m to the east of the application

site boundary. The settlement edge of Normoss/Blackpool (rear of Avenue Road) is approximately 400m to the west of the site boundary. There is sporadic development along the northern side of Normoss Road, mostly residential in nature. The land on the southern side of Normoss Road comprises open fields, with the exception of a dwelling and livery stables complex. The applicant suggests that there is no definition of a "village" within the NPPF, nor must a village be designated within the Development Plan. It is therefore necessary to establish whether the site is within a village as part of the planning judgement. Whilst it is in the applicant's interest to describe this area as a village, objectively speaking, it is more reasonable to define it as a largely open area between two larger settlements. To expand on this point further, a village would typically display a cluster of development centred around some services, such as a pub, school or shop. The land immediately surrounding the application site does not have any identifiable centre or services and is mostly defined by open land with intermittent ribbon development along the northern side of Normoss Road. There is a small cluster of services along Highcross Road, approximately 250m to the north east of the application site, however this is clearly within the settlement boundary of Poulton and cannot realistically be considered as part of an alternative undefined village given the relative size of Poulton. Similarly, there is a cluster of services approximately 430m south west of the site on Normoss Road, however this is clearly within the defined settlement boundary of Normoss, which is within the larger Blackpool conurbation. These services cannot realistically be considered to fall within an undefined village area given their relationship with larger existing settlements. On this basis, to suggest that the application site lies within a village seems tenuous at best.

- 9.6 In addition to the above, the site and surrounding land has been designated as a Green Belt to, amongst other things, check the unrestricted sprawl of large built up areas. Its development would significantly diminish the openness of this area and the application is considered to result in a harmful impact on the Green Belt.
- 9.7 It is accepted that permissions have previously been granted on the site. Permission 09/00090/FULMAJ allowed for conversion and extensions to former agricultural buildings at the site for a charity headquarters. Permission 15/00297/FULMAJ allowed development of 21 dwellings. That application acknowledged the benefits of redeveloping substantial derelict buildings that were an eyesore and carried associated health & safety / criminal activity risk. It also acknowledged the benefits of boosting Wyre's housing supply as the Council could not demonstrate a 5 year housing supply at that time. The approved scheme of 21 dwellings was designed as a farm mews development to resemble the type and layout of buildings on the site, although this permission has expired and no lawful start was made. Whilst the current application proposes a similar layout/footprint to this previous permission, it is noted that the existing buildings have since been removed and the proposal would therefore represent a much greater impact on the Green Belt compared to the previous situation.
- 9.8 Overall, the development fails to meet criteria (e) of paragraph 154 of the NPPF and Policy SP3 of the Local Plan and would result in substantial harm to the openness of the Green Belt. The proposed development would not represent any of the exceptions listed under Para.154 of the NPPF and would not represent an acceptable form of development in the Green Belt. Very special circumstances have not been demonstrated and the application is

considered to conflict with Para.152 and 154 of the NPPF. Other material considerations are listed below.

## Design / Visual Impact

- 9.9 Policy CDMP3 of the Local Plan and Section 12 of the NPPF seek to ensure high quality design including layouts. The 21 proposed dwellings are proposed in Blocks A-D. Blocks B and D would face each other to create a terraced street, with Block D to the north and Block C set further to the west. Block A has been designed with a dual aspect appearance. The south facing elevation would front towards Normoss Road however the west and east facing elevations would also have a door and windows to match the other dwellings in this block. This would be similar to the arrangement of the existing dwelling, No.36 Normoss Road, which also fronts south towards Normoss Road. The fenestration to the east elevation of Block A is uniform and detailing such as brick soldier courses and lintels to windows are shown on the proposed plans. The appearance of Block A is considered to offer a logical design/layout approach to development in this location. Similarly, Block B would project northwards adjoining the rear of No.36 Normoss Road at its southern end. It is noted that some attempt has been made to replicate the appearance of the dwellings previously in this position (now demolished). Whilst this is also a logical approach to development, the windows to the front and rear elevations lack symmetry and are not vertically aligned, and are also at different heights relative to the floor and eaves levels. This is considered to detract from the appearance of these proposed dwellings (Block B).
- 9.10 Block C comprises a row of 5 dormer bungalows projecting north beyond the rear boundaries of No.40 & 42 Normoss Road. It is noted that these properties are also dormer bungalow, and whilst the appearance of the dwellings (Block C) is not dissimilar in this respect, the layout would be at odds with the established development in this area, which generally fronts towards Normoss Road. This element of the proposed scheme would be set on an angle and the backland position would not be well related to the layout of other development, whilst projecting further into the open countryside and Green Belt. This would be visually harmful in this context.
- 9.11 In relation to Block D, this would also have a linear footprint, with 5 x 2 storey properties (with accommodation in the roof), and one single storey dwelling. The single storey element is presumably intended to mimic a stable block in appearance although this is unclear. Block D is set perpendicular to Blocks A and B. The dwelling at the eastern end would have a hipped roof appearance, and whilst this is similar to the roof arrangement displayed on No.36 Normoss Road, it would have a lower eaves height and ridge height. It is noted that the windows in the front (south facing) elevation are not vertically aligned and there are different designs for door canopies. The single storey element would have fewer opening compared to the adjoining two storey properties (17-21) and the proposed design is considered to have a contrived somewhat overall appearance. More attempt could have been made to make the elevations more attractive and the contrasting elements are not considered to contribute positively to the scheme in visual terms.
- 9.12 In respect of separation distances, it is noted that there would be 9.3m between the facing two storey elevations of Blocks A and B - this would be narrower (7.5m) between unit 3 of Block A to unit 7 of Block B. The Councils Design Layout SPG 4 sets out that a distance of 21m should be provided in



new residential developments. Additionally, there would be a distance of 2.7m between the front elevation of the unit 16 of Block D (single storey) to the facing side elevation of unit 10 of Block B. The Councils Design Layout SPG 4 sets out that a distance of 13m should be provided. The result of the proposed layout would be a cramped form of development.

- 9.13 Whilst the proposed development displays some more positive aspects, namely linear footprints, some traditional characteristics and reasonably sized rear gardens, this would not outweigh the harm caused by the poor design and layout features mentioned above, particularly the cramped layout and poorly considered elevations, which are fundamental to the appearance and character of the scheme.
- 9.14 In addition to the above design concerns, the development would project into an area of Green Belt. Whilst it is accepted that some buildings previously occupied the site, these have already been demolished. As the site has been clear for some time, the application would result in an unacceptable encroachment into the Green Belt area, resulting in a prominent development. This would erode the sense of openness of the area of Green Belt and would introduce a more urban character to the area, which has a semi-rural character at present.
- 9.15 Overall, the proposals would result in significant visual harm by diminishing the open character of this area of Green Belt, as well as being unsympathetic to the appearance and layout of surrounding deployment. This would not represent a high standard of design and would therefore be contrary to the provisions of Policy CDMP3 of the Wyre Local Plan and guidance within the NPPF.

