



Wyre Borough Council
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Democratic Services Officer
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Planning Committee Agenda

Planning Committee meeting on Wednesday, 5 February 2020 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 - 12)

To confirm as a correct record the minutes of the Planning Committee meeting held on 04 December 2019.

4. Appeals

(Pages 13 - 28)

The Schedule of Appeals lodged and decided between 15 November 2019 – 15 January 2020, 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)
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 A- Ormerod Street, Thornton Cleveleys, FY5 4HU (19/00607/FULMAJ) (Pages 29 - 48)
Erection of 14 affordable dwellings
- (b) Application B- Torbant Lodge, Brick House Lane, Hambleton, Poulton-Le-Fylde, FY6 9BG (19/01228/FUL) (Pages 49 - 60)
Removal of existing residential caravan and erection of one dwelling
- (c) Application C- Fair View, Knitting Row Lane, Out Rawcliffe, Preston, PR3 6SX (19/01074/FUL) (Pages 61 - 72)
Construction of a new boarding kennels and new access
- (d) Application D- 230 Poulton Road, Fleetwood, FY7 7BT (Pages 73 - 82)
(19/00817/FUL)
Change of use from a car sales (A1) to a hand car wash (sui generis) with new vehicular access

PLEASE NOTE:

Transport for members of the committee will leave the Civic Centre, for the 4 site visits, at **10:30am**.



Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 4 December 2019 at the Thornton Little Theatre, Fleetwood Road North, Thornton Cleveleys, FY5 3SZ.

Planning Committee members present:

Councillors Moon, I Amos, R Amos, Lady D Atkins, Catterall, Holden, Le Marinel, Orme, Raynor, Stirzaker and D Walmsley.

Apologies for absence:

Councillors Ballard, Ingham and Williams.

Other councillors present:

Councillors Fail and Kay.

Officers present:

Carmel White, Solicitor
David Thow, Head of Planning Services
Lyndsey Hayes, Planning Development Manager
Emma Keany, Democratic Services Officer
Peter Foulsham, Scrutiny Officer

31 members of the public and 1 member of the press attended the meeting.

PA.31 Declarations of Interest

None.

PA.32 Confirmation of Minutes

The minutes of the Planning Committee meeting held on Wednesday 6 November 2019 were confirmed as a correct record.

PA.33 Appeals

The Head of Planning Services submitted a report on appeals lodged and decided between 15 October 2019 and 15 November 2019.

Resolved

That the position regarding the appeals, as set out on pages 5 – 10 of the

agenda, be noted and that any Member requiring any further details or clarification on any appeal, should contact the relevant Case Officer.

PA.34 Planning Applications

The Head of Planning Services submitted four applications and reports to be considered.

PA.35 Item 5A- Sandpiper Hotel, Cleveleys Avenue, Thornton Cleveleys, FY5 2NH (Application Number: 19/00764/FULMAJ)

Demolition of existing Public House and redevelopment of the site to provide 15 no. new affordable dwellings, consisting of 3 no. 2 bedroom houses, 3 no. 1 bedroom apartments and 9 no. 2 bedroom apartments with associated parking and amenity space.

The application was brought before Members of the Planning Committee for determination at the request of Councillors Ian and Rita Amos.

A site visit took place to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

An update sheet with additional information was published on the council's website and made available at the meeting, this information only having become available after the original agenda was published. The committee considered the update sheet, which contained additional information and a revision to condition 2 and 12.

Ms Levitt, Mr Johnston, Mr Fellows and Mr Robertson (members of the public) made objections to the application.

Andrea Kay (Lancashire County Councillor for Cleveleys East) made objections to the application.

RESOLVED that the application above be **REFUSED** (contrary to the recommendation) under the provisions of the Town and Country Planning Act 1990, as set out below:

- The scale, design, and massing of the development would, in the context of that which characterises the surrounding area, which comprises of predominantly bungalow properties, be out of keeping with the street scene and character of the local area, inappropriate in its context, resulting in an unacceptable impact on visual amenity and a failure to make a positive contribution to the local area. As such the proposed development will conflict with the provisions of policy CDMP3 of the Adopted Wyre Local Plan 2011-31, which seeks high standards of design for all development that is appropriate to the local context, and with the National Planning Policy Framework (NPPF).

**Item 5B- 29-31 Coronation Road, Thornton Cleveleys, FY5 1DQ
(Application Number: 19/00902/OUTMAJ)**

Outline application for the erection of a four storey 44 bedroom nursing home (Use class C2) following demolition of existing dwellings with access, layout and scale applied for (all other matters reserved) (resubmission 18/00643/OUTMAJ)

The application was brought before Members of the Planning Committee for determination at the request of Councillor Fail.

A site visit took place to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

Ms Fitzgerald (member of the public) made objections to the application.

Rob Fail (Wyre Councillor for Jubilee Ward) made objections to the application.

Paul Sedgwick, Agent of the applicant (Morvern Care Centre), spoke in favour of the application.

RESOLVED that the application above be **REFUSED** (contrary to the recommendation) under the provisions of the Town and Country Planning Act 1990, as set out below:

- The scale, design, and massing of the development would, in the context of that which characterises the street, which comprises of predominantly two storey properties, be out of keeping with the street scene and character of the local area, inappropriate in its context, resulting in an unacceptable impact on visual amenity and a failure to make a positive contribution to the local area. As such the proposed development will conflict with the provisions of policy CDMP3 of the Adopted Wyre Local Plan 2011-31, which seeks high standards of design for all development that is appropriate to the local context, and with the National Planning Policy Framework (NPPF).
- The scale, and massing of the development would, by reason of the spacing between the front of the proposed development and the residential properties on the opposite side of the road, have an overbearing and oppressive impact upon those properties and result in unacceptable levels of overlooking to those properties to the detriment of the amenity of the occupiers of those properties. As such the proposed development will conflict with the provisions of policy CDMP3 of the Adopted Wyre Local Plan 2011-31, which seeks high standards of design for all development that is appropriate to the local context, and with the National Planning Policy Framework (NPPF).

Item 5C- Dunollie, Kepple Lane, Garstang, Preston, Lancashire, PR3 1PB (Application Number: 19/00687/REMAJ)

Reserved matters application for appearance, landscaping, layout and scale for 14 bungalows for the over 50's (C3 Use Class) and 36 retirement living apartments together with communal facilities, landscaping and car parking (following outline application 18/00973/OUTMAJ).

The application was brought before Members of the Planning Committee for determination at the request of Councillor Lady D Atkins.

A site visit took place to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

Ed Whalley, Agent of the applicants (Alan Stansfield and Margery Jean Stansfield), spoke in favour of the application.

RESOLVED that the application above be **APPROVED** (as per the recommendation) under the provisions of the Town and Country Planning Act 1990, subject to the conditions set out below:

Conditions:

1. The development shall be carried out strictly using those materials specified on the approved materials schedule (Drawing Number NW-2602-03-AC-014 Rev A) unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

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 9/07/2019 including the following plans/documents:

- Site location Plan Drawing number 001
- Approach to Entrance Drawing number 002 Rev A
- View of Bungalows Drawing number 003
- View Towards Apartments Drawing number 004 Rev A
- View of Apartment Front Drawing number 005 Rev A
- Rear View of Apartments From River Side Drawing number 006 Rev A
- Proposed Elevations 1 of 2 Drawing number 007 Rev A
- Proposed Elevations 2 of 2 Drawing number 008 Rev A
- Proposed Site Layout Drawing number 009 Rev B
- Ground Floor Plan Drawing number 010 Rev A
- First Floor Plan Drawing number 011 Rev A
- Second Floor Plan Drawing number 012 Rev A
- Roof Plan Drawing number 013 Rev A

- Site Layout With Flood Risk Drawing number 015 Rev B
- Proposed Bungalow Type A Drawing number 2603-001
- Proposed Bungalow Type BR Drawing number 2603-002
- Proposed Bungalow Type BRS Drawing number 2603-003
- Bungalow Type BRF Drawing number 2603-004
- Proposed Bungalow Type B Drawing number 2603-005
- Proposed Bungalow Type C Drawing number 2603-006
- Planting plan (Sheet 1 of 2) Drawing Number NW-2602-05-LA-002
- Planting plan (Sheet 2 of 2) Drawing Number NW-2602-05-LA-003
- Landscape Layout Drawing Number NW-2602-01-LA-001
- 008 - External Works Layout Rev C
- 001 - External Works Layout Rev C
- 007 - External Works Layout Rev C
- NW-2602-03-AC-100-Site section

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

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

3. Prior to the first occupation of any of the dwelling(s)/apartments hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before any of the dwelling(s)/apartments are first occupied. The approved details shall thereafter be maintained and retained.

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).

4. Prior to first occupation of any of the dwellings or apartments hereby approved full details of hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of hard surfaced areas and materials (i.e. driveways, paths, structures, furniture, play equipment, benches lighting and the footpath link to the Public Right of Way).

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

Reason: To ensure appropriate hard landscaping is agreed and implemented at an appropriate time during the development and for the purpose of safety and effective use of public areas.

5. The Soft landscaping works shall be carried out in accordance with the approved details:

- Planting plan (Sheet 1 of 2) Drawing Number NW-2602-05-LA-002
- Planting plan (Sheet 2 of 2) Drawing Number NW-2602-05-LA-003
- Landscape Layout Drawing Number NW-2602-01-LA-001

Prior to first occupation of any of the dwellings or apartments hereby approved 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 5 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.

6. 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 development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

7. The dwellings and apartments hereby approved shall not be first occupied until the parking / turning area(s) shown on the approved plan (Site Layout 015 Rev B) has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided 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. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets and other non-highway related combined footways/ cycleway within the development, including details of a private management and Maintenance Company to be established if applicable, have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: To ensure that all highways will be delivered to adoptable

standards, to ensure that highways safety is not compromised and to ensure that all highways footways and cycleways will be maintained by either LCC as Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

9. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details (as shown on plan drawing numbers 008 - External Works Layout Rev C, 001 - External Works Layout Rev C, 007 - External Works Layout Rev C & NW-2602-03-AC-100-Site section

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 CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

10. 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.

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 and in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

11. Notwithstanding the provisions 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 dwelling(s) shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling(s) without express planning permission from the local planning authority first being obtained.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwelling(s) in the interests of preserving the character and amenity of the area

12. Prior to the commencement of development details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first occupation of any part of the approved development and thereafter maintained and retained.

Reason: In the interests of the appearance of the site and locality, in accordance with policy 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. 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.

PA.38

Item 5D- Unit 1, Drovers Mews, Park Hill Road, Garstang, PR3 1HF (Application Number: 19/00715/FUL)

Variation of condition 03 on application 18/00893/FUL (Change of use of cafe to drinking establishment (A4)) to extend opening hours Monday - Friday 08:00-23:00, Saturday 08:00 - 23:00, Sunday 08:00-23:00 and Bank Holidays 08:00-23:00.

The application was brought before Members of the Planning Committee for determination at the request of Councillor Lady D Atkins.

A site visit took place to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

Jake Salisbury, Agent of the applicant (Miss Alison Holmes), spoke in favour of the application.

RESOLVED that the application above be **APPROVED** (as per the recommendation) under the provisions of the Town and Country Planning Act 1990, subject to the conditions set out below:

Conditions:

1. 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 11 July 2019 including the following plans/documents:

- Existing and proposed plans
- Site location plan

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.

2. The premises shall not operate or be open to the public outside the hours of:

- Monday-Friday 08.00am-11.00pm
- Saturday 08.00am- 11.00pm
- Sunday 08.00am-11.00pm
- Bank Holidays 08.00am- 11.00pm

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Adopted Wyre Local Plan.

3. Deliveries or collections of goods to or from the proposed development shall not take place outside the following hours:

- Monday-Friday 9.00am-9.00pm
- Saturday 9.00am- 9.00pm
- Sunday No deliveries
- Bank Holidays No deliveries

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Adopted Wyre Local Plan.

4. No amplified recorded or live music shall be played at any time in the outside area(s) of the application site as defined by the red edge on the approved site location plan.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Adopted Wyre Local Plan and the National Planning Policy Framework.

Notes: -

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.

2. Any extraction to the premises may require planning permission, which would be required to be obtained separately.

The meeting started at 13:30 and finished at 15:02

Date of Publication: 10 December 2019

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APPEALS LODGED AND DECIDED

Appeals Lodged between – 15th November 2019 – 15TH January 2020

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
18/00259/ENF	Land At Hambleton Fisheries Shard Lane Hambleton	Appeal against an enforcement notice	N/A	Written Representations	29 th November 2019
18/00939/FUL	South View Brick House Lane Hambleton Poulton-Le- Fylde Lancashire FY6 9BG	Erection of one dwelling	Delegated	Written Representations	9 th December 2019
18/00680/OULMAJ	Land Off Holts Lane Poulton- Le-Fylde Lancashire	Variation of condition 03 (affordable housing) on application 16/01043/OULMAJ	Committee	Written Representations	17 th December 2019

Appeals Decided between – 15th November – 15th January 2019

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
18/00921/LMAJ	Foxfield Nurseries Ox Close Lane Off School Lane Pilling PR3 6HB	Erection of glasshouses, boiler house and four rainwater collection tanks	Delegated	Withdrawn	30 th December 2019
18/00946/OUT	Blueberry Stables Lancaster Road Preesall Poulton-Le- Fylde Lancashire FY6 0HN	Outline application for erection of one detached dwelling (for the occupation of one gypsy traveller family) with access, appearance and scale applied for (all other matters reserved)(resubmission of 18/00835/OUT)	Delegated	Dismissed	28 th November 2019

18/00918/FUL	Faulkners Fold Cottage Faulkners Lane Forton Preston Lancashire PR3 0AL	Variation of conditions 02 (plans) and 13 (to allow for the retention of Faulkners Fold Cottage for holiday purposes) on application	Delegated	Dismissed	26th November 2019
19/00335/FUL	Johnsons Farm Turkey Street Out Rawcliffe Preston Lancashire PR3 6TA	Erection of one detached building ancillary to existing residential dwelling at Johnsons Farm.	Delegated	Dismissed	9 th January 2020
18/01166/FUL	Delamere Garstang Road Bilsborrow Preston Lancashire PR3 0RE	Retention of rear balcony railings and provision of screen	Delegated	Dismissed	26 th November 2019



Appeal Decision

Site visit made on 25 November 2019

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/U2370/W/19/3234829

Blueberry Stables, Lancaster Road, Preesall FY6 0HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs McGinley against the decision of Wyre Borough Council.
 - The application Ref 18/00946/OUT, dated 27 September 2018, was refused by notice dated 7 February 2019.
 - The development proposed is outline with appearance, access and scale applied for erection of detached dwelling for the occupation of one gypsy traveller family.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for appearance, access and scale. Indicative plans have been submitted. These have formed part of my consideration of this appeal.
3. Shortly after the Council refused planning permission, the Wyre Local Plan (2011-2031) (WLP) was adopted. Policies within the WLP supersede the saved policies of the Wyre Borough Local Plan, 1999 (Local Plan). As a result, saved Local Plan policies SP13, SP14, EN13 and ENV15 are now no longer relevant. Instead, WLP policies now carry full weight. The main parties have had the opportunity to set out their respective cases having regard to the current development plan for Wyre. Hence, I do not consider that either party has been prejudiced by the changes to development plan policies.