#### Impact on residential amenity

- 9.16 Six objections and one neutral comment has been received from members of the public.
- The most likely affected neighbours would be No.36, 40, 42 and 44 Normoss Road to the west of the site. No.36 Normoss Road would adjoin the proposed dwellings in Block B, however this arrangement would reflect the previous dwellings in this position, and this relationship is not considered to result in any unacceptable overbearing, overshadowing or overlooking impacts. Similarly, the rear elevation of dwellings within Block B would be 12.5m from the boundary to No.40 Normoss Road. There is an integral garage to the side of this neighbouring dwelling, and this would not be unduly affected and the main part of the dwelling is set approximately 5m from the boundary with the application site. Whilst some outlook from the upper floor windows of units in Block B could be achieved, the relationship and intervening distance is not considered to result in any significantly harmful overbearing, overlooking or overshadowing.
- 9.17 In respect of the potential impacts of Block C, it is noted that these proposed dwellings are dormer bungalows, and thus have a slightly lower overall height. Given there would be an intervening distance of 24m between the rear elevation of No.40 Normoss Road, and the nearest side elevation of Block C, it is considered that there would be no unacceptable overbearing or overshadowing impacts. Any overlooking from the rear dormers towards No 40-44 Normoss Road, would be limited given the oblique angle and

intervening distance. Landscaping is also proposed which would help prevent/screen impacts, although would take time to establish.

- 9.18 It is also necessary to consider the impact on future occupiers of the proposed dwellings. As noted in the report above, there would be a shortfall in some separation distances when compared against the Council's Layout SPG4. There would be 9.3m between the facing two storey elevations of Blocks A and B with a narrower distance of 7.5m between unit 3 and unit 7. This would be a significant shortfall in respect of the 21m required in The Council's SPG4 guidance. This distance is required to ensure privacy for occupiers, and avoid overbearing impacts, and allows an improved outlook for new residential developments. The windows in the front elevation of Block B would serve either a lounge or dining room at ground floor, with windows to bedrooms at first floor. Some units would have a landing window rather than two bedroom windows. This would face towards Block A which would generally have kitchen and hall/cloakroom windows at ground floor and bathroom or landing windows at first floor. Whilst the bathroom and landing windows could be obscure glazed, there would still be potential overlooking from first floor bedrooms to kitchen windows directly opposite. Additionally, this close proximity is considered cramped and future occupiers in Block B are likely to experience an overbearing impact given proximity to Block B, which is two storey, and to a lesser extent, Block D, which is also in close proximity to the north of Block B.
- 9.19 In addition to the above concerns, the layout would result in a distance of 2.7m between the front elevation of Block D (Unit 16 - single storey) to the facing side elevation of Block B (Unit 10). The Council's Layout SPG 4 sets out that a distance of 13m should be provided. The result of the proposed layout would be a cramped form of development. It is considered that a greater attempt should have been made to ensure suitable separation distances are provided to ensure an acceptable level of amenity for future occupiers.
- 9.20 Overall, the development would result in any harmful amenity impacts for future occupiers and would conflict with Policy CDMP3 and guidance within the NPPF, as well as the Council's Design Guidance SPG4.

#### Highway Safety and Impact on the Highway Network

- 9.21 Some public objections were received in respect of the potential impact on highways safety. LCC Highways have advised that no objections would be raised to the development, subject to suitable details being provided in relation to sustainable travel, bin storage and collection and off-site highway improvements. In greater detail, LCC have advised that the internal highway does not appear to be to an adoptable standard and requires a 5.5m wide carriageway with 2m wide footpaths. LCC have also advised that the dwellings in Block A (units 1-4) do not appear to have provision for bin storage within the plot given the proposed layout. Positioning bins within parking spaces or to the front carriageway would likely result in highway safety issues and present a significant risk to pedestrians and vehicles. No bins storage areas have been proposed for other plots/blocks, and whilst bins could be capable of storage within a rear garden, when bins are collected, this is also likely to present an issue to pedestrians and vehicles where bins are positioned within the footway or carriageway. Consideration of this issue should have been factored into the design, and a revision to the layout and

position of dwellings is likely required to achieve an acceptable solution in this respect.

- 9.22 In addition to the above concern, LCC Highways have noted that the internal layout may present difficulty for future users to safely access the play area and the site access given the absence of appropriate footways. Whilst there is a bus stop on Normoss Road, the lack of a safe walking route to the site access may discourage sustainable travel options for future occupiers. In relation to the bus stops opposite the site access on Normoss Road, LCC have advised that these would require upgrade, plus an uncontrolled crossing would also be necessary to assist pedestrians to cross to the bus stop on the southern side of Normoss Road. These matters, as well as the new site access, could be secured via a separate Section 278 agreement with LCC highways should permission be granted.
- 9.23 No concerns were raised in relation to the new access geometry, however, in view of the highways safety issues raised above, namely relating to the internal layout and lack of appropriate bin storage and carriageway/footways, the development is deemed to have a detrimental and unacceptable impact on highway safety. The application would therefore conflict with Policy CDMP6 of the Wyre Local Plan and guidance within Chapter 9 of the NPPF.

#### Flood Risk and Drainage

- 9.24 Some neighbour objections raised concerns about existing run-off to surrounding areas and potential additional surface water run-off problems. The site falls within Flood Zone 1 which is the lowest risk of flooding. As such, a flood risk sequential test and exceptions test are not required. Wyre's Drainage Engineer and Lancashire LLFA have raised objections to the proposal on the basis that the submitted Flood Risk Assessment (FRA) is inadequate, and the application does not provide appropriate details of surface water management. To elaborate on this, Para 175 of the NPPF requires major development to incorporate sustainable drainage systems (SuDS) unless this is clearly inappropriate. The layout plan show an attenuation basin in the north western corner of the site, other details have not been provided for consideration. It is noted that the FRA states that SuDS techniques, including water butts, rainwater harvesting permeable surfaces, as well as filter drains, ponds and wetlands would reduce overland runoff flow rates. In view of the absence of such details, the development does not demonstrate accordance with the drainage hierarchy set out in Policy CDMP2 of the Local Plan, and would conflict with guidance in the NPPF, namely Para 175.
- 9.25 In addition to the above concern, the submitted FRA is dated 2009 and appears to include out of date information, including maps showing drainage details and flood zones. Para 173 of the NPPF requires a site specific FRA and this should include up to date information to allow proper assessment of impacts. The submitted FRA is therefore considered inadequate and would conflict with Para 173 of the NPPF. Overall the application has not demonstrated an acceptable impact in terms of flooding and drainage and would conflict with Chapter 14 of NPPF, the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policy CDMP2 of Local Plan.

#### Ecology

- 9.26 The site lies within Natural England's SSSI Impact Risk Zone for Morecambe Bay and Duddon Estuary SPA/Ramsar sites. The Government Guidance states that Local Authorities should consult Natural England if a proposed development is in or likely to affect a SSSI, or is likely to have significant effects on a SAC, SPA or Ramsar wetland (or a potential SPA, a possible SAC or a proposed Ramsar wetland). However the Local Authority is responsible for assessing whether there would be any significant likely impact on the Ramsar Site, SPA or SSSI. Under application 20/01314/FULMAJ, GMEU advised that no direct impacts were likely on the coastal designated sites and "the site can also be screened out as functionally linked, owing to size, habitats presence and desk top information." However, under this previous application, it was considered that a theoretical impact could arise via increased recreational pressure and mitigation would be required, and a Habitat Regulations Assessment (HRA) would therefore be necessary given the need to condition measures in order to avoid likely significant effects. It is considered these circumstances apply to the current situation given the similarities that remain applicable. A HRA has not been submitted with the application. Whilst improvements to grassland in the northern part of the site could potentially be secured as a biodiversity enhancement, as mitigation is required against a theoretical impact, a HRA would be required to properly assess the impact of development within the wider context to ensure an acceptable impact on the protected sites. In the absence of a HRA, the application has not demonstrated that there would be an acceptable impact on the Morecambe Bay and Duddon Estuary SPA/Ramsar sites.
- 9.27 In relation to localised ecological impacts, GMEU have noted that the submitted Ecological Report is approximately 3 years old. According to guidance, an update should be provided if the surveys are more than 18 months old. GMEU have additionally pointed out that the 2020 survey recommended an update bat report for the remaining building that has not been provided.
- 9.28 Overall, given the absence of a HRA, the application has not demonstrated an acceptable impact on the Morecambe Bay and Duddon Estuary SPA/Ramsar sites, and the lack of up to date surveys does not demonstrate there would be an acceptable impact on protected species. The application would conflict with Policy CDMP4 of the Wyre Local Plan and guidance within Chapter 15 of the NPPF, as well as the Habitat and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).

#### Trees/Landscaping

- 9.29 Policy CDMP4 of the Local Plan states that development should incorporate existing trees and hedgerows into the design and layout where possible unless their loss is essential to allow the development to go ahead and is supported by evidence in a tree or hedgerow survey. There are a small number of existing trees, generally to the site boundaries. Subject to the protective fencing, it is considered that these can be appropriately protected. This would be secured by condition should permission be granted. It is noted that the proposed landscaping plan shows new tree planting within the scheme as well as new grassed areas and soft landscaping. A condition would be added to ensure suitable native planting is proposed, but overall, subject to conditions, the application would have an acceptable impact on trees and landscaping in accordance with Policy CDMP4.

## Housing Mix

- 9.30 Policy HP2 of the WLP31 requires new housing developments to widen the choice of housing types available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA). 10 x 2 bedroom houses are proposed and 11 x 3 bedroom houses are proposed. As no 4 bedroom dwellings are proposed, this has resulted in a minor deviation from the target housing mix, however it is considered that the provision of a greater number of smaller units would potentially be positive in terms helping to meet the local housing needs. Policy HP2 of the Local Plan also requires 20% of the dwellings to be suitable or adaptable for people with restricted mobility. Whilst the application does not make clear how the development would contribute to this requirement, in the circumstances, a condition would be added to any permission granted to ensure the application meets the adaptability target of 20% of all units.
- 9.31 Overall, and subject to conditions, the housing provision element would not conflict with the aims of Policy HP2 of the Local Plan.

## Infrastructure / Developer Contributions

- 9.32 In terms of Green Infrastructure (GI) provision, based on the proposed housing mix, an area of 0.17 ha of GI would be required on site, as set out in Policy HP9 of the Wyre Local Plan. The submitted layout shows an area of approximately 0.8 ha of open space provided in the northern half of the site. This area would be mostly grassed with a children's play area also shown towards the eastern boundary. Whilst the amount of GI provided would greatly exceed the required on site amount, some concern is raised in respect of the impact of structure (climbing frames, swings etc) given the Green Belt location of the site. Whilst the introduction of additional structures or features would potentially affect the open character of the area, it is considered future consideration could be given to this at a later date should permission be granted. On this basis, the application is considered to accord with Policy HP9 of the Local Plan.
- 9.33 Lancashire County Council (LCC) Education were consulted on the application and advised that no contribution towards primary or secondary school places is sought by LCC. This would be recalculated at the point any permission is granted, and any contribution required would need to be secured via a Section 106 Legal Agreement.
- 9.34 NHS Integrated Care Board have requested that a financial contribution of £14,533.00 towards reconfiguration and extension of Queensway surgery in order to mitigate against the impact of additional population. Subject to this payment, the application is considered to have an acceptable impact on healthcare provision. This contribution would need to be secured via a Section 106 Legal Agreement.

## Affordable housing

- 9.35 Given the location of the site in Poulton, a contribution of 30% affordable units would be sought in accordance with Policy HP3 of the Wyre Local Plan. The application indicates that 7 affordable units are proposed on site, equating to 33% of the total number of dwellings proposed. Therefore the application

would accord with Policy HP3 of the Wyre Local Plan. Details of which units would be offered as affordable can be determined at a future date should permissions be granted.

#### Other Matters

- 9.36 Details of bin storage and collection points has not been detailed, and some properties will need bin presentation points or communal bin stores to ensure current design standards are met. A condition would be added to any permission granted to cover this.
- 9.37 The Council's Environmental Health Team has requested a desk study in respect of potential on site land contamination. Subject to suitably worded conditions it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.
- 9.38 There are no public rights of way within the site or immediate vicinity that would be affected.
- 9.39 Policy SP2 (Criterion 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction phases and the reuse and recycling in construction both in the selection of materials and management of residual waste. This development would provide some enhancements to landscaping and green infrastructure, and electric vehicle charging and sustainable drainage solutions would be secured by conditions should permission be granted. Furthermore the site is considered to be relatively sustainably located for a residential development in accordance with the general principles of policy SP2.

#### **10.0 CONCLUSION**

- 10.1 The proposal does not meet any of the exceptions for development within the Green Belt as set out in local or national planning policy, and is therefore unacceptable in principle. The proposals would result in significant visual harm by diminishing the open character of the Green Belt, as well as being unsympathetic to the appearance and layout of surrounding deployment. In terms of layout, the close proximity of some dwellings would not provide an appropriate standard of amenity for all future occupiers, and the lack of appropriate bin storage and footpaths and carriageways within the site would have a detrimental and unacceptable impact on highway safety. Regarding drainage and flood risk, the application does not demonstrate accordance with the drainage hierarchy set out in Policy CDMP2 of the Local Plan, and an accurate and up to date flood risk assessment has not been submitted. Regarding ecology, insufficient details have been submitted to demonstrate that the application would have an acceptable impact on both protected species and on protected designated wildlife sites. Overall, the application would conflict with Policies SP3, CDMP2, CDMP3, CDMP4 and CDMP6 of the Wyre Local Plan and the Council's Design SPG4. The application would also conflict with guidance within Chapters 9, 12, 13, 14 and 15 of the NPPF as well as the Habitat and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended). It is therefore recommended that the application is refused.