Main Issues

4. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; (ii) whether the proposal would comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding; and (iii) whether there are any material considerations that weigh in favour of the development.

Reasons

Character and appearance

5. The appeal site relates to a relatively flat parcel of land on the southern side of Lancaster Road near to its junction with Cart Gate. Access from the road would be through an existing gated entrance, with the access leading around, and between an existing building, granted planning permission as a stable (Ref: 14/00051/FUL), and an area of hardstanding. The appeal site is set back from

the road and is currently grassed over except for a small timber building. Open agricultural land is to the north and south, while there is a terraced row of residential properties on Cart Gate to the west. The site lies within the countryside as defined on the proposals map to the WLP.

6. WLP Policy SP4 says that the open and rural character of the countryside will be recognised for its intrinsic character and beauty. Development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm. The policy explains that planning permission will only be granted within countryside areas for new development that meets the requirements of the Core Development Management Policies and it is for one of the listed purposes.
7. I understand that the appellant owns breeding stallions. While the appellant says they are to be housed in the stables on site none were present at the time of my site visit. The appellant considers that this business requires an on-site presence due to the value of stallions and to provide care for them, in terms of exercising and foaling. WLP Policy SP4 permits agriculture, forestry, mineral extraction or equine related activities, and the diversification of agricultural businesses in line with WLP policies EP8 and EP10. Having regard to these policies, there is no substantive evidence before me to demonstrate that the proposed development is necessary to support the appellant's business or that this business has a sound plan demonstrating its long-term viability. As a result, the proposal would not accord with any of the listed purposes.
8. Although matters relating to layout and landscaping are reserved for future consideration, the scale and appearance of the proposed dwelling would, in the context of a largely open undeveloped stretch of land, result in a visually prominent development. Existing landscaping along the lane and Cart Gate may soften this effect, but the proposed dwelling's scale would mean that it would extend somewhat above this. I recognise that there are a handful of dwellings along Lancaster Road, but these are clustered together. The proposal would be detached from these and not respect or enhance the open rural character of the area despite the proposed use of locally sourced materials.
9. The appeal scheme would result in modest social and economic benefits through the provision of a new dwelling, spending in the local economy and as a result of the site's location, but these would not outweigh the harm to the countryside, and thus the environment that the appeal scheme would cause.
10. I conclude, on this issue, that the proposed development would have a significant effect on the character and appearance of the area. As such, the proposal would conflict with WLP policies SP4 and CDMP3; which jointly, among other things, seek development of a high standard of design that respects or enhances the rural character of the countryside.

Flooding

11. WLP Policy CDMP2 states that development will be required to demonstrate that: a) it will not be at an unacceptable risk of flooding; b) it would not lead to an increased risk of flooding elsewhere; and c) it would not adversely affect the integrity of tidal and fluvial defences or access for essential maintenance and emergency purposes. As the appeal site lies within Flood Zone 3, it must be demonstrated that the Sequential Test has been applied and there are no

reasonable available alternative sites at lower risk, considering the nature of flooding and the vulnerability of the development. This accords with Framework paragraph 155 which seeks to prevent inappropriate development in areas at risk of flooding by directing development away from areas at highest risk.

12. Framework paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
13. As part of their submissions to the Council the appellant provided a Flood Risk Assessment (FRA). The Environment Agency (EA) reviewed and commented on the FRA having regard to the Planning Practice Guidance (the Guidance). This resulted in the EA raising objection to the proposed development. Notably, even if the proposal has been kept away from an existing watercourse, the appellant does not dispute the views of the Council or EA that the FRA indicates that there appears to be several sequentially preferable sites to the appeal site. No further evidence has been submitted by the appellant as part of their appeal. I have no reason to disagree with the EA's response that the appeal scheme does not satisfy the Sequential Test. Given this, I do not need to go on and consider the Exception Test.
14. I see from the photographs provided by residents that the area around the site has been prone to flood events. This only substantiates the need for robust evidence insofar as flooding and the need to steer new development away from areas at the highest risk of flooding such as the appeal site. This is particularly important as Flood Zone 3 is defined as having high probability of flooding and the proposal is for a 'more vulnerable' development.
15. I conclude, in respect of this issue that the proposal would not comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding. Hence, the proposal would not accord with WLP Policy CDMP2 and Framework paragraphs 155 and 158 and the Guidance; which jointly, among other things, seek to ensure development is safe from flooding.

Other considerations

16. Planning policies must account for different groups in the community, including travellers. The Council say that the Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update (GTAA) shows that there is no additional need for gypsy and traveller pitches for the period between 2016 and 2031 whether or not they meet the PPTS definition or not. The GTAA, however, confirms an additional need of 19 pitches over the plan period. This is made up of the 17 unauthorised plots and an additional 2 between 2016 and 2031 from new household formation based on the demographics of the residents. I do not know where the Council are in respect of meeting this need based on the evidence before me, so I cannot therefore agree with the Council.
17. I note that the proposed dwelling would be occupied by the appellant and her family. There is no dispute between the main parties about the gypsy status of the appellant having regard to the definition set out in Planning Policy for Traveller Sites (PPTS). I agree. Even so, the PPTS applies to proposals for traveller sites as it is designed to address the specific accommodation needs of travellers. It does not apply to proposals for new houses. In any event, it would not be 'reasonable' to tie the dwelling's occupation to gypsies and travellers as

many have an aversion to living in bricks and mortar accommodation. While there is no requirement for the appellant and her family to live in a caravan provided they maintain their nomadic way of life, the planning permission would run with the land and the proposed dwelling could, aside to the appellant's intentions, be occupied by anyone.

18. Thus, the proposed accommodation would not contribute towards gypsy and traveller provision, and as such, the proposal does not attract weight in favour of it in this regard. However, the proposal would albeit modestly, contribute towards the supply and mix of housing in the Borough. Even if the Council can now demonstrate a five-year supply of deliverable housing sites, this is not a ceiling to further housing development.
19. There are no substantive details before me about what work the appellant undertakes locally, which school their children attend or which church the family attend. There are also no substantive details before me about a medical condition a family member is said to have. Local residents inform me that the appellant and the family live at an address in Stockton-on-Tees and that they have not lived in the area or attended local facilities since a Court Injunction in 2013. The appellant does not dispute this.
20. I attach limited positive weight to the continuity that having a settled base and a quality home environment can bring along with the access that can be gained to services and facilities. However, these matters equally apply to any member of the community who could effectively occupy the proposed dwelling.
21. While a planning application (Ref: 19/00800/FUL) is said to be pending a decision for the erection of a storage building for private equestrian use, I have considered the appeal scheme on its own planning merits.

Conclusion

22. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. It does not follow from the PSED that the appeal should succeed.
23. The appeal is made for the erection of a detached dwelling and the intended occupiers accord with the PPTS definition. However, the PPTS definition is irrelevant for the purposes of the PSED. I have no evidence that the appellant and her family are persons who share a protected characteristic for the purpose of the PSED. But, even if they were, the appellant wishes to build a new dwelling at the site that could be occupied by anyone. Given that the planning system operates in the wider public interest which has legitimate aims of upholding the purposes of planning policies, the significant harm that I have identified in terms of the character and appearance of the area and flooding outweigh the personal matters raised and the modest social and economic benefits that would arise from the proposal. It is therefore proportionate and justifiable that the appeal is dismissed.
24. For these reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR



Appeal Decision

Site visit made on 29 October 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/U2370/W/19/3234113

Faulkners Fold Cottage, Faulkners Lane, Forton PR3 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms S England against the decision of Wyre Borough Council.
 - The application Ref 18/00918, dated 19 September 2018, was refused by notice dated 21 March 2019.
 - The application sought planning permission for the erection of a replacement dwelling and the demolition of existing dwelling without complying with conditions attached to planning permission Ref 17/00470/FUL, dated 7 September 2017.
 - The conditions in dispute are Nos 2 and 13 which state that:
(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 01/06/2016 including the following plans:
Proposed Site Plan Drawing Number GA3006-PSP-01-C
Proposed Elevation and Floor Plans (Revised) Drawing Number GA3006-002-D
(13) Within three months of the first occupation of the replacement dwelling hereby approved the existing dwelling (known as Faulkners Fold Cottage) as shown on site plan (GA3006-PSP-01-C) shall be entirely demolished, the ground levelled and returned to grassed form and any leftover materials removed from the site. The applicant shall provide, in writing, to the Local Planning Authority the date of first occupation and confirm in writing that the condition has been complied with once the works required by this condition have been completed.
 - No reasons are given for the conditions on the decision notice.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Onsite it would appear that construction the footings of the replacement house have begun. However, the condition in dispute has not yet been breached because it requires only that the original house be demolished within 3 months of first occupation of the replacement dwelling, which has not yet happened. I have therefore determined the appeal as one made under section 73 of the Act.
3. The decision of the Council to refuse the application relates to evidence of viability for a holiday let, justification for an additional dwelling in the countryside, and the effect on the living conditions of occupiers of both the existing and proposed dwellings with regards to outlook and privacy. These are considered to be the matters in dispute by the parties.

4. However, the original application Ref 17/00470/FUL (the planning permission) sought planning permission for the erection of a replacement dwelling and the demolition of existing dwelling. This appeal seeks to vary planning conditions 2 and 13 to facilitate the retention of the original dwelling for use as holiday accommodation. In the first instance I am required to consider whether or not this constitutes a materially different proposal. Therefore, this has formed the basis of the main issue.

Main Issues

5. The main issues are 1) whether the requested variation of conditions 2 and 13 are within the scope of this appeal with regards to the materiality of the proposed changes; 2) whether the proposal would be an appropriate form of development in this location, having regard to relevant local planning policies; and 3) the effect of the proposal on the living conditions of occupiers.

Reasons

6. The appeal site is split into two parcels of land located opposite each other at northern most extent of Faulkners Lane, a narrow country lane surrounded by agricultural land. The existing dwelling that the appellant seeks to retain is a modest two bedroomed period cottage, the proposed dwelling would be larger and positioned so that it would front onto the existing dwelling at a slight angle.
7. The Planning Practice Guidance¹ states that, although conditions can be used to make a minor modification to a proposal, a condition that modifies the development in such a way as to make it substantially different from that set out in the application should not be used. By extension there may be cases where removing a condition would significantly change the proposal.
8. The planning permission was granted for the erection of a replacement dwelling and the demolition of existing dwelling. The effect of varying, or indeed removing the conditions would result in two dwellings as appose to one. Furthermore, the appellant also seeks to vary the conditions to allow for the dwelling to be specifically used for holiday accommodation. This would constitute a materially different scheme, to that of the appellants original proposal (the application), that 3rd parties and stakeholders were consulted by the Council.
9. Varying the conditions would result in a material change in the proposal that would prejudice the interests of 3rd parties. Therefore, it would not be appropriate for me to do so, and the appeal cannot be supported. Furthermore, the decision does not affect the existing permission which can still be implemented in accordance with the relevant planning conditions, which should remain in place.
10. I have considered the appellant's claims in relation to the viability of using the dwelling as a holiday let, and that they consider its retention to be ancillary as oppose to a separate dwelling. However, as I have already found that the request to vary the conditions falls outside of the scope of this appeal,

¹ ID 21a-031-20140306 & ID 21a-012-20140306

therefore it is unnecessary for me to address the substantive issues relating to the disputed conditions.

Conclusion

11. For the reasons given above, the appeal should be dismissed, and the conditions retained in their present form.

R Cooper

INSPECTOR

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Appeal Decision

Site visit made on 7 October 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 January 2020

Appeal Ref: APP/U2370/D/19/3235035

Johnsons Farm, Turkey Street, Out Rawcliffe, Preston, PR3 6TA

- 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 Mrs J Mellor against the decision of Wyre Borough Council.
 - The application Ref 19/00335/FUL, dated 3 April 2019, was refused by notice dated 31 May 2019.
 - The development proposed is erection of 1no. detached building ancillary to existing residential dwelling at Johnsons Farm.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue is whether the site lies in a suitable location for development having particular regard to the effect of the proposal on the character and appearance of the area and accessibility to local services and facilities.

Reasons

4. The appeal site, known as Johnsons Farm, includes several buildings including a detached house, a detached garage with flat above and stable block. The proposal is for a detached single storey, 2-bedroom building within the site, to be used as a house in association with the existing dwelling.
5. The Council's strategy for new development, as set out in Policy SP1 of the Wyre Local Plan 2019, advises that the majority of new development will be directed towards urban towns and key and rural service centres with some development in the main and smaller rural settlements. Outside settlements with defined boundaries, the amount of new built development will be strictly limited. To further promote sustainable development Policy SP2 requires that all development should contribute to the overall physical, social, environmental and economic character of the area and contribute to the continuation of sustainable communities in terms of location and accessibility. Policy SP4 states that the open and rural character of the countryside will be recognised for its intrinsic character and beauty. Development which adversely impacts on the

- open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh that harm.
6. The site lies within the countryside, outside of any defined settlement boundary. The area is characterised by open land, largely free from development except for sporadic, simple dwellings and farm buildings. Narrow and unlit country lanes reflect the rural context of the area. The nearest settlement with attendant services and facilities is some distance away.
 7. I understand that the site is, and would continue to be, occupied by an extended family group. The proposed dwelling would provide accommodation for the present occupier of the house, in turn enabling the house to be occupied by other family members. I note that there is already an ancillary unit of accommodation on the site and that permission has been granted for the conversion of a ground floor of the same building to provide a third unit.
 8. There is a dispute between the main parties as to whether or not the proposal would comprise an ancillary unit of accommodation or would otherwise constitute a new planning unit. I note that the proposed building, which would be physically separate from the original house, would contain all the necessary space and facilities such that it could be occupied independently from the main dwelling, although access to the property and external space would be shared. However, notwithstanding this, the proposal would constitute new built development which, as set out in Policy SP1, is strictly limited in a rural area.
 9. The proposed development, albeit well designed in its own right, would be a substantial building with a generous footprint and would have a suburban, domestic appearance. It would be set within the Johnson's Farm complex of buildings rather than projecting into the open countryside that surrounds the site, but would nevertheless be visible from Turkey Street, particularly from the site access. Whilst I acknowledge that from some points along the lane, the bungalow would be seen against the backdrop of an existing building, it would nevertheless add significantly to the built form on site and introduce what would appear as an additional dwelling with attendant activity. Accordingly, it would reduce the openness of the site itself and have an urbanising influence on it and on the character and appearance of the rural area.
 10. Whilst I understand that the dwelling would be positioned in the same location as a previously demolished outbuilding, I have no information regarding the size or use of this building and am unconvinced the impact of the development would be comparable to it. I also note the existing landscaping which would partially screen the development from view, and I acknowledge the appellant's willingness to undertake additional planting. However, planting would take some time to become established and, in any event, would not be a permanent feature.
 11. My attention has been drawn to nearby farmsteads which contain outbuildings, although there is limited information before me about these sites. From all that I have seen, I am unconvinced that these sites are so extensively built up as the appeal site would be if the proposal were allowed. Accordingly, they are not directly comparable with the appeal site and do not justify the proposal which, in any event, I have treated on its own merits.

12. The appellant acknowledges that the site does not lie in accessible location with regard to services and facilities. The dwelling would not be isolated in physical terms and I acknowledge the appellant's point that as the site would be occupied by members of an extended family, the nature of communal living and shared care could result in potentially shared trips, which would reduce the number of journeys than might otherwise be necessary. However, given the variety of ages of occupants of the site, and therefore their different educational, employment, medical and social needs, I am unconvinced that any benefits in this regard would outweigh the disadvantages in terms of accessibility. Moreover, the proposal would not contribute to the sustainability of the wider community.
13. I acknowledge that the proposal may improve the general well-being of family members in terms of care, would enable the appellant to continue to live at the site and would provide accommodation for additional members of the family who currently live elsewhere. However, I am unconvinced that similar benefits would not be achieved by the existing accommodation on site and/or the proposed change of use of the ground floor of an existing outbuilding for which permission has already been granted. Furthermore, I have no specific details of any particular personal needs which would be met by the proposal. Accordingly, the private benefits of the scheme carry limited weight.
14. I have been directed to examples of ancillary buildings approved in the local area. However, I do not have the details of these applications before me to determine whether the circumstances were the same as those at the appeal site. Furthermore, it appears they were determined prior to the adoption of the Wyre Local Plan. In any event, I have determined this appeal on the merits of the case.
15. Accordingly, for the above reasons, the proposal would harm the character and appearance of the site and would not contribute positively to the physical or environmental character of the area. In addition, as set out above, the site would not be in an accessible location relative to services and facilities.
16. As such, the proposal would be contrary to Policies SP2 and SP4 of the Wyre Local Plan (February 2019) which together seek to promote sustainable development and protect the countryside against development that harms its rural character.
17. The Council, in its decision notice, has referred to Policy CDMP3 of the Local Plan which refers to matters of design. Given that the design of the proposed building is not in itself inappropriate, I find no conflict with this policy.

Conclusion and Recommendation

18. On the basis of the evidence before me, there are not the substantial public benefits necessary to outweigh the harm caused by the proposal, as set out in Policy SP4. Furthermore, the private benefits stated carry limited weight for the reasons set out and, whilst I have taken them into account as a material consideration, they do not outweigh the conflict with policy I have identified.
19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR



Appeal Decision

Site visit made on 19 November 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/U2370/D/19/3231386

Delamere, Garstang Road, Bilsborrow, PR3 0RE

- 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 Mrs Victoria Longworth against the decision of Wyre Borough Council.
 - The application Ref 18/01166/FUL, dated 2 December 2018, was refused by notice dated 28 May 2019.
 - The development proposed is retention of rear balcony railings and provision of screen.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is taken from the Council's Decision Notice rather than the planning application form, as it provides a more concise description of the proposal.
3. The balcony railings have already been installed and the proposal is therefore retrospective in nature.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy.

Reasons

5. The appeal balcony is in a raised position at first floor level, above an existing flat roof single storey extension. It occupies the full width of the property and is positioned next to the boundary with the adjoining dwelling at Lynden House.
6. The gardens to both Lynden House and Delamere are long and narrow in shape and are relatively private spaces bounded by timber fences. The balcony is positioned above the height of the boundary fence and allows for views over the vast majority of the rear garden to Lynden House. This results in a level of overlooking significantly in excess of that which would otherwise be available from the rear first floor windows. The balcony is also large enough to accommodate a table and chairs, which would encourage its use over extended periods of time. In my view, the presence of this balcony is intrusive to users of the adjoining garden and it significantly undermines its privacy.

7. A glazed privacy screen is proposed along the boundary with Lynden House with a 1.5 metre return along the balcony's western edge. However, even with this privacy screen in place, anyone standing or sitting on the southern part of the balcony would still have clear views over the garden to Lynden House.
8. My attention has been drawn to an existing rear balcony to the neighbouring dwelling at the post office. However, that property extends significantly further to the rear than either Delamere or Lynden House. Accordingly, views from its rear balcony over neighbouring gardens are more restricted. In this regard, it is not directly comparable to the appeal proposal and does not result in overlooking to the same extent.
9. Separately, any overlooking to the dwelling at the post office could be mitigated by the installation of a privacy screen along the southern edge of the balcony. The garden/decking area to No 1 Oak View is also further away and viewed at a more oblique angle. However, that does not alter my concerns in relation to Lynden House.
10. For the above reasons, I conclude that the development significantly harms the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy. It is therefore contrary to Policy CDMP3 of the Wyre Local Plan (2019), and guidance contained in the joint Extending Your Home Supplementary Planning Document. This policy and guidance seek to ensure, amongst other things, that new development has an acceptable impact on neighbour amenity, and that new balconies do not cause a significant loss of privacy.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

Committee Report

Date: 05.02.2020

Item Number	01
Application Number	19/00607/FULMAJ
Proposal	Erection of 14 affordable dwellings
Location	Land At Ormerod Street Thornton Cleveleys FY5 4HU
Applicant	CFM Consultants Ltd.
Correspondence Address	New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR United Kingdom
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Rob McKillop

1.0 INTRODUCTION

1.1 This application is before planning committee as a previous scheme at this site was considered by Planning Committee in April 2018. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is an elongated parcel of land situated to the north of Ormerod Street and The Stables, Thornton. The site is within the settlement boundary and covers an area of approximately 0.43ha. The site slopes gently from west to east and is bounded by residential properties to the south. To the west is an undeveloped area which has been approved for new allotments under permission 14/00016/LMAJ (redevelopment of Poolfoot Farm Training Complex). To the north lies the Fleetwood Town FC Training Ground which accommodates 16 pitches, car parking and a groundsman's compound enclosed by green mesh fencing. Part of the site is located within Flood Zone 3 (the highest flood risk).

2.2 The southern boundary of the site is marked by fencing with some shrubs separating the site from dwellings to the south. The neighbouring dwellings are a mix of traditional Victorian terraces and more recently constructed detached two and two and a half storey dwelling houses. The dwellings to the south on Heys Street have small back yards that are bounded by fences and walls running alongside the access alleyway. A public right of way (PROW) crosses the site.

3.0 THE PROPOSAL

3.1 The application seeks full permission for the erection of 14 affordable dwellings to be served by a new access off the access road to the Fleetwood

Training Ground. The dwellings would be for affordable rent. The development would comprise semi-detached properties with four units on the southern side of the proposed access road and 10 units on the north side. 8 x 3 bed dwellings and 6 x 2 bed dwellings are proposed. The access road would provide access to land to the west (parking for new allotments as part of the Poolfoot Farm complex).

4.0 RELEVANT PLANNING HISTORY

4.1 16/00514/FULMAJ - Erection of 17 affordable houses (two storey, arranged in pairs and a terrace), formation of new vehicular access taken from football club access road (off Ormerod Street) and associated works. Withdrawn 30.08.2016

4.2 17/00320/FULMAJ: Erection of 17 houses and associated works (Re-submission of 16/00514/FULMAJ). Refused by Planning Committee and Dismissed at Appeal.

4.3 14/00016/LMAJ: New community complex and training ground for Fleetwood Town Football Club comprising 15 grass sports pitches, 1 3G pitch with flood lighting, protective netting, vehicular accesses off Butts Road, Ormerod Street and Gamble Road, erection of clubhouse, changing room building, groundsman compound, car parking facilities, 23 allotments, attenuation pond and associated fencing and landscaping. Permitted.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

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

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP7 - Infrastructure & Developer Contributions
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure

5.1.3 National planning policy allows local authorities to confirm their annual five year housing land supply through the publication of an Annual Position Statement (APS). In line with the process established by National Planning Practice Guidance, the Council published the APS to the Planning Inspectorate on 31 July 2019. The Planning Inspectorate has considered the evidence and representations submitted.

The Planning Inspector's report confirms that Wyre has a 5 year housing supply of deliverable housing sites for one year, i.e. until 31 October 2020. The APS forms the most up to date position on the five year housing land supply.

5.2 OTHER MATERIAL CONSIDERATIONS

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

5.2.2 The following sections / policies set out within the NPPF are relevant to the determination of this application:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places

5.3 OTHER GUIDANCE

- National Planning Practice Guidance (NPPG)
- WBC SPG4 Spacing Guidance for New Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 LCC (HIGHWAYS) - no objections subject to conditions.

6.2 LCC (EDUCATION) - no contribution towards education provision is required.

6.3 LANCS FIRE AND RESCUE SERVICE - Has referred to standing advice and buildings regulations.

6.4 LCC (LEAD LOCAL FLOOD AUTHORITY) - No response to date

6.5 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - has no objections subject to conditions.

6.6 ENVIRONMENT AGENCY - The Environment Agency has no objections subject to the proposed development proceeding in strict accordance with the submitted Flood Risk Assessment.

6.7 UNITED UTILITIES - no objections subject to conditions.

6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - no objections in principle subject to conditions.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - no objections subject to conditions.

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - has no objection subject to conditions.

6.11 WBC ENVIRONMENT (PARKS AND OPEN SPACES - GI) - Confirmed the required sum for an off-site financial contribution towards public open space to be provided in lieu of on-site provision.

6.12 WBC ENVIRONMENT (PARKS AND OPEN SPACES - TREES) - Referred to comments on the previous application that remain applicable.

7.0 REPRESENTATIONS

7.1 One public comment in support of the scheme has been received which states that the application provides much needed affordable housing by a local and reputable developer.

7.2 Ten public comments have been received raising the following points of objection (summarised):

- Residential development on this site has previously been refused and previous objections should be considered against this application;
- The previous decision, including appeal dismissal, should be taken into account;
- The land forms part of the area associated with Fleetwood Town FC's Training Facility and land to the west of the site is proposed to be allotments for the community;
- The application states that hedgerows to the site would be bolstered although, in contrary, they have been fully removed;
- A 2.5m acoustic fence was considered necessary to mitigate against noise under the previous scheme and this is not shown on the current plans;
- The proposed layout does not accord with the separation distances set out in the Council's Design Guide and are too close to properties at The Stables (to the south);
- The reasons forming the previous refusal have not been overcome therefore the application should be refused again;
- Residents on Ormerod St have no off road parking. The site is used for overflow parking for the training ground during busy times and the development would result in additional parking problems for local residents and more parking/management is required to meet the additional need;
- LCC Highways objected to the initial plans however now raise no objections, ignoring issues raised in their first response;
- The maps are not up to date;
- The pond will be impacted upon;
- The development will lead to impacts on neighbours including overshadowing, lack of privacy and noise and this affects people's right to enjoy their own property;
- The area should be developed for allotments as set out the on the approved Poolfoot plans;
- The traffic is already affecting the road surface and increases the traffic past nearby schools.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 The scheme has been through several revisions to address concerns in respect of the layout, highway safety and parking.

9.0 ISSUES

9.1 The main planning issues are:

- Principle of development and Policy compliance
- Visual Impact / Design
- Impact on residential Amenity
- Highway Safety
- Drainage and Flood Risk
- Ecology
- Trees and Landscaping
- Developer Contributions

Principle of development and Policy compliance

9.2 The site is an undeveloped parcel of land within the settlement boundary of Thornton and residential development in this area is acceptable in principle in accordance with Local Plan Policies SP1 and SP2 subject to compliance with other development plan policies. It is also acknowledged that the proposal is for 14 affordable houses which would contribute towards meeting the affordable housing need within the borough and should be afforded significant weight.

Visual Impact / Design

9.3 The application proposes 14 dwellings which would be arranged on the site in the form of 7 pairs of semi-detached properties which face south with the exception of Plots 1-4 which would face north with back gardens set towards the rear yards of properties along Heys Street. The dwellings would have a simple form with side facing gables and would be set with a uniform building line fronting towards the proposed new access road. Small front gardens are proposed with off street parking either to the front or set in between side elevations. As the side elevations to Plot 1 and Plot 5 would face towards Ormerod Street and would be more prominent, additional windows serving the first floor and staircase have been added to provide elevational detail and avoid any undesirable (brick) massing effect. Landscaping and planting is also proposed to the side of these plots which would further improve the appearance from this aspect.