## **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. The application site is within the Green Belt where the construction of new dwellings represents an inappropriate form of development unless very special circumstances exist, or the development represents an exception allowed under Paragraph 154 of the NPPF. The development would fail to preserve the openness of the Green Belt and fails to meet any of the exceptions listed in Paragraph 154 of the NPPF. It has not been demonstrated that there are any very special circumstances to outweigh the harm to the Green Belt and the application would be contrary to Policy SP3 of the Wyre Local Plan and Paragraphs 152 and 154 of the NPPF.
2. The development would erode the sense of openness of the area of Green Belt and would introduce a more urban character within this area, which currently has a semi-rural character. The development would be unsympathetic to the appearance and layout of surrounding deployment and the layout would result in some of dwellings being within close proximity, including windows being opposite other buildings. This would result in an unacceptable and harmful amenity impact for future occupiers and the development would not represent a high standard of design and would therefore conflict with Policy CDMP3 and guidance within Chapter 12 of the NPPF, as well as the Council's Supplementary Planning Guidance 4.
3. The layout does not include appropriate bin storage arrangements for all proposed dwellings which is likely to result in bins being positioned within footways and carriageways. This is likely to result in danger to both pedestrians and vehicles, particularly when bins are due for collection. Additionally, the internal layout does not allow for all future users to safely access the play area and the site access given the absence of appropriate footways. Whilst there is a bus stop on Normoss Road, the lack of a safe walking route to the site access may discourage sustainable travel options for future occupiers. The development is deemed to have a detrimental and unacceptable impact on highway safety and would conflict with Policy CDMP6 of the Wyre Local Plan and guidance within Chapter 9 of the NPPF.
4. The submitted Flood Risk Assessment (FRA) does not provide appropriate details of surface water management and the submitted drainage details do not demonstrate accordance with the drainage hierarchy set out in Policy CDMP2 of the Local Plan. Furthermore, the submitted FRA is dated 2009 and appears to include out of date information, including maps showing drainage details and flood zones. Overall the application has not demonstrated an acceptable impact in terms of flooding and drainage and would conflict with Chapter 14 of NPPF, the National Planning Policy

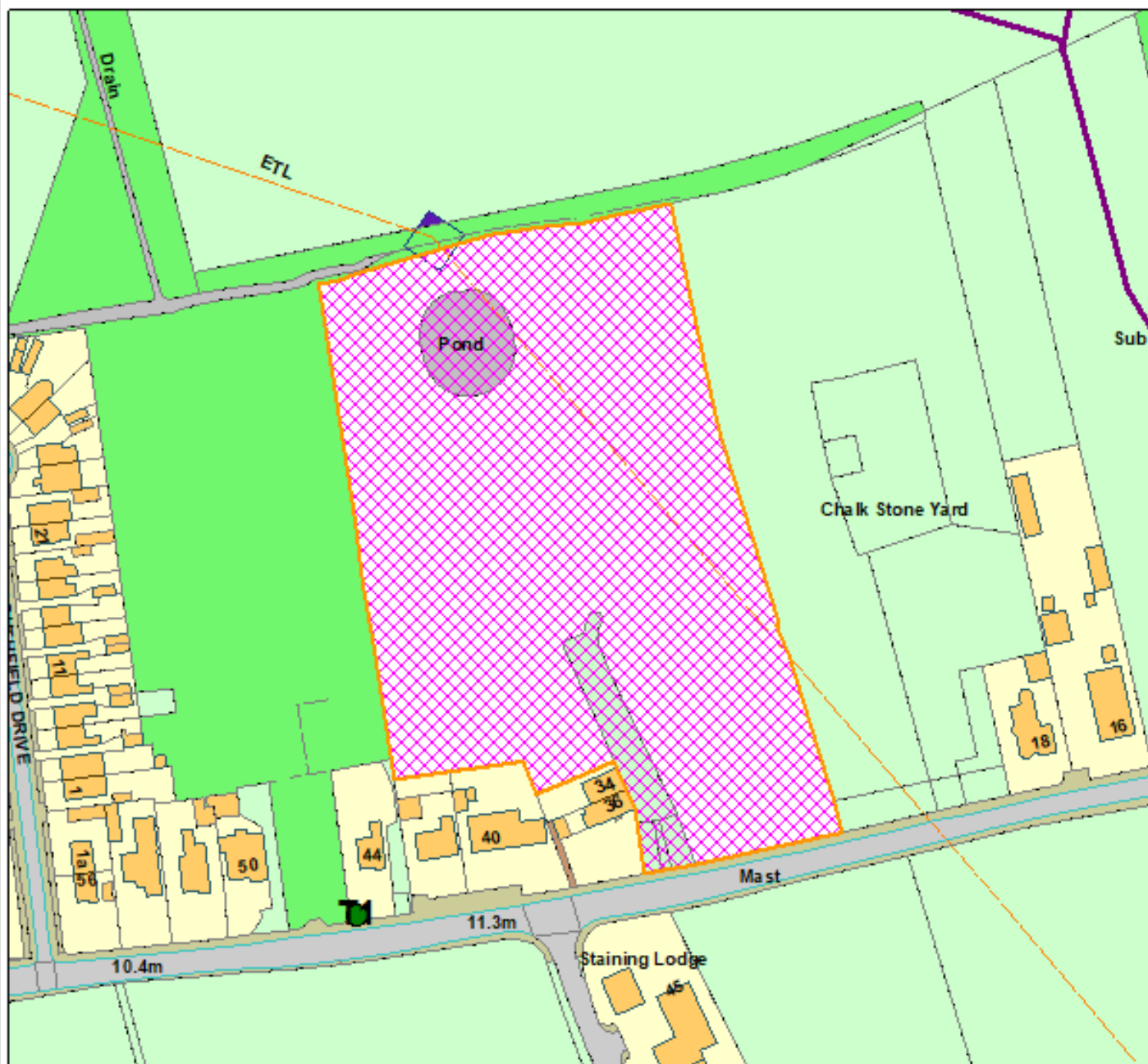
Guidance 'Flood Risk and Coastal Change, and Policy CDMP2 of the Wyre Local Plan.

5. An up to date bat survey has not been submitted with the application and therefore insufficient information has been submitted to assess whether the development would have an acceptable impact on protected species. Additionally, a Habitat Regulations Assessment has not been submitted with the application to assess the impact of development on the nearby Morecambe Bay and Duddon Estuary SPA/Ramsar sites. In the absence of a HRA, the application has not demonstrated that there would be an acceptable impact on the Morecambe Bay and Duddon Estuary SPA/Ramsar sites. The application would conflict with Policy CDMP4 of the Wyre Local Plan and guidance within Chapter 15 of the NPPF as well as the Habitat and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).



# Planning Committee

23/00624/FULMAJ - Normoss Farm, Normoss Road, Normoss, FY3 0AL



**Scale:** 1:1,659

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	23/01/2024
MSA Number	100018720

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## Committee Report

Date: 07.02.2024

Item Number	02
Application Number	23/01040/FUL
Proposal	Change of use from 1 dwelling (Class C3) to a children's care home (Class C2)
Location	35 Dallam Dell Thornton Cleveleys Lancashire FY5 4PX
Applicant	Oasis Care Solutions Ltd
Correspondence Address	c/o Mr Jonathan Abbott-Hull 15 Alpic Drive Blackpool Lancashire FY5 1QB
Recommendation	Refuse

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Miss Lucy Lowcock

Site Notice Date: 24.11.23

#### 1.0 INTRODUCTION

- 1.1 This application is brought before Planning Committee at the request of Councillor Kevin Higginson. 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 a semi-detached, two-storey dwelling situated on the northern side of Dallam Dell, a residential estate in Thornton. The property has a small front garden, a driveway along the side of the house, and a rear garden. There are neighbouring residential properties to the sides and front.
- 2.2 The application site is in Flood Zone 3. It is also in an SSSI impact zone and within 3.5km of Morecambe Bay.