9.4 Two off street parking spaces have been proposed for each dwelling, which are set out either between side elevations or to the front of dwellings. The proposed arrangement ensures that car parking would not dominate the street scene and would be broken up with landscaping to maintain a more open feel in the street scene. The side/rear boundary to Plot 1 would be a brick wall, with timber fence panels to the upper part which is considered to have acceptable appearance given it would feature in views along Ormerod Street. In respect of materials, a condition would be added to any permission granted to ensure the external materials are appropriate for this location.

9.5 Whilst an appeal was previously dismissed for a similar form of development at this site, it is noted that the dwellings backing on to the football training ground

have longer and wider rear gardens than the previous (refused) scheme as three less units are now proposed along this section. There is no suggestion in the noise assessment submitted that the previously proposed 2.5m high acoustic fence along the northern boundary (identified as a visual concern in the previous application / appeal decision) is required to limit noise impacts given the additional intervening distance and the longer rear gardens. As such, the 1.8m high boundary fence proposed would be less prominent and appear as a more typical boundary feature, whilst also improving the amenity value of the rear gardens for future residents compared to the previous (refused) scheme, with a reduced sense of enclosure and improved light/openness. Overall, the arrangement and appearance of the proposed dwellings would generally accord with the layout of existing development in the surrounding area and the scale of the dwellings would also be acceptable. The application is deemed to have an acceptable visual impact in accordance with Policy CDMP3 of the Local Plan.

Impact on residential Amenity

9.6 Ten public letters have been received raising various objections to the application. Some comments refer to potential noise impacts and the lack of a 2.5m high acoustic fence. Such a fence was deemed necessary as part of the previous scheme although it is noted that the density of the current scheme has reduced and the layout is also amended to allow for larger rear gardens to the boundary with Fleetwood Town FC's Training Ground. The Council's Environmental Health Officer has reviewed the submitted noise impact assessment. No objections are raised subject to the mitigation measures set out within the report, including glazing, trickle vents and fencing, being secured by way of planning condition. A condition would be attached to any permission granted to secure the required mitigation measures and on this basis, the application is deemed to have no unacceptable impact in terms of noise.

9.7 In respect of other objections raised, public consultation has been undertaken via letters, a site notice and a newspaper advert. Given the proposal has changed from the previous application (refused under 17/00320/FULMAJ), any previous concerns may no longer be relevant and cannot be given weight. All public comments raised in relation to the current application have been considered in the application process. A site visit has also been undertaken to check the accuracy of the plans and potential impacts.

9.8 In respect of separation distances, the Council's SPG4 sets out that facing front elevations, as well as facing rear elevations, should be set a minimum of 21m apart. The proposed rear elevation of Plots 3 & 4 would be approximately 18.8m away from the facing rear elevations of the nearest properties along Heys Street. It is, however, noted that these properties would be at a slanted angle and the minor shortfall in separation distance would not result in any significant overlooking or overshadowing impacts. The front elevation of Plots 11, 12 & 13 would be more like 20.8m away from the rear elevations of the nearest properties along The Stables (to the south of the site). This is not considered to represent a material shortfall and there would be no significant reduction in privacy or overshadowing to existing properties. The separation distance between other existing properties would typically exceed the distances set out in SPG4 and would not result in any significant conflict with this guidance. As such, no unacceptable overlooking, overshadowing or overbearing impacts would arise.

9.9 The proposed dwellings front towards the proposed new road. The relatively straight building lines would ensure that the rear gardens would not be directly

overlooked by neighbouring properties and these gardens would be suitably sized, in accordance with SPG4, and would allow good amenity value to future occupiers.

9.10 In response to other objections received, the proposal allows for access through the site and would not prevent the land to the west of the site from being developed as an allotment (as approved under a separate application). The proposal would not prejudice the delivery of an allotment in the future although this is a separate proposal to the current application. The loss of a view is not a material planning consideration.

9.11 Overall, the development is considered to have no unacceptable impacts on residential amenity in accordance with Policies CDMP1 and CDMP3 of the Local Plan.

Highway Safety

9.12 The application details have been reviewed by LCC Highways. It is noted that the scheme has been revised during the application process to overcome initial concerns raised by LCC Highways. LCC Highways has subsequently confirmed that the revised scheme would not result in a severe impact on highway capacity or congestion in the immediate vicinity of the site.

9.13 The proposed plans show a service strip either side of the carriageway which would become an adopted highway. A turning head is proposed at the western end of the site and there would be adequate visibility at the junction with Ormerod Street. Off-site highway works, including tactile paving to crossings and works to the site access have been requested by LCC Highways and these would be secured by way of planning condition.

9.14 It is noted that some objections were raised in respect of parking issues and congestion along Ormerod Street, where existing residents do not have off street parking. Whilst the application site may currently offer some opportunity for off-street parking in its present state, this is an informal use of the undeveloped area, and only appears to be used during particularly busy times. The proposed dwellings would have two off street parking spaces each which would meet the required provision for off street parking. There are larger car parks within the Poolfoot Training complex for visitors and whilst existing properties along Ormerod St and nearby roads do not benefit from off street parking, the development itself would not have any significant impact on parking in the surrounding area. Furthermore, the creation of 14 dwellings is considered unlikely to result in a significant increase in terms of vehicle movements or additional traffic in the vicinity. It is considered that the development would not lead to any significant impact on the surrounding highway network.

9.15 Overall, the application is not considered to have an unacceptable impact on highway safety and the scheme would accord with Policy CDMP6 of the Local Plan.

Drainage and Flood Risk

9.16 In terms of flood risk, the application site lies within Flood Zone 3 which is the highest risk of flooding, however it is noted that the site is at very low risk from river and sea flooding and only a small part of the eastern extent of the site is currently defined as being at high risk from surface water flooding as shown on the Environment Agency's Flood Risk maps.

9.17 The Council's Drainage Engineer has reviewed the submitted details and has raised no objection in principle. Additional details have been sought in respect of land levels, surface water, percolation testing and rainwater harvesting. Whilst floor levels would need to be raised above existing levels given the flood zone 3 constraint, the agent has confirmed that there would be no changes to the existing site levels and conditions would be attached to any permission granted to secure suitable drainage details for further assessment and to ensure no change to existing site levels.

9.18 The Environment Agency (EA) have also been consulted on the application and have advised that the submitted Flood Risk Assessment (FRA), including mitigation measures identified (including finished floor levels of 5.35m AOD), demonstrates that the proposed development would be safe without exacerbating flood risk elsewhere. This is on the basis that the proposed flood risk mitigation measures are implemented and these measures would be secured by way of planning condition.

9.19 Given the position of the site within Flood Zone 3, a sequential test is required for the proposed new dwelling. The NPPF (Para 157-159) states that a sequential test must be applied with the aim of steering development to areas with the lowest risk of flooding, and where necessary, the Exceptions Test should be applied. Policy CDMP2 of the Local Plan is in accordance with this stating 'where development is proposed in areas at risk of flooding, unless specifically proposed in this Local Plan, it must be demonstrated the at the Sequential Test has been applied and there are no reasonable available alternative sites at lower risk, considering the nature of the flooding and vulnerability of the development.'

9.20 A sequential test has been submitted by the applicant, covering the Thornton/Cleveleys area only in terms comparator sites, as the scheme is for affordable units to meet a demand within this area. For residential development, in some cases, the Council may wish to apply both site capacity and site size parameters'.

9.21 The submitted sequential test has included consideration of comparator sites that are 10% larger or smaller than the application site in terms of area which would accord with the Council's guidance. It is considered that as the application would meet a local affordable housing need, a borough wide search would not be required for this application. The submitted sequential test has considered the most recent Housing Land Monitoring Report, Strategic Housing Land Allocations Assessment and sites marketed by land agents in a search for comparator sites. Whilst there are a small number of sites in Thornton, these are either smaller or larger than the required site area and would not, therefore, be suitable to accommodate the proposed development. On this basis, the application is considered to pass the flood risk sequential test and there no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

9.22 In accordance with the NPPF, where the sequential test has been passed, the exceptions test applies to sites classified as more vulnerable development. For the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk and the development must be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The submitted exceptions test outlines the sustainability benefits of the development and social benefits associated with the provision of affordable housing in this location, which has good links to

services and public transport amongst other things. The Local Planning Authority accepts these factors as benefits to outweigh any flood risk harm. The submitted Flood Risk Assessment (FRA) has been deemed by the Environment Agency to demonstrate that the development will be safe without exacerbating flood risk subject to the proposed flood risk mitigation measures. As such the exceptions test is considered to be passed. Overall, the application is considered to have no unacceptable impact on flooding and drainage and would accord with Chapter 14 of NPPF, the National Planning Policy Guidance 'Flood Risk and Coastal Change and Policy CDMP2 of the Wyre Local Plan.

Ecology

9.23 There is a pond to the east of the site opposite Ormerod St within the Poolfoot Farm complex which would not be affected by the proposals. Greater Manchester Ecological Unit (GMEU) has been consulted on this application and they have confirmed that the submitted ecological survey, albeit undertaken in 2016, is likely to remain valid. The survey identified a number of precautionary measures during construction and GMEU has recommended that these measures are incorporated into a condition. A condition was also recommended to secure biodiversity enhancements at the site. No unacceptable impacts have been identified and overall, subject to suitably worded conditions, the application would have no unacceptable impact in terms of ecology.

Trees and Landscaping

9.24 A public objection was raised in relation to the loss of hedgerows. A plan has been submitted showing the areas of tree cover to be removed and the Council's Tree Officer has confirmed that these areas have low retention value. The Tree Officer has also noted that although the submitted landscape plan includes locations and species of replacement trees to mitigate against any loss, more details are required to identify a schedule and specification. Some existing trees would be retained as well as the hedgerow to the southern site boundary which would be maintained and supplemented with new hedge planting. Suitable details of replacement landscaping features to mitigate against the loss of trees would be secured by way of planning condition to ensure the application has an acceptable impact in respect of the trees and landscaping.

9.25 On this basis, it is considered that the application would not have any significant detrimental impact on trees or landscaping features at the site.

Developer Contributions

9.26 Lancashire County Council Education Authority confirmed in their July 2019 response that no education contributions are required in respect of the development proposed. An up-to-date assessment will be requested and reported to Planning Committee on the update sheet.

9.27 In terms of affordable housing, this is a greenfield site within Thornton which would usually command an affordable housing provision of 30% as set out in Policy HP3 of the Local Plan. The proposed scheme is for 100% affordable housing (all for affordable rent) which would be secured by a S106 legal agreement. Policy HP2 of the Local Plan 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) which in this case is the May 2018 Addendum 3 Supplementary Note setting

out a need for 38% 1 and 2 beds, 43% 3 beds and 19% 4+ beds. The proposed development would provide 6 (approx. 43%) 2 bed dwellings and 8 (approx. 57%) 3 bed dwellings. Whilst this is not strictly in accordance with Policy HP2, provision of smaller properties, including 2 and 3 bed dwellings, would generally be in accordance with the SHMA evidence.

9.28 Policy HP9 of the Local Plan requires development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site. Where appropriate, the Council will accept a financial contribution towards improving the quality and accessibility of nearby existing green infrastructure. In this instance the submitted plan does not provide any on site provisions for Green Infrastructure / open space. The Council's Parks and Open Spaces Officer has advised that a financial contribution to the existing facility at King George's Playing Field in Thornton would be acceptable in lieu of on site provision given its relative proximity (within 1km). The required contribution, based on the development proposals, has been calculated at £17,367.00 and this would be secured by a S106 legal agreement. It is considered that this would be acceptable in respect of Policy HP9 of the Local Plan.

Other Matters

9.29 No objections were raised by the Council's Land Contamination Team subject to a condition for a further site investigation to be undertaken in relation to potential land contamination prior to development and any remediation measures undertaken if required. On this basis, the application would have no unacceptable impact in terms of land contamination.

9.30 A condition is recommended to secure electric vehicle recharging points in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

9.31 Part of the site is identified as Green Infrastructure in the Wyre Local Plan (2011-31) and Policy CDMP4 sets out, amongst other things, that development should demonstrate that it would not result in a loss of function of the Green Infrastructure site, the impacts can be mitigated against, a network of green spaces is maintained or the site is surplus to requirements. The financial contribution towards St George's Playing Field would mitigate against what is essentially a small loss and it is deemed that the Poolfoot Farm Site (the bulk of this Green Infrastructure designation) would not suffer any loss of function. On the basis that a connected area of green spaces would be maintained, it is deemed that the proposals would not result in any conflict with Policy CDMP4. Whilst not an issue raised in the previous application, Sport England has been consulted on the application to ensure they are satisfied there would be no prejudice from the development to the function of the adjacent sports pitches. Any comments received will be reported on the committee update sheet.

10.0 CONCLUSION

10.1 The principle of development is acceptable and the proposals would not result in unacceptable impacts in respect of visual and residential amenity, highways safety, flooding, and drainage. All other material impacts have been assessed and found to be acceptable and overall, subject to conditions and a legal agreement, the proposed development is considered to be acceptable.

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 That the application above be APPROVED under the provisions of the Town and Country Planning Act 1990, subject to the conditions set out below and subject to a section 106 legal agreement to secure the site as affordable housing and to secure an appropriate financial contribution towards green infrastructure, and that the Head of Planning Services be authorised to issue planning permission upon satisfactory completion of the S106 agreement.

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 08.07.2019 including the following plans/documents:

- Location Plan Drg No.GA/04627/001, received by the Local Planning Authority on 10.12.2019;
- Proposed Site Plan Drg No.BH/04307/005 Rev M, received by the Local Planning Authority on 11.12.2019;
- Proposed Site Layout Plan Drg No.BH/04307/006 Rev F, received by the Local Planning Authority on 17.01.2020;

- Elevations and Plans Plots 1 and 2 Drg No.BH/04307/025 Rev A, received by the Local Planning Authority on 10.12.2019;
- Elevations and Plans Plots 5 and 6 Drg No.BH/04307/026 Rev A, received by the Local Planning Authority on 10.12.2019;
- Elevations and Plans Plots 3,4,11,12,13 and 14 Drg No.BH/04307/027 Rev A, received by the Local Planning Authority on 10.12.2019;
- Elevations and Plans Plots 7,8,9 and 10 Drg No.BH/04307/028 Rev A, received by the Local Planning Authority on 10.12.2019;

- Tree Protection Plan Drg No.BH/04307/007 Rev G, received by the Local Planning Authority on 22.01.2020;
- Proposed Boundary Treatment Plan Drg No.BH/04307/008 Rev E, received by the Local Planning Authority on 10.12.2019;
- Proposed Landscaping Drg No.BH/04307/009 Rev C, received by the Local Planning Authority on 17.01.2020;
- Tree Removal Plan Drg No.BH/04307/010 Rev G, received by the Local Planning Authority on 22.01.2020.

- Proposed Levels Plan Drg No.BH/04307/011, received by the Local Planning Authority on 22.01.2020.

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 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).

4. The development hereby approved shall not be first occupied or brought into use until the parking / turning areas shown on the approved Proposed Site Plan (Drg No.BH/04307/005 Rev M) has been laid out, surfaced and drained. The parking / turning areas shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided 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).

5. 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 development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

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

(a) dust and dirt mitigation measures during the 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
- (h) external lighting 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

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

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

7. Prior to the first occupation of the dwellings hereby permitted the boundary treatment shall be completed fully in accordance with the details shown on the Proposed Boundary Treatment Plan Ref: BH/04307/008 Rev E. The boundary treatments shall be retained in accordance with these approved details thereafter.

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).

8. Prior to first occupation of the development hereby approved, the noise mitigation measures set out in Chapter 5 (Conclusions - Paragraphs 5.2 and 5.3) of the supporting Acoustic Assessment [Doc No.1355-3 dated August 2019] shall be implemented in full. The approved noise mitigation measures shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

9. 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.

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 separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

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

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities

- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development has an acceptable environmental and biodiversity impact in accordance with Policy CDMP4 of the Wyre Local Plan (2011-31).

11. 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 .

12. Prior to commencement of the development hereby approved, a scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall be agreed in writing by the local planning authority prior to first occupation) and shall be retained thereafter.

Reason: To ensure that appropriate biodiversity enhancement measures are incorporated into the proposed development in accordance with the NPPF and Policy CDMP4 of the Wyre Local Plan (2011-31).

13. The hard and soft landscaping works shall be carried out in accordance with the approved details [Proposed Landscaping Drg No.BH/04307/009 Rev C, received by the Local Planning Authority on 17.01.2020] prior to first occupation of the dwellings hereby approved 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 5 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 NPPF.

14. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 6 of the approved Flood Risk Assessment (FRA) [REF P5868/16/01] received by the local planning authority on 08.01.2020.

The mitigation measures shall be fully implemented prior to first occupation of the development or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the NPPF.

15. No development shall take place until proposals for the recommended site investigation or pre-emptive remediation as set out in the 'Phase I Desk Study for Land at Ormerod Street, June 2017' have been submitted to and approved in writing by the local planning authority. Should any unacceptable risks be found, details of a remedial scheme and verification plan shall be submitted to and approved in writing by the local planning authority. The remedial scheme shall be implemented as approved before development begins. If, during the course of development, any contamination is found which has not previously been identified, additional measures to address it shall be submitted to and approved in writing by the local planning authority and the additional measures shall be carried out as approved.

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. Prior to the commencement of development hereby approved, a scheme for the construction of the site access and the off-site works of highway improvement [namely tactile paving at the training ground access road / junction with Ormerod Street, tactile paving at Ormerod Street / Butts Road junction and tactile paving at Ormerod Street / Heys Street junction], including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy CDMP6 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.

17. a) The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details shown on Drg No. BH/04307/011, received by the Local Planning Authority 22.01.2020.

b) There shall be no changes to the existing ground level on site, as shown on Drg ref: Topographical Survey 100915/TOP/3D, unless minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

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

18. 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).

19. The measures contained within the approved Arboricultural Impact Assessment and Tree Protection Plan (BH/04307/007 Rev G) with respect to those trees/ hedgerow(s) 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.

20. 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;

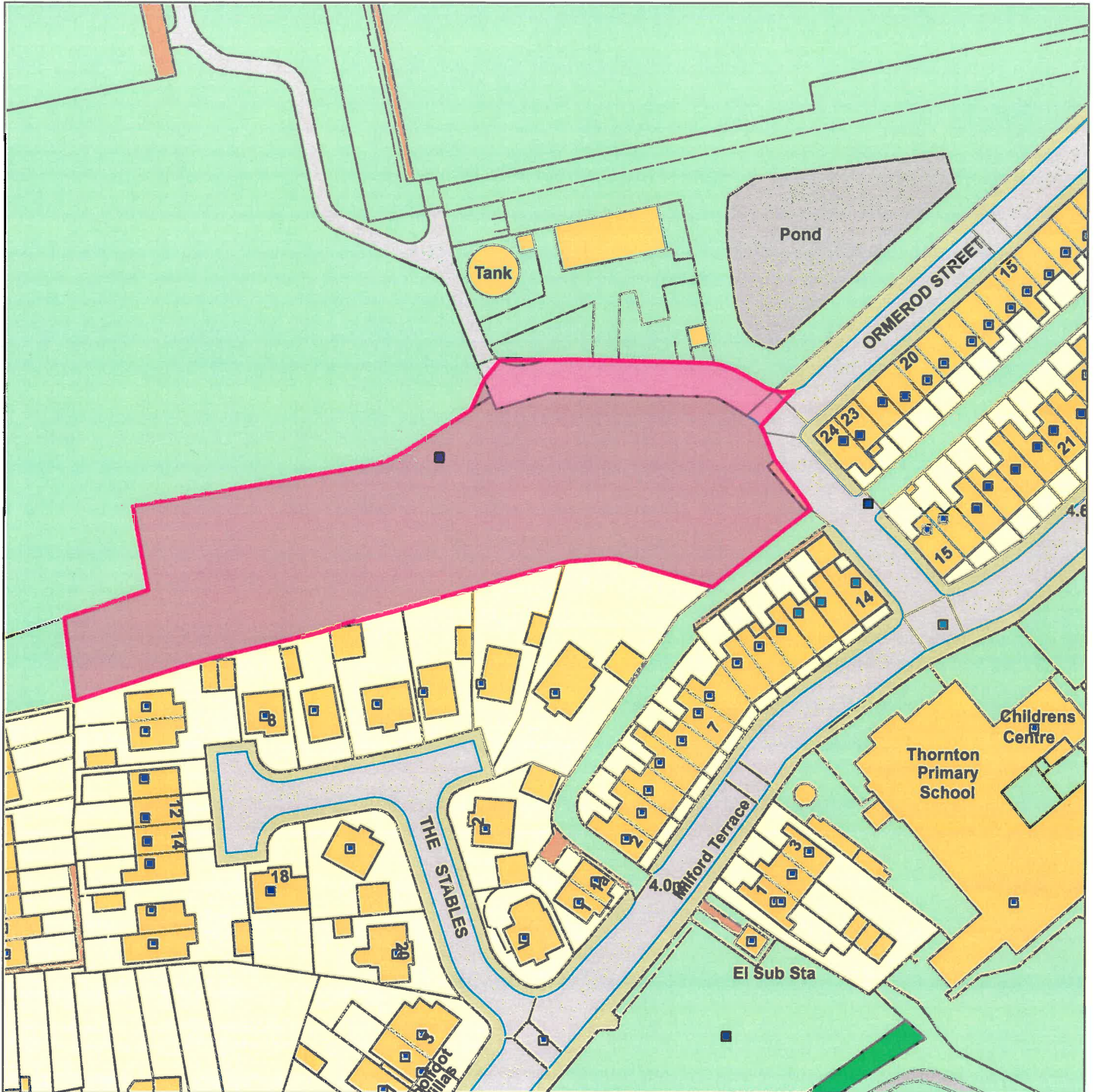
c) Means of access for maintenance and easements where applicable.

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.

21. Prior to the commencement of development, 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 shall describe Morecambe Bay and its features, explain the sensitivities of the features to recreational disturbance, and suggest how future residents can avoid damage to these areas e.g. by setting a code of conduct and suggesting alternative recreational sites; as well as a methodology for their distribution to future home owners. 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



Scale : 1:1036

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	22 January 2020
SLA Number	100018720

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Committee Report**Date: 05.02.2020****Item Number 02****Application Number** 19/01228/FUL**Proposal** Removal of existing residential caravan and erection of one dwelling**Location** Torbant Lodge Brick House Lane Hambleton Poulton-Le-Fylde Lancashire FY6 9BG**Applicant** Ms Bamber**Correspondence Address** c/o Mrs Melanie Lawrenson
5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock
Preston PR3 0PL United Kingdom**Recommendation** Refuse**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob Clewes****1.0 INTRODUCTION**

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

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a parcel of land located to the west of Brickhouse Lane and is situated in an area designated as countryside as defined by the adopted Wyre Local Plan (2011-2031) (WLP31). The existing static caravan is located to the west of the site adjacent a stable building at Torbant Farm currently unused due to fire damage. Between the caravan and the application site is the applicant's stable block. To the east of the site there is a manege, belonging to the applicant. There are nearby neighbouring residential properties with Brickhouse Farm, Brook Farm Cottage and Brook Farm to the south and Torbant Farm to the north. Access to the site is off a private driveway which connects to Brickhouse Lane to the east.

3.0 THE PROPOSAL

3.1 The proposed dwelling is situated on a piece of land to the east of the existing static caravan with its front elevation facing westwards. The property has a foot print measuring 16m by 9.8m (excluding the front porch). It has a dual-pitched gable ended roof with an eaves height of 5.03m and ridge height of 7.83m. There is an attached single storey side element which also has a gable ended pitched roof with an eaves height of 2.56m and ridge height of 5.67m. The property has a

curtilage and a rear garden that spans 10.5m back from the rear elevation. Access is to be taken off an existing driveway to the southeast which leads to Brickhouse Lane.

4.0 RELEVANT PLANNING HISTORY

4.1 10/00028/LAWE - Lawful Development Certificate for existing use of part of agricultural building as a residential dwelling and siting of a caravan for residential use. Lawful

4.2 16/00249/FUL - Construction of a fenced all weather sand arena/manege for personal equestrian use. Approved

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

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

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP4 - Countryside Areas
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- HP5 - Residential curtilages
- HP6 - Replacement dwellings in the countryside

5.1.3 National planning policy allows local authorities to confirm their annual five year housing land supply through the publication of an Annual Position Statement (APS). In line with the process established by National Planning Practice Guidance, the Council published the APS to the Planning Inspectorate on 31 July 2019. The Planning Inspectorate has now considered the evidence and representations submitted. The Planning Inspectors report confirms that Wyre has a 5 year housing supply of deliverable housing sites for one year, i.e. until 31 October 2020. The APS forms the most up to date position on the five year housing land supply.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

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

the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 SPG4: Spacing Guidance for New Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 STALMINE PARISH COUNCIL - The Parish Council were unable to provide comments due to 3 of the 5 members of their planning committee residing on Brick House Lane which was deemed to create a prejudicial interest.

6.2 LANCASHIRE COUNTY HIGHWAYS - No objections

6.3 ENVIRONMENT AGENCY - Awaiting comments

6.4 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - Pre-commencement phase 1 desk study condition requested.

6.5 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objection in principle. Foul and surface water drainage plans are required to be submitted.

6.6 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - Given the location of the site and the nature of the adjacent land uses a noise impact assessment is required.

7.0 REPRESENTATIONS

7.1 Two representations received raising objections on the following matters:

- Proposal is accessed from neighbouring land which is privately owned.
- Land forming part of the application has a restrictive covenant stating that no buildings should be erected on the land.
- There are flooding issues in the area and the development will make this situation worse.
- Impact to wildlife.
- Increase in noise and air pollution.
- Loss of views from neighbouring properties.

- Damage to driveway and property from construction vehicles.
- Loss of value of neighbouring properties.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Agent contacted over the issue of the correct certificates being completed on the application form. Agent to provide clarity.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential Amenity
- Impact on Highway / Parking
- Flood Risk and drainage
- Ecology
- Contamination

Principle of development

9.2 The application site falls in an area designated as countryside as defined by the adopted Wyre Local Plan (2011-2031) (WLP31). Policy SP4 of the WLP31 is in accordance with the NPPF by restricting development in the countryside to a limited range of appropriate rural uses, with market housing not falling within any of these identified uses. The proposal would result in the development of a new dwelling in the countryside.

9.3 Policy HP6 allows for the replacement of existing dwellings in the countryside however this would not be for a replacement dwelling, as there is not a dwelling on the site to be replaced. A Certificate of Lawfulness was granted on land to the west of the application site for the siting of a caravan for residential use in 2010 (ref: 10/00028/LAWE). This caravan is in place and is in use for residential purposes. A caravan is defined in the Caravan Sites and Control of Development Act 1960, as supplemented by sec.13 of the Caravan Sites Act 1968. The 1960 Act at sec. 29 states that "a caravan" means "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, or b) any tent". In the case of the existing caravan on site, this is a moveable structure (without foundations etc.) which falls within the definition of a caravan as set out above. Therefore even where a Certificate of Lawfulness has been granted for the use of the land to site a caravan, as is the case here, it does not necessarily follow that it is acceptable to replace it with a more permanent structure.

9.4 A certificate of lawfulness application seeks to establish whether a development has, through the passage of time, become immune from enforcement action, and therefore is considered lawful. In order to qualify for a replacement dwelling, the building to be replaced has to exhibit all the characteristics of a dwelling. It is considered that the existing residential caravan on site is not a permanent dwelling (i.e. a building) and therefore does not comply with the criteria for replacement under HP6 of the Local Plan and is unacceptable in principle.

9.5 Furthermore as the proposal does not comply with any of the exceptions identified within policy SP4 and is not required in relation to either agriculture, horticulture, forestry or other functional need, nor meet any locally identified housing need the proposal is considered unjustified development in the countryside contrary to policy SP4 of the WLP31.