#### 3.0 THE PROPOSAL

- 3.1 The application is for the change of use of a dwelling (C3) to a children's care home (C2). In this case, it is proposed that 2 children would be accommodated at the care home, with staff on a rota, including overnight stays. No external works to the building are proposed.
- 3.2 The submitted supporting statement indicates that on a given day there would be two staff members present in the day (08.00-23.00) with a manager (09.00-17.00), therefore 3 staff in total. The manager would leave at 17.00,

another staff member would arrive at 22.00, and one of the staff members would leave at 23.00.

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

- 4.1 Application no. 00/00071/FUL  
14 dwellings  
Approved
- 4.2 Application no. 98/00904/FUL  
Erection of 146 detached, semi-detached and terrace houses replacement sports pitches, changing rooms, bowling pavilion and car parking  
Approved

#### **5.0 PLANNING POLICY**

##### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)**

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. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. 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
- SP8 Health and well-being
- CDMP1 Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 Design
- CDMP4 Environmental assets
- CDMP6 Accessibility and transport
- HP1 Housing requirement and supply

##### **5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 19th December 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:

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed and beautiful places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment

## OTHER MATERIAL CONSIDERATIONS

- 5.3 Wyre Council (2023) Children's Homes - Guidance for Applicants
- 5.4 Written ministerial statement: planning for accommodation for looked after children (23 May 2023)
- 5.5 ADEPT and Environment Agency (2019) Flood risk emergency plans for new development
- 5.6 The National Planning Practice Guidance (NPPG) - Flood risk and coastal change

## 6.0 CONSULTATION RESPONSES

### 6.1 LANCASHIRE CONSTABULARY

- 6.1.1 No comments received

### 6.2 LANCASHIRE COUNTY COUNCIL CHILDREN'S SERVICES

- 6.2.1 The proposed home would appear to meet an identified local gap in provision, although this cannot be confirmed confidently, as the type of child the home would care for has not been provided.

### 6.3 LANCASHIRE COUNTY COUNCIL HIGHWAYS

- 6.3.1 No objections but recommend an additional car space be provided to the front of the dwelling.

### 6.4 THE ENVIRONMENT AGENCY

- 6.4.1 No objection

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

- 6.5.1 No objection, but emergency evacuation plan to be submitted for approval.

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

- 6.6.1 No comments received

## **7.0 REPRESENTATIONS**

- 7.1 65 letters of objection received, points raised:
- impact on mental health and quality of life
  - concerns about damage to property
  - noise/disturbance including from staff changeover in the early morning and late evening
  - crime and police presence
  - anti-social behaviour
  - health and safety to residents
  - privacy
  - sunlight
  - devalue property
  - already a children's home in the next street and will allow children to meet up
  - vulnerable elderly residents and where young children play
  - not allowed businesses to advertise on drives
  - will not have consistency of residents or visitors
  - cul-de-sac with very limited parking/traffic access, no pavements, road safety issues, emergency services unable to get to houses due to traffic
  - impact on childminding business
  - how can they confirm there is a need for this home in this area, there is already an overprovision of children's care home places in the area
  - impact on services - school, doctors, dentists
  - impact on private life and work-life balance, potential for targeted harassment as a teacher
  - do not understand why not dismissed at the 'pre-planning' stage
  - conflicts with the need to provide more low-cost housing in the area, loss of housing stock
  - a front boundary would ruin the aesthetic of the cul-de-sac
  - comments on landlord
  - proliferation of children's homes in the north-west compared with other areas of the country
  - adequacy of supervisory arrangements
  - site notice only posted when complaints received and comments on the positioning of the site notice
  - plans do not relate to the site
  - questions on demographics of occupants
  - limited amenities for young people
  - no consideration of impact on character and amenity, soundproofing, CCTV
  - shortage of trained staff
  - an additional parking space to the front of the house would not be in keeping with the area and would reduce natural drainage
  - not like a family dwelling
  - covenants on estate
  - contrary to Wyre Council's Children's Homes guidance for applicants

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

- 8.1 Agent submitted supporting information 1/12/23. No further opportunities for amendments/revisions have been provided, as it is not considered that these would make the application acceptable.

## 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 the residential amenity
- Impact on Highway/Parking
- Flood Risk
- Ecology

### Principle of development

9.2 The application site is within the urban area, within the settlement boundary. There are no Local Plan designations or allocations on the land to prevent the development. The use of the existing dwelling for such use is not protected and there are no Adopted Local Plan policies that can be used to require the retention of the use of the property as a house. Some neighbours have commented that the previous tenants had to find a new property, however, any matters on home ownership/rental are a private matter between the parties involved. LCC Children's services advise that the proposed home would appear to meet an identified local gap in provision, although this cannot be confirmed confidently, as the type of child the home would care for has not been provided. No Local Plan or NPPF Policy requires a need for the development to be demonstrated with a planning application, therefore the council cannot require the applicant to evidence a need for the children's home. The Written Ministerial Statement (May 2023) says 'the planning system should not be a barrier to providing homes for the most vulnerable children in society'. The change of use of the dwelling to a children's care home is therefore acceptable in this location in principle. However, as brought out above, LCC cannot confidently confirm the proposal would meet a local need and no such information has been provided by the applicant. Without a specific identified need for the proposal to be provided locally, such as for a child to live close to where they call home and to people they know, this does not weigh as a material benefit in support of the proposal against any harm which may be identified. Some neighbours have raised comments about the impact on services (schools, doctors, dentist). There is no substantiated evidence that there would be a greater impact on services from the proposal than the existing residential use, and the Local Plan does not require any contributions towards services for C2 uses.

9.2.1 Policy SP2 of the Adopted Local Plan requires sustainable development. The site is in an accessible location, within the settlement boundary of Thornton. It is therefore suitably accessible and forms sustainable development. Representations raise that there are limited amenities for young people, however, being in the urban area the site is considered to be suitably accessible to services and facilities, and this is the same as for the existing use as a dwelling where children could live. Policy SP2 also requires a response to climate change to be provided. A climate change statement has been provided, but contains limited information. The proposal will make use of an existing building, which has some climate change benefits. A condition can be used to require cycle storage facilities to be agreed and provided, to ensure that staff have the option to use this more sustainable transport option. Overall, this will comply with the climate change requirements of Policy SP2.