9.6 In addition to the above, consideration must also be given to the location and accessibility of the site and whether it contributes to its sustainability. The site is not considered to be a suitable sustainable location for a new dwelling, as required by Policy SP2 and the NPPF. The occupants of the dwelling would be unduly reliant on the use of a private car to access shops and services. The closest settlement with some facilities and bus stops would be Hambleton, approximately 1.3m away. From the site, this settlement would be highly inaccessible on foot, both in terms of the distance and the lack of safe footways on roads which are unlit and are subject to national speed limits. It is therefore considered that the proposal would form an isolated dwelling in the countryside.

9.7 Although there is a current lawful residential use on the adjacent land with the siting of a caravan, regard should be taken to the scale and permanency of the proposed dwelling. A four bedroom dwelling is proposed, therefore considered to be a large scale family home with a need for access to schools, medical services, facilities etc. It is considered that this would have a significantly greater demand for services than from the occupants of the relatively small caravan that is authorised. Therefore, this reaffirms that the isolated location of the dwelling would be unacceptable and is therefore considered to be located in an unsustainable location contrary to policy SP2 of the WLP31 and the NPPF.

Visual Impact / Design / Impact on the street scene

9.8 Policies SP4 and CDMP3 along with the provision of the NPPF require decision makers to recognise the intrinsic character and beauty of the countryside. Policy HP6 of the WLP31 outline the parameters of replacement dwellings however as it has been established that the proposal is not a replacement dwelling the provisions of this policy do not apply. Policy SP4 does not allow development that would adversely impact on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm. The proposed dwelling is predominantly one and a half storey with lowered eaves. The general design approach is considered appropriate for the area however notwithstanding this the proposed location of the proposal would result in a dwelling that would be in a more open aspect than the current position of the static caravan which is well screened by adjacent buildings. Although the general design approach is not inappropriate the proposed dwelling is substantially larger than the caravan and would result in a permanent and sizable addition to the area. Taking these factors into account the proposal would introduce a development of a permanent and significant built form which would be more visible in the surrounding area including roads, public rights of way and across open fields.

9.9 Policy HP5 of the WLP31 allows for the extension of residential curtilages in the countryside although not an existing property the principles of HP5 can be applied. The proposed curtilage is modest and not considered unreasonable in size. However it nevertheless would result in encroachment of domestic curtilage to an area of land where there currently is none and its modest size does not mitigate the harm from the overall size and location of the proposal. As such it is considered that

the proposal would result in an unacceptable impact to the open and rural character of this part of the countryside to the detriment of the visual amenity of the area contrary to policy SP4 of the WLP31.

Impact on residential Amenity

9.10 The proposed dwelling itself would benefit from appropriate levels of amenity space including a 10.5m length rear garden which satisfies SPG4 and therefore is acceptable in this regard. In addition due to the location and orientation of the proposed dwelling there will be no detrimental impact to the amenity of neighbouring properties. Although the impact to the amenity of the neighbours is considered acceptable the Council's Environmental Health Officer responsible for amenity has requested a noise impact assessment to show that the proposed development would not suffer from unacceptable levels of noise, in particular from the adjacent Torbant Farm. Although the reasoning for this request is understandable in this circumstance it is not considered necessary. This is because Torbant Farm is not a working farm but rather an equestrian centre which is considered to be less intensive. Additionally residential properties within countryside areas should expect certain types and levels of noise associated with rural activities. As such the proposal complies with Policies CDMP1 and CDMP3 of the WLP31. Concerns have been raised by neighbours over the potential loss of view from their properties however this does not fall within amenity and is not considered a material planning consideration.

Impact on Highway / Parking

9.11 The site is accessed off a private driveway which itself leads to Brickhouse Lane. LCC Highways have raised no objection to the proposal on highway safety or amenity grounds. As such it is considered that the proposal complies with Policy CDMP6 of the WLP31. In the representations received concern was raised that access was proposed to be gained from a driveway that was not in the ownership of the applicant. Whether or not the applicant owns this driveway or has a right of use is not a material planning consideration as this is a private legal matter. However the application form for the application has been submitted with a completed Certificate A, meaning that the applicant is claiming all the land within the red edge is theirs. Due to the counter claim in the representation the LPA has asked the applicant (via their agent) to clarify this matter. Should the driveway not be in the ownership of the applicant then they will be required to submit a revised certificate (Certificate B) demonstrating that notification has been given to all relevant land owners.

Flood Risk and drainage

9.12 The site lies within Flood Zone 3 and therefore a site specific Flood Risk Assessment (FRA) has been submitted. The Environment Agency have yet to provide comments on the appropriateness of the FRA however it is anticipated that these comments will be available before planning committee and reported on the update sheet.

9.13 Notwithstanding the above as the proposal is for a new build dwelling in Flood Zone 3 it should be subject to a Sequential Test (ST). No sequential test has been submitted and so it has not been proven that there are no other reasonably available sites within the borough at a lower risk of flooding that could accommodate the proposed development. As the Council does not consider the Sequential Test to be passed then it is not appropriate or necessary to move on to consider whether the Exceptions Test is passed. Taking the above into account it is

considered that the proposal fails to comply with Policy CDMP2 of the WLP31 and NPPF.

9.14 The proposal does not contain any details relating to drainage, both foul and surface water. Notwithstanding this it is considered that an appropriately worded condition requiring a drainage scheme to be agreed could be attached to any subsequent permission.

Ecology

9.15 The application site is located within a SSSI Impact Risk Zone (IRZ) as such consideration needs to be given to any potential impact to protected species. The site is located close to adjacent existing built development, to the west, northwest and south, and is not close to any potentially sensitive areas such as Biological Heritage Sites (BHS) and is over 500m from the SSSI itself. As such it is considered that there will be limited issues with regards to ecology. The site does not contain any hedges or trees which could potentially provide some habitat for wildlife. Furthermore as the land is currently used for equestrian purposes it is considered that there is little opportunity for protected species to set up habitats within or adjacent the site. As such it is considered that there will be no detrimental impact on ecological matters.

Contamination

9.16 The Council's Environmental Health Department have requested a pre-commencement condition requiring the submission of a contamination desk study. This request is considered reasonable when taking into account the nature of the site and it being adjacent other uses which could result in contamination issues.

Other Issues

9.17 The representations received raised concerns over restrictive covenants on the land, damage to neighbouring land and loss of value of neighbouring properties. None of these matters are material planning considerations and are private/legal matters between the relevant parties. As such they carry no weight in this assessment.

Applicant's Case

9.18 The applicant has outlined the reason for making the application which is due to a large amount of the neighbouring stable yard (Torbant Farm) burning down earlier this year. One of the damaged buildings is immediately adjacent to the existing caravan, and this has led to the realisation that a young family living in a caravan on a stable yard is far from ideal. For this reason, the applicant now intends to remove the caravan and erect a house for her family to live in. Whilst it is acknowledged that this would benefit the applicant it does not override the concerns identified above and the clear policy conflict of the proposal.

10.0 CONCLUSION

10.1 A Certificate of Lawfulness was granted at Brook Farm under App. ref: 10/00028/LAWE for the siting of a residential caravan on the land. Notwithstanding that a caravan is sited lawfully on that land, it would be unacceptable in principle to replace a caravan with a permanent dwelling and therefore the proposal does not comply with the criteria for replacement dwellings under HP6 of the adopted Wyre Local Plan (2011-2031). Furthermore the proposal does not meet any other of the

exceptions under Policy SP4 of the Local Plan for development in the countryside, therefore, would form unjustified development in the countryside. Additionally, by reason of its location away from a settlement, services and public transport, the proposal would form an isolated dwelling in the countryside, which would be unsustainable and contrary to the requirements of the NPPF and is therefore considered unacceptable in principle.

10.2 It is considered that the replacement of the authorised caravan with a dwelling would result in significant encroachment on the openness of the countryside, by reason of the dwelling's scale and siting over that of the caravan. There would also be further encroachment by the provision of a domestic curtilage to the dwelling, where presently there is none. Overall, it is considered that there would be an unacceptable impact on the visual appearance of this area of countryside due to the encroachment on the openness of the countryside from this proposal. This would be contrary to policy SP4 and the NPPF, which aims to protect the character and beauty of the countryside.

10.3 The application site is located within Flood Zone 3 and as it has been established that the proposal is not for a replacement dwelling a sequential test is required demonstrating that there are no other reasonably available sites within the borough at a lower risk of flooding that could accommodate the proposed development. As no sequential test has been supplied the proposal fails to meet the provisions of paragraph 158 of the NPPF.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 REFUSE planning permission

Recommendation: Refuse

1. The proposed development by reason of the location of the application site outside a defined settlement boundary and not within an adopted housing allocation would introduce residential development into an undeveloped area of countryside, and this would represent an unacceptable and unnecessary encroachment/projection into the countryside area where no justification for such development exists. As a consequence, the proposal would be contrary to Policies SP1 and SP4 of the Wyre Local Plan 2011-31 and to the provisions of the NPPF. There are no material considerations to out-weigh the conflict of the proposal with the development plan and the NPPF with respect to restricting development in the countryside.

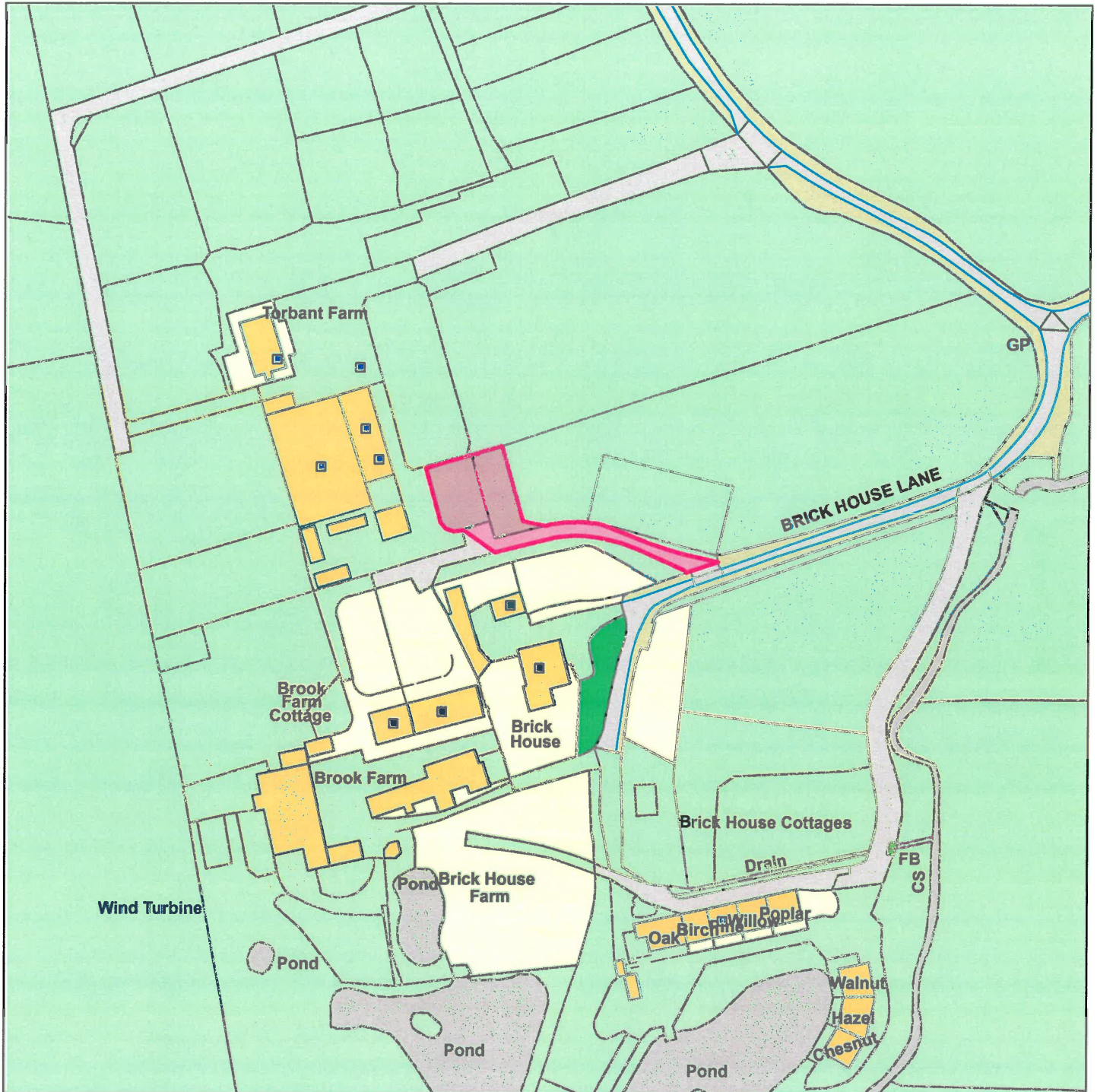
2. The application site is located within the countryside and the development would involve the creation of a residential development in a poorly accessible location detached from the nearest settlement. The site would be accessed via unlit, winding rural roads, subject to national speed limits, with no pedestrian footpaths. Future users of the proposal would be heavily reliant on the use of a private motor vehicle to access the site with no opportunity to access the site via alternative sustainable travel modes. The proposed development is considered to be sited in an

unsustainable and socially inaccessible location which would increase the need to travel by car and fail to contribute towards creating a sustainable community. The proposal is therefore contrary to locational guidance contained within the NPPF, in particular Paragraphs 8 and 102 and contrary to Policy SP1, SP2 and CDMP6 of the Wyre Local Plan 2011-31.

3. The proposed residential development, by reason of the proposal's scale, siting and provision of a domestic curtilage, would result in a reduction in the open character of the countryside which would be visually detrimental to the appearance of this area of countryside. This would be contrary to Policy SP4 and CDMP3 of the Wyre Local Plan 2011-31 and the NPPF.