## Visual Impact/Design/Impact on the street scene

- 9.3 Policy CDMP3 sets out how development should achieve good design. Development is required to make a positive contribution to an attractive townscape having regard to the design of internal roads and footpaths in respect of permeability and connectivity, and car parking. The Council's guidance on children's homes in paragraph 5.7 says 'the increase in car parking in the locality can also affect visual amenity' and 'on this basis, proposals for children's homes will only be supported where there is no impact on...visual amenity'. No external alterations are proposed to the dwelling, so there will not be unacceptable visual impacts on the property or street-scene from these.
- 9.3.1 The residential amenity section of this report below, discusses the carparking requirements associated with the proposal and that the level of activity would require cars to be parked on street in the day. Dallam Dell is a relatively narrow residential street with curved rather than straight roads, with properties with dropped kerbs and grass verges onto the road, no footpaths and not enough space for parking on both sides of the road. It is expected from the associated vehicle numbers that cars would need to be parked on the street in the day. It can be anticipated, that the staff members would look to park on the street closet to the property, which would be Dallam Dell. In this situation, it is considered that having cars regularly parked in the street would be harmful to both visual and highway amenity. The residential area has been designed so that occupants have the opportunity to park their vehicles off the road using off-street parking. This presents a street that is not visually dominated by on-street parking. The regular parking of vehicles in the street would therefore be visually detrimental to this existing street-scene. In addition, although LCC Highways have not objected, they do raise that cars will need to be parked in the street and that this may affect the highway amenity. Given the constrained nature of the road layout, the increased vehicle movements and parking requirements associated with the use could make it difficult for other vehicles or pedestrians to pass, to the inconvenience of neighbouring residents. There are no footpaths on this road, so parked cars would force pedestrians to walk further out in the road. Overall, this would be to the detriment of highway amenity. This is contrary to Policy CDMP3 of the Adopted Local Plan, which requires good design, a positive contribution to an attractive townscape with overall consideration of permeability, connectivity and carparking, and to the general design requirements of the NPPF.
- 9.3.2 LCC Highways have suggested the provision of an additional parking space to the front of the property. This has not been provided and has not been suggested as a solution to the concerns with the application, as this would not fully resolve the need for on-street parking and the potential manoeuvring of cars, including at at unsociable hours.
- 9.3.3 Some representations have mentioned that they have concerns about the installation of front boundary treatments or the provision of a parking space in the front garden, however, these are not proposed.

## Impact on the residential amenity

- 9.4 Policy CDMP3 sets out how development should not result in unacceptable adverse impact on the amenity of occupants and surrounding nearby properties. Policy CDMP1 of the Local Plan requires new developments to be



compatible with adjacent existing or proposed uses and would not lead to significant adverse effects on health, amenity, safety and the operation of surrounding uses and for occupants or users of the development with reference to various factors including noise and nuisance. No physical alterations are proposed to the building, so there will not be greater impacts over the existing situation in relation to light or overlooking.

- 9.4.1 The main consideration with regard to residential amenity is the actual change of use itself. Significant objections have been received which raise concerns over the inappropriateness of the development in terms of residential amenity, noise, anti-social behaviour, unsuitability of the property, and disruption to both an ageing community and where young people play. The dwelling is located in a residential estate with detached and semi-detached properties in close proximity to each other. The road is of a cul-de-sac design, with more restricted opportunities for on-street parking than a straight, wide road. The floor plans show a typical residential layout with four bedrooms in the existing dwelling. The proposed floor-plans show two children's bedrooms, a staff bedroom, and a study/office. The council's environmental protection department have been consulted on the application, but have not commented.
- 9.4.2 The proposal would accommodate 2 children and there would typically be 2 or 3 members of staff on site at any one time to provide the care. The general occupation of the house by two children with 2 or 3 adults present is similar to the existing use as a dwelling, which could be used as a 4-bedroom family home. In relation to the use of the property to be lived in by 2 children, the scale and nature of this in itself would function on a similar level to a family residential dwelling and noise from young people i.e. playing in the garden would not be different from that which would be generated by a family unit living at the property, where there would be no restrictions on the number of children living there. For this size of dwelling, with 4 bedrooms, occupation by a family with 2 children could be reasonably likely. Children will be taken to school and will participate in leisure activities like that of a typical C3 residential use. There are no age restrictions on the property i.e. specifically for retirees and therefore it would be unreasonable to raise issues with the proposal based on the age of the occupants. A family could move into the property at any time which could, for example, consist of 2 parents and 2-3 children, which would reflect the level of occupancy of the children's care home. It would operate in a manner which is similar to that of the existing residential dwelling and the statement shows that children would follow a daily routine which would not impact the community any more than a normal family home with children. It is considered it would be reasonable to condition the number of children occupying the premises to a maximum of 2. For this number of children and the level of activity being similar to a residential home, as explained above, there would be no requirement in this case for soundproofing to be installed. A condition could be used for boundary fence details to be agreed, to ensure that the rear garden is fully enclosed and to provide a degree of privacy and some acoustic benefit to the use of outdoor spaces, as in any residential situation.
- 9.4.3 The main difference between this C2 use and a family home is the presence of on-site staff which would result in additional activity at staff changeover times. The submitted example staff rota and supporting statement indicates that on a given day there would be two staff members present in the day (08.00-23.00) with a manager (09.00-17.00), therefore 3 staff in total. The

manager would leave at 17.00, another staff member would arrive at 22.00, and one of the staff members would leave at 23.00. This indicates at night there will be two staff present. The next morning the two staff would themselves changeover with two other persons at 08.00. The submitted supporting statement says that largely the main arrival and departure times for staff would be at 9.30am and 11.00pm, although as staff are on the rota from 08.00 there is some difference with the main arrival time stated. However, it is understood that on a daily basis (weekday) from 08.00 until 23:00, there would be a total of 8 arrivals/departures of staff members. At the weekend this would be reduced to 6 arrivals/departures, as the manager will not be present. This will be alongside other daily activity, such as going shopping or to school. The submitted information also says that 'the home operates with one dedicated vehicle for the property, but with access to other vehicles as necessary'. Occasional visits by social workers or family members are possible.

- 9.4.4 Comings and goings, and visits by friends, family and tradespersons are commonplace in residential settings. There is no control over how often or when these activities take place in a typical residential dwelling. Also, there is nothing to prevent neighbours moving house, so that there may be different people living in the street. However, the potential intensification of such activities on a regular and daily basis, to a point that it would be out of character with the residential area, requires consideration. The council's guidance on children's homes says in paragraph 5.7 'vehicular movements and frequency of access that would result from the intensification of activity in and around the site, particularly in unsociable hours, can be disruptive in a residential setting and impact on residential amenity. On this basis, proposals for children's homes will only be supported where there is no impact on living conditions of existing residents...'. In this case, with the number of staff involved, including a manager, it would be likely that vehicular movements and frequency of access would be greater than experienced at a typical dwelling of this size, as the staff movements are in addition to the daily activity from the dwelling. With each staff member potentially coming to work in their own vehicle, rather than in a family setting where persons can coordinate their journeys or car-share, it is assessed that there is greater potential for parking requirements and comings and goings in the street, over the existing use as a dwelling. It should be noted that the Adopted Local Plan car-parking standards (Appendix B) for a 4 bedroom dwelling are 3 off-street car spaces. Therefore, generally for a dwelling of this size, activity associated with 3 vehicle movements would be expected, rather than that of 4 or 5 vehicles, in addition to the company car. Given the availability of 3 car spaces on the drive and the house would have its own car, this would leave 2 spaces on the drive of the property for staff. Therefore, at the morning changeover 2 cars would need to be parked on the road, and during the day when the manager is present, one car would need to be parked on the road throughout the day. There would also be no mechanism to control the length of the changeovers or to ensure that cars are then moved onto the drive after staff change over. This would be alongside moving vehicles around to allow for other activity from the dwelling, such as journeys to school or recreation or visitors to the dwelling. Based on this, it is considered that the required staff activity would likely 'spill out' onto the surrounding street, with comings and goings outside of the curtilage of the property. Some of this activity would be at unsociable hours, with changeovers at 08.00 and 23:00, including at the weekend. Associated with the staff changeover time, general activity outdoors and in the nearby street would likely include talking and noise from car doors closing and

vehicles starting up/manoeuvring. Dallam Dell is a residential cul-de-sac, therefore high-levels of activity and traffic in the street, particularly at unsociable hours are not expected. In this particular setting, this intensification of activity in the street would be judged to have an unacceptable impact on residential amenity through disturbance. This would be in conflict with Policies CDMP1 and CDMP3 of the Adopted Local plan, and the NPPF, with the collective aim to protect the living conditions of existing residents.

- 9.4.5 Neighbour objections raise concerns over the behaviour of the children and possibility of noise and increased crime, and impacts on mental health and quality of life. Also, comments have been raised by a teacher about impacts on their private life, work-life balance and potential for targeted harassment. Concerns about public safety and anti-social behaviour or the welfare of children are a material planning consideration, although there is no specific planning policy or guidance on these matters. National Planning Practice Guidance (NPPG) provides general guidance on promoting healthy and safe communities as referred to in section 8 of the NPPF, including designing out crime and disorder having regard to Section 17 of the Crime and Disorder Act 1998 (as amended). Whilst these concerns can be viewed as a material consideration, in this case there is no substantiated evidence that the proposal would give rise to anti-social behaviour or unacceptable harm to the existing occupants quality of life, given that the number of children residing at the property would be no greater than typical in a family home and would be in an environment with adult care and supervision. Additionally, Lancashire Constabulary have been consulted on the application and not provided any comments. It is also a matter that is subject to separate legislation and regulation. It is not therefore considered that there would be an unacceptable anti-social behaviour impact to prevent the use at this site. Based on this it is also not appropriate to require the provision of CCTV in this case. No external lighting is proposed and it is not anticipated that this should be required over that found at a dwelling. There will be no flat roofs available to be accessed.
- 9.4.6 The Council's guidance for applicants, includes that a principal objective is to 'prevent an undue concentration of specialist uses in any particular area of the borough in order to safeguard the local character and amenity'. Some representations raise concerns with a cumulative impact of children's homes and that children can meet up with those from other homes. There are no records of other planning permissions or Lawful Development Certificates for C2 uses in Dallam Dell. There is record of planning permission for a C2 use for 2 children on the adjoining street, Gamble Road. The distance of the site from other C2 uses is sufficient for there not to be a cumulative impact in relation to any of the material considerations assessed. Comments have also been raised about general provision of children's homes in the North West, however, this is not a matter for consideration under this planning application.

#### Impact on Highway/Parking

- 9.5 No access alterations are proposed, only the change of use of the dwelling. Lancashire County Council Highways have been consulted on the application and have no objections and are of the opinion that the proposal will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They state that the proposal would generate up to 4 vehicle movements and that this is more than a typical residential dwelling, but would represent a small percentage increase in vehicle movements in Dallam Dell.

From this professional highways advice, it can be concluded that there would not be unacceptable highway safety or traffic impacts from the proposal. However, LCC Highways go on to advise that the property has a narrow driveway, which may not allow for larger vehicles to fully open their doors to allow the driver to enter and exit. Also, there is a twice daily occurrence of temporary parking on Dallam Dell on shift changeover and cars require moving around which may affect highway amenity. They recommend that an additional off street car parking space be provided on the frontage to 'allow for an easier and efficient shift change with regards to car movements on the estate road'. LCC Highways also comment that a new vehicular access would need separate highways consent. The provision of an additional parking area and access onto the road has not been applied for. Although, there is not assessed to be overall highway safety harm from the proposal, the highway amenity impact of the potential for additional cars parked outside the curtilage of the dwelling and on the street, are considered above under the visual amenity section. Representations have been received about access for emergency services being impeded. As there are no objections from LCC highways on highway safety or access, it is not considered that this would be the case.

## Flood Risk

- 9.6 The application site is in Flood Zone 3. The Environment Agency have been consulted on the application and have no objections. The submitted Flood Risk Assessment can be conditioned to be implemented. The Council's drainage engineer has no objections in principle, but does ask for an emergency evacuation plan. The Environment Agency although not commenting on the flood emergency response, direct that the PPG states 'that in determining whether a development is safe, the ability of residents and users to safely access and exit the building during a design flood and to evacuate before an extreme flood needs to be considered'. The NPPF in paragraph 173 includes that development should only be allowed in areas at risk of flooding where it can be demonstrated that 'e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'. The NPPF does not set out when an emergency plan is required, but the NPPG guides that 'an emergency plan will be needed wherever emergency flood response is an important component of making a development safe. Emergency plans will be essential for any site with transient occupancy (e.g. hostels and hotels)'. A dwelling and a residential institution are both classed as 'more vulnerable' in Annex 3: Flood risk vulnerability classification. Therefore, the proposal will not be for a more vulnerable use than that existing. However, the nature of the use will involve more transient occupancy, with different staff occupying the property on a rota and who may be less aware of the flood risk of the site, than a permanent occupant. It is therefore considered that an emergency plan is required with the development, as advised by the council's drainage engineer. This should include a consideration of the number of people that would require evacuation from the area potentially at risk, and the adequacy of both evacuation routes and identified places that people from evacuated places are taken to. It is not considered appropriate to reserve the provision of this information to a condition, as it is part of the required assessment of compliance with paragraph 173 of the NPPF on whether development should be allowed in an area at risk of flooding. ADEPT/Environment Agency guidance says 'it will very rarely be appropriate to use a planning condition to defer the provision of an EP to a later date, because it may show that the development cannot be

made safe and therefore call into question whether the development is acceptable in principle'. As an emergency plan has not been provided with the application, there is inadequate information to fully assess the flooding impacts on the occupants of the proposal, contrary to paragraph 173 of the NPPF and Policy CDMP2 of the Adopted Local Plan that the development is demonstrated to not be at an unacceptable risk of flooding.

- 9.6.1 Sequential/exception tests are not required because the proposal is for a change of use and so is exempt from this requirement in accordance with the NPPF.
- 9.6.2 The existing drainage system (foul and surface water) serving the dwelling can be used, therefore there is no requirement for any drainage information to be provided. No other physical works are proposed to the building or in its curtilage, therefore, there are no additional drainage concerns.

#### Ecology

- 9.7 The site is in an SSSI impact zone. For this type of development in this location there is no requirement to consult Natural England and there are no concerns with significant impacts on protected habitats. The site is also within 3.5km of Morecambe Bay. Policy CDMP4 of the Local Plan requires that residential developments in such locations should provide a home owners pack for future home owners highlighting the sensitivity of Morecambe Bay to recreational disturbance. The property is already in use as a dwelling, however, the proposed use may lead to different persons occupying the property with staff changeovers, therefore, such a pack will be beneficial so that they are aware of this sensitive habitat. A condition can be used for this information to be provided.