4. The proposed development would constitute inappropriate development in an area at risk of flooding as the proposed application site falls within Flood Zone 3 and inadequate evidence has been submitted to show that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This would not steer development to areas with the lowest probability of flooding, thereby increasing the number of people and properties at risk from flooding and fail the Sequential Test, which is contrary to Section 14 of the NPPF and the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policy CDMP2 of the Wyre Local Plan 2011-31.

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	21 January 2020
SLA Number	100018720

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Committee Report**Date: 05.02.2020****Item Number 03****Application Number** 19/01074/FUL**Proposal** Construction of a new boarding kennels and new access**Location** Fair View Knitting Row Lane Out Rawcliffe Preston Lancashire PR3 6SX**Applicant** Jemma White**Correspondence Address** c/o Kennelbuild Limited
Miss Carla Priestley 32A Quakers Coppice Crewe Gates Industrial Estate Crewe CW1 6FA**Recommendation** Refuse**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob Clewes****1.0 INTRODUCTION**

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

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a field located on the eastern side of Knitting Row Lane, Out Rawcliffe. The site comprises of an undeveloped field with the boundaries marked by established trees and hedges. To the south of the site there is a group of well-established trees. The surrounding area is predominantly Countryside with much of the land used for agricultural purposes. The nearest neighbouring properties are Fair View to the immediate north (the applicant's residence), Ivy Cottage on the western side of Knitting Row Lane (opposite the site) and Home View situated on the eastern side of Knitting Row Lane further to the south.

3.0 THE PROPOSAL

3.1 The proposal is for the creation of a new boarding kennel business and the erection of an associated kennel building, access and parking/turning area. The proposal is to be accessed off a new access achieved off Knitting Row Lane and the building is located to the south eastern corner of the site. The building is single storey consisting of three projecting wings in a T-shaped foot print. Each wing is attached to a central entrance which provides the main access to the building. The maximum width of the building is 36.5m and a maximum depth of 26.25m. Each wing has a width of 8.6m. Each wing comprises of two elements, both with mono-pitched roofs.

The taller roof has an eaves height of 2.7m and a ridge height of 3.5m and the shorter roof has an eaves height of 2.2m and ridge height of 2.6m. The central entrance lobby has a hipped roof with an eaves height of 3.5m and a maximum height of 5.25m. The materials are to be a mix of painted blockwork, timber cladding and composite cladding for the elevations and composite cladding for the roof.

4.0 RELEVANT PLANNING HISTORY

4.1 None

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

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

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP4 - Countryside Areas
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- EP8 - Rural Economy

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

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

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

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 6 - Building a strong, competitive economy
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

- Section 15 - Conserving and enhancing the natural environment

OTHER MATERIAL CONSIDERATIONS

5.3 None

6.0 CONSULTATION RESPONSES

6.1 OUT RAWCLIFFE PARISH COUNCIL - Concerned about noise disturbance to nearby properties resulting from the operation of the kennels as the site is in a quiet rural area. Object on the grounds that there is no evidence to demonstrate the achievement of acceptable levels of noise impact through mitigation. We would at least expect to see the implementation of acoustic screening through tree planting / fencing. Also concerned about the impact of the additional traffic associated with the development on the local rural roads, which are very narrow and in a very poor condition generally.

6.2 LCC (HIGHWAYS) - No objections subject to conditions requiring parking and turning areas to be provided and applicant to enter into a Section 184 agreement for the creation of the new access.

6.3 GREATER MANCHESTER ECOLOGY UNIT

6.3.1 The report is not clear in relation to whether or not the Local Record Centre (LRC) search has been undertaken. In paragraph 2.1 it states that a biological records search from LERN has been undertaken, however within paragraph 3.4 it states that they have not been authorised to obtain records from LERN. This needs clarifying.

6.3.2 The site is located within a Sensitive Waterbird Area for pink footed geese and whooper swan which is not referenced at all within the report. The lack of reference to Sensitive Waterbird Areas suggests that a LRC search has not been undertaken. It is advised that this is undertaken as part of the application, and that further analysis and impact assessment in relation to waterbirds is made. This is especially relevant in relation to functionally linked land for the European Sites, which are designated for their waterbird assemblages. An assessment of the likely impacts on these species should be made, in relation to both the direct impact of the construction works on the site, and also further information on potential recreational disturbance which could occur, for example if dog walking/exercise, will take place outside of the proposed development site.

6.3.3 Measures are proposed to protect the designed sites from dust and noise pollution, and any planning permission which may be granted should secure these measures via a suitable worded condition.

6.3.4 Great crested newts could potentially be present on the site given the number of ponds that are located within close proximity to it. The report states in table 3 there is no suitable habitat on the site for great crested newts, however the scrub and hedgerow could potentially be suitable and detail as to why the grassland isn't suitable for great crested newts should be included. A description/HSI assessment of adjacent ponds to have been included to support the findings. Further information is therefore required here to support the conclusions. Assuming the conclusions of the report can be supported, a condition requiring a Reasonable Avoidance Method Statement (RAMS) for great crested newt would be required.

6.3.5 Work should be timed to avoid the main bird nesting season (March-August inclusive) unless it can be otherwise demonstrated that no active bird nests are present.

6.3.6 No other protected species were found to be present on the site. Measures are included to avoid harm to any mammals (such as badger or hedgehog) should they enter the site during the construction, and these should be secured through a suitably worded condition. An informative should also be used to ensure that the developer is aware that the grant of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. If at time protected species are found to be present on the site, work should cease immediately and the LPA must be contacted.

6.3.7 The report contains a number of enhancement measures for biodiversity, which is in line with the NPPF. These should be secured and adopted within the proposed development where ever reasonably possible.

6.4 LANCASHIRE FIRE AND RESCUE - Standard advice regard building control regulations.

6.5 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - No objection subject to suggested mitigation being implemented.

6.6 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - Require further information on means of foul drainage.

6.7 WBC PARKS AND OPEN SPACES MANAGER (TREES) - No objections.

7.0 REPRESENTATIONS

7.1 Two representations received in support of the application providing the following comments:

- There is a need for such facilities in the area
- There is a lack of suitable kennel in the area

7.2 Two representation received raising objection to the proposal and making the following points:

- Increase in noise disturbance impacting on neighbouring amenity
- Knitting Row Lane is not an appropriate road for this type of development
- There are at least 5 businesses offering boarding facilities within 15 minutes of the application site and there is sufficient provision
- Proposal would result in too much competition for existing businesses impacting on their trade

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Agent contacted over various matters including the submission of noise and ecology surveys and the submission of revised plans showing dedicated parking and turning areas and reduced application site boundary (Red edge). Both requested reports have been submitted and the revised plans were provided indicating the details requested by the Local Planning Authority.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential Amenity
- Impact on Highway / Parking
- Drainage
- Ecology
- Trees
- Contamination

9.2 The application site is located in an area designated as Countryside within the adopted Wyre Local Plan (2011-2031). Therefore the most relevant policy in terms of the principle of the development is Policy SP4 (Countryside Areas). Part (a) of the policy supports the diversification of agricultural businesses and Part (h) supports the expansion of business in rural areas in line with policy EP8 (Rural Economy). Parts b-g of SP4 are not relevant. With regards to Part (a) the policy allows for new development for the diversification of an agricultural business. A main consideration in this planning application is whether the proposal involves the expansion of an existing agricultural business which, should this be the case, could also be given support not only in policy SP4 (a) but also under policy EP8 (Rural Economy) that allows for the expansion of existing businesses within the countryside.

9.3 The application site is currently an undeveloped field and not used for any specific purpose and is not related to an existing agricultural enterprise. As such the proposal cannot be considered diversification of an agricultural business. Therefore the proposal cannot be supported via Part (a) of SP4. Further to the above Part (h) of SP4 allows for the expansion of business in rural areas in accordance with policy EP8 (Rural Economy). In this case the proposal involves a new business unconnected with an existing business, as such it fails to comply with Part (h) of SP4.

9.4 It is acknowledged that there are kennel businesses operating in the Borough within countryside areas, however it is nevertheless considered that the creation of this new business falls outside proposed development that is considered appropriate for a countryside area as set out in Policy SP4. Therefore the proposal is contrary to the provisions of Policy SP4 of the WLP31.

9.5 Policy SP2 of the WLP31 seeks to ensure that proposal development is sustainable and contributes to the continuation or creation of sustainable communities in terms of its location and accessibility. The site is located approximately 1.5 miles from the nearest settlement, Hambleton, but is not considered to be physically well-related to it. The nature of the road network, being single width lane in parts and not suitable for other forms of travel except motor vehicles, means that it is considered to have poor accessibility, particularly as journeys to and from the site are most likely to be made in private cars. Therefore this unsustainable location would not support a use which would potential consist of daily comings and goings from the site. As such the proposal is contrary to Policy SP2 of the WLP31.

Visual Impact / Design / Impact on the street scene

9.6 The application site is within designated countryside area, which should be recognised for its intrinsic character and beauty. Development which adversely affects the open and rural character will not be permitted. Policy SP4 of the WLP31 is relevant and states that proposals in the countryside area should respect the countryside's character and not have an adverse impact on the open and rural character. Policy SP4 does not allow development that adversely affects the countryside character. Core Development Management Policy CDMP3 (Design) requires new development to be designed to respect or enhance the character of the area.

9.7 The proposed building is large in foot print and whilst is considered single storey and relatively low profile would nevertheless form a significant development in this location. There are some established trees and hedges along the western side boundary of the field and the boundary fronting Knitting Row Lane however the building would nevertheless encroach into and erode the open and rural nature of the surrounding countryside and would have a detrimental effect upon it. Policy SP4 states the countryside should be recognised for its intrinsic character and beauty. Development which adversely impacts on openness and rural character will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that out-weigh the harm.

9.8 Although single storey the prominence of the proposed building would be visible in the wider landscape which has an open character and there would be a perception of significant development where there was none previously. As identified above although there is screening along the boundary with the road this screening would lose leaf in the winter providing greater views of the development.

9.9 The development could be mitigated somewhat by further landscaping however, planting would take some time to become established, would have to be exceptionally dense and tall to hide the development and would not be a permanent feature. In any event, screening would not overcome the actual loss of the landscape and would not make the development acceptable. The development of the land for boarding kennels would result in visual harm to the open character of this countryside location and there is insufficient justification for the building for the reasons outlined above. The result would constitute a visually obtrusive development in the countryside and would adversely impact on the open and rural character of the area. The application is contrary to Policies SP4 and CDMP3 of the WLP31.

Impact on residential Amenity

9.10 The proposal is adjacent the applicant's residence, Fair View, and near to two other residential properties, Ivy Cottage and Home View. There is the potential for noise disturbance from the operation of the proposal due to the barking of dogs. The applicant has submitted a noise impact assessment confirming that there will be an impact to the neighbouring properties and that mitigation is required in order to achieve an acceptable impact. The findings of the report have been accepted by the Council's Environmental Health officer who recommends that the proposed mitigation outlined in the report should be implemented and secured via an appropriately worded condition. It is considered that this is appropriate. Taking the above into account it is considered that the impact to neighbouring amenity is acceptable subject to the implementation of the mitigation measures proposed.

Impact on Highway / Parking

9.11 The proposal includes the creation of a new access onto Knitting Row Lane to serve the site. LCC Highways acknowledge that Knitting Row Lane is a narrow rural lane with grass verges and hedgerows on either side but that roads in the area experience low traffic volumes and the proposed increase in vehicle movements does not result in a severe impact. As such they have raised no objections to the proposal on highway safety grounds and have requested standard conditions regarding parking and manoeuvring areas. These conditions are considered appropriate. Policy CDMP6 also requires the provision of an Electric Vehicle Charging Point (EVCP) and a condition should be attached to any subsequent approval. It is considered that the proposal complies with Policy CDMP6 of the WLP31.

Drainage

9.12 The application proposes that the development is served by separate foul and surface water drainage schemes. The surface water is to be dealt with via a rainwater water collection system with the collected water to be re-used within the development. This accords with the provisions of Policy CDMP2 of the WLP31. The Council's drainage engineer raised concerns over the initial plans as the nature of the foul drainage had not been provided. A revised site plan was submitted outlining how the foul waters are to be dealt with. The foul drainage scheme is to consist of a treatment plant (Klargester) and the treated water to then be distributed into the ground via a perforated pipe network. The submission of these plans shows that there is a technical solution to dealing with foul waters and it is considered that an appropriately worded condition is required to ensure that the drainage scheme is fully compliant with policy CDMP2 of the WLP31.

Ecology

9.13 The application is supported by an ecology survey. The findings of the report state that there was no evidence of protected species and limited potential for protected species to be using the site. The report also proposes a series of recommendations in order to avoid harm to mammals which are considered appropriate. Whilst there are elements of the report which are considered acceptable the Council's ecological consultants have raised concern over other elements, in particular reference to Pink Footed Geese and Whooper Swan. The lack of reference to Sensitive Waterbird Areas suggests that a LRC search has not been undertaken. It is advised that this is undertaken as part of the application, and that further analysis and impact assessment in relation to waterbirds is made. This is especially relevant in relation to functionally linked land for the European Sites, which are designated for their waterbird assemblages. An assessment of the likely impacts on these species should be made, in relation to both the direct impact of the construction works on the site, and also further information on potential recreational disturbance which could occur, for example if dog walking/exercise, will take place outside of the proposed development site. Taking the above into account it is considered that the proposal does not comply with Policy CDMP4 of the WLP31 as insufficient information has been provided to enable the LPA to be satisfied that there will be no harm to protected species.

Other Issues

9.14 Flood risk - The application site is located within Flood Zone 1 which is considered to be at the lowest risk of flooding as such there is no requirement for a site specific flood risk assessment nor the submission of a Sequential Test.

9.15 Trees - The Council's tree officer has raised no objection to the proposal and considered that there will be no impact to adjacent trees.

9.16 Contamination - The Council's environmental health team have raised no issue with regards to the proposed development and therefore it is considered that no further assessment nor planning conditions are required for the proposal

9.17 In the representations received it was stated that there are existing kennel businesses in the area that can cater for the need and this would also create added competition that was not required. Competition is not a material planning consideration and so carries no weight in this assessment.