#### Other Issues

- 9.8 Neighbour representations have been raised about a negative impact on property prices. This is not a material planning consideration.
- 9.9 Neighbour comments have been raised about the timing of the site notice being posted and its position in relation to neighbouring houses. The site notice has been posted in an appropriate location on a lamppost on the opposite side of the road to the dwelling. This was carried out within an appropriate timeframe from the validation of the application, and the statutory period for comments has been provided. This meets the statutory requirements for the publicity of a planning application as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 9.10 Neighbour comments have been raised about covenants and that businesses cannot advertise on the drives. Any covenants on land are separate legal matters from the planning system. No advertisements have been proposed, however, an informative could be added to any permission granted about advertisement consent.
- 9.11 A neighbour has objected about impacts on their childminding business. This is a residential area, and therefore the above assessment including on amenity is considered to have addressed all matters appropriately that would be relevant to a business as well. Perceived impacts to the popularity of a

business cannot be adequately evidenced to justify refusal of the application on this basis.

- 9.12 Some comments have been received in representations about how the use would be managed and operated, including on a shortage of trained staff, and supervisory arrangements. It is not appropriate for the management approaches for children's care homes to be assessed through a planning application, but this is subject to separate regulation, such as through OFSTED.

## **10.0 CONCLUSION**

- 10.1 The proposal would provide a home where children could be cared for. This is afforded support in the NPPF and the Written Ministerial Statement, and it is noted that there appears to be a shortage of children's homes across the country. However, there is limited detail with this application on the local requirement for this children's home, and the proposal is of small scale, therefore this benefit is afforded limited weight. The lack of harm to highway safety is neutral in this planning balance. The proposal would however conflict with the Adopted Local Plan and NPPF in relation to residential, visual and highway amenity in this setting of residential properties in a cul-de-sac in close proximity to each other, by reason of the staff movements in association with the use, with increased activity and parking of vehicles outside the curtilage of the property and in the wider street of Dallam Dell. The application has the potential to disperse vehicle parking associated with the use into the wider residential area, which is not designed for on-street parking. This has been assessed to be contrary to Policies CDMP1 and CDMP3 of the Adopted Local Plan, and the NPPF. The benefit of the proposal would not outweigh this conflict.

## **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. The proposed change of use would result in an intensification of activity at the site, having regard in particular to the frequency and pattern of visits by staff, and an increased demand for on-street parking. The intensification of staff movements to/from the property on a regular and frequent basis, including at unsociable times, would result in an unacceptable impact on neighbouring amenity from noise and disturbance. The intensification of vehicles associated with the development and the inadequate parking at the site would result in increased on-street parking. In this cul-de-sac setting, this would have an unacceptable impact on the visual amenity of the street, with cars parked in the street rather than off-street, which is characteristic of this road. Also, there

would be unacceptable harm to the highway amenity of the street, with the potential for restricting vehicle and pedestrian movements. This is contrary to the NPPF and Policy CDMP3 of the Adopted Wyre Local Plan.

2. The proposal does not provide details of safe access and escape routes as part of an emergency plan for the development in relation to flooding. This would present the potential for an unacceptable risk of flooding to the harm of people. This would be contrary to Section 14 of the NPPF and the National Planning Policy Guidance 'Flood Risk and Coastal Change', and Policy CDMP2 of the Adopted Wyre Local Plan.

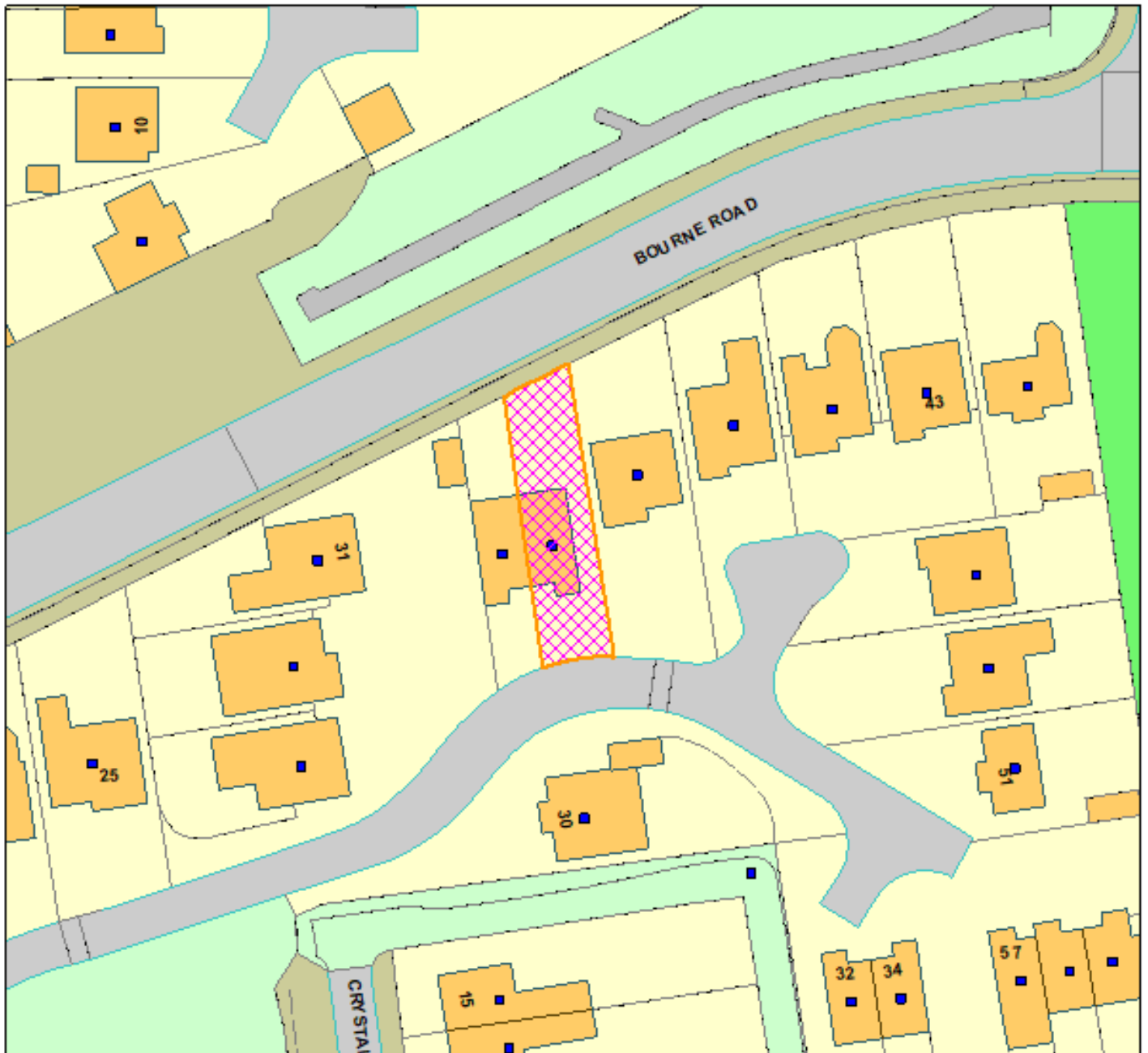
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# Planning Committee



23/01040/FUL - 35 Dallam Dell, Thornton Cleveleys, Lancashire, FY5 4PX



**Scale:** 1:625

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Organisation	Wyre Council
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Comments	Item 2
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