10.0 CONCLUSION

10.1 The application would not meet the criteria in policy SP4 and represents an unjustified and inappropriate form of development in the countryside in an unsustainable location. The proposal would also be visually detrimental to the character of the countryside area due to its significant size. Finally the proposal has failed to provide sufficient information to allow the Council to be satisfied that the proposal would not lead to harm of protected species. The proposal is therefore contrary to Policies SP1, SP2, SP4, CDMP3 and CDMP4 of the adopted Wyre Local Plan (2011-2031) and the provision of the NPPF.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Refuse planning permission

Recommendation: Refuse

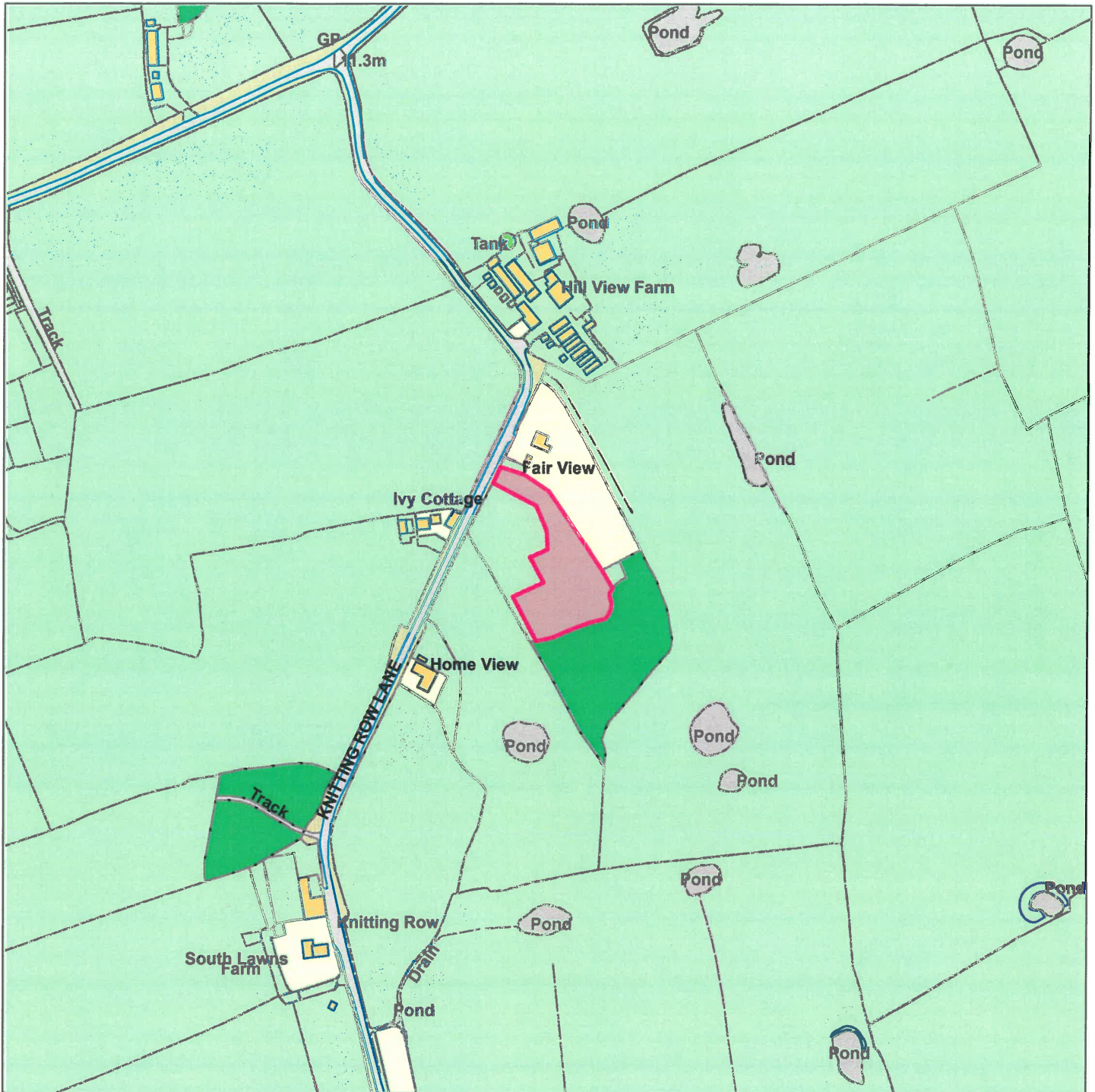
1. The proposed use would result in the creation of a stand-alone business in an area of countryside as designated in the adopted Wyre Local Plan (2011-2031). The proposed does not constitute either an expansion of an existing business or diversification of an agricultural business and is located in an unsustainable location and not well-related to the nearest settlement of Hambleton. As such it is therefore considered contrary to Policies SP2, SP4 and EP8 of the adopted Wyre Local Plan (2011-2031).

2. The proposal by virtue of its form and siting in this countryside area would introduce development into an undeveloped area of countryside and lead to an urbanising effect, and represent an unacceptable and unnecessary encroachment/projection into the countryside area which would diminish the open and rural character of the countryside. Therefore the proposal is contrary to the provisions of Policy SP4 and CDMP3 of the adopted Wyre Local Plan (2011-2031).

3. Insufficient information has been submitted to enable the Local Planning Authority to assess the proposed development with regard to Ecological matters and conclude there would be no resultant harm on protected ecology habitats and

species. The sites characteristics including its undeveloped landscape and location within a Sensitive Waterbird Area for Pink Footed Geese and Whooper Swan means the area may be of value to birds and other protected species. Furthermore Great Crested Newts could potentially be present on the site given the number of ponds that are located within close proximity to the site and a description/HSI assessment of adjacent ponds should be provided to provide clarity on this issue. In addition the Local Planning Authority as the competent authority are unable to rule out that an appropriate assessment is required having regard to the relevant Habitat Regulations. The proposal therefore fails to comply with Policy CDMP4 of the adopted Wyre Local Plan, section 15 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
Date	21 January 2020
SLA Number	100018720

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Committee Report**Date: 05.02.2020****Item Number 04****Application Number** 19/00817/FUL**Proposal** Change of use from a car sales (A1) to a hand car wash (sui generis) with new vehicular access**Location** 230 Poulton Road Fleetwood Lancashire FY7 7BT**Applicant** Mr ZAFAR KHAN**Correspondence Address** c/o Mr Robert Newman
34 Caryl Road St. Annes FY8 2QB**Recommendation** Permit**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Lowcock****1.0 INTRODUCTION**

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

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is an existing building and its curtilage, which is situated on the junction of Ribble Road and Poulton Road, Fleetwood. The site is in Flood Zone 1. There is an existing access onto Ribble Road. The building is vacant, but was last in use for car sales (A1).

2.2 The building is clad in red sheeting with windows in the elevation facing Poulton Road. There is a forecourt between the building and Ribble Road. The site has residential properties to the east and west sides, and a children's nurse on the opposite side of Poulton Road. There is a care home to the northern side.

3.0 THE PROPOSAL

3.1 The proposal is to change the use of the building to a car wash (Sui Generis). A new access would be provided off Ribble Road and the existing access closed, therefore cars would enter and exit the site at the new access. Cars would drive into the building at one end and exit at the other. No external alterations are proposed to the building itself.

4.0 RELEVANT PLANNING HISTORY

4.1 App. No: 14/00106/FUL

Retrospective application for change of use to car sales (re-submission 13/00759/FUL)

Approved

4.2 App. No: 87/01614/FUL

Alterations to front elevation

Approved

4.3 App. No: 82/00859/FUL

Replacement of existing roof

Approved

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

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

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

- SP1 Development Strategy
- SP2 Sustainable development
- SP8 Health and well-being
- CDMP1 Environmental protection
- CDMP2 Flood risk and surface water management
- CDMP3 Design
- CDMP6 Accessibility and transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

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

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

- Section 2. Achieving sustainable development
- Section 6. Building a strong, competitive economy
- Section 8. Promoting sustainable transport
- Section 11. Making effective use of land

- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change

6.0 CONSULTATION RESPONSES

6.1 FLEETWOOD TOWN COUNCIL – do not endorse the application.

6.2 LANCASHIRE COUNTY COUNCIL HIGHWAYS – no objections. Requires a Section 278 agreement for the reinstatement of the existing entrance and new kerbed access. Also requested conditions about closing the existing access and provision of a manoeuvring scheme. An informative recommended about a S278.

6.3 WYRE COUNCIL HEAD OF ENGINEERING SERVICES (DRAINAGE) – no objection. Applicant should look to recycle wastewater to reduce discharges to the combined sewer – this is not detailed in the application.

6.4 WYRE COUNCIL HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) – no objections on the basis of the submitted noise assessment. Requires conditions about the noise mitigation and no outdoor car washing or amplified sounds.

7.0 REPRESENTATIONS

7.1 Six letters of objection (one with 99 signatures), points raised:

- parking concerns
- traffic and highway safety
- questions structural stability of building
- noise issues

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Submitted noise assessment 19/11/19

8.2 Revised plans submitted 4/9/19

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on Residential Amenity
- Impact on Highway / Parking
- Drainage

Principle of development

9.2 The site is in the urban area of Fleetwood. Policy SP1 of the Adopted Wyre Local Plan directs development to within the settlements. The land is not allocated or designated for any particular purpose. It is therefore considered that the proposal would be acceptable in principle. The site would be in an accessible location close to transport networks. In this case for a car wash, it would be in a location easily

accessible by passing cars. It is therefore considered to comply with Policies SP2 and CDMP6 of the Adopted Local Plan in principle. The highways impacts are discussed further below.

Visual Impact / Design / Impact on the street scene

9.3 No external alterations are proposed to the building. An existing access would be closed and a new access created. This would not stand out as visually obtrusive in this street. Cars can already park on the forecourt areas, so it is not considered that cars using these areas would be visually unacceptable. An informative could be added so that the applicant is aware that if any advertisements are proposed, these may require separate advertisement consent.

Impact on Residential Amenity

9.4 Light/overlooking – no external alterations are proposed to the building, so it is not considered that there would be unacceptable overlooking or loss of light in connection with the proposal over the existing situation.

9.5 Noise/disturbance – a noise assessment has been provided and environmental protection have been consulted on this. They have no objections to the proposal provided that sound insulation is provided to the proposed generators. A condition would be required for the details of this mitigation to be agreed as this has not been provided with the planning application. Also, conditions would be required that no car washing or music playing takes place outdoors. The hours of operation could be conditioned to 8am-7pm every day, so as to prevent operation at unsociable hours. With these conditions, it is not considered that there would be unacceptable noise and disturbance from the proposal. It should also be taken into account that the existing use class of the building is A1 with unrestricted opening hours, where there could be activity and customer visits throughout the day. The proposal satisfies policy CDMP1 of the Wyre Local Plan.

Impact on Highway / Parking

9.6 Lancashire County Council Highways have been consulted on this application and have no objections. Conditions would be required about the provision of the new access, closure of the existing access and provision of a manoeuvring scheme (marking out). An informative could be added about a Section 278 agreement. Based on this professional advice, it is not considered that there would be unacceptable highway safety, traffic or parking issues with the proposal.

Drainage

9.7 The Council's drainage engineer has been consulted on the application and has no objections to the proposal, however, advises that the applicant should look to recycle wastewater to reduce discharges to the combined sewer. This is not detailed in the application. It is considered that to ensure that waste water is appropriately dealt with, a condition requiring a scheme for drainage to be agreed with the Council should be imposed.

Other issues

9.8 There are no implications for trees, ecology or contamination with this application.

9.9 A neighbour has raised questions about the structural stability of the building. This is not a material planning consideration, but the upkeep of the building is the landowner's responsibility.

10.0 CONCLUSION

10.1 The proposal would be acceptable in principle and the use could be conditioned. A noise assessment has been provided and on the basis of this information and subject to appropriate conditions, it is not considered that there would be unacceptable levels of noise from the proposal on residential amenity. The proposal would be visually acceptable. Based on highways advice from LCC Highways, there are no highway safety, parking or traffic concerns. All other relevant material planning considerations have been assessed to be acceptable and compliant with the NPPF and the above mentioned Adopted Local Plan Policies.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 7 August 2019 including the following plans/documents:

- DRG No. W/19/41/01 REV A
- site location plan 1:1250

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 amplified recorded or live music or sounds shall be played at any time in the outside area(s) of the application site as defined by the red edge on the approved site location plan.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

4. No washing or valeting of vehicles shall take place outside of the building in the external areas of the site as defined by the red edge on the approved site location plan.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

5. Prior to first use of the development hereby approved, a scheme of noise insulation measures for enclosures around the generators, set out in the supporting Noise Assessment submitted with the application [November 2019] shall be submitted to and agreed in writing by the Local Planning Authority and implemented as agreed. The approved noise insulation measures shall thereafter be retained.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

6. The use hereby permitted shall not operate outside the hours of 8am-7pm.

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

7. No part of the development hereby approved shall commence until a scheme for the construction of the site access is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the development.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users, in accordance with the NPPF and Policy CDMP6 of the Wyre Local Plan.

8. The existing access into the development site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Specification for Construction of Estate Roads prior to the first use of any part of the development hereby approved.

Reason: To limit the number of access points and to maintain the proper construction of the highway in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

9. The development hereby approved shall not be first brought into first use until a scheme for marking out of the manoeuvring areas and parking is submitted to and agreed in writing by the Local Planning Authority and the marking out shown on the approved scheme has been laid out. The marking out shall thereafter be retained throughout the operation of the use.

Reason: To enable vehicles to enter and exit the highway in a safe manner in the interests of highway safety and to ensure that safe manoeuvring and adequate parking areas are provided within the site in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

10. The premises and associated external area(s) included within the application site as defined by the red edge on the approved site location shall be used as a car wash only and for no other purpose.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policies SP2, CDMP1, CDMP3 and CDMP6 of the Adopted Wyre Local Plan (2011-31).

11. Prior to the commencement of development, a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be based on the principle of recycling water where practical and appropriate to reduce discharges into the combined sewer.

No part of the development shall be brought into first use until the drainage works have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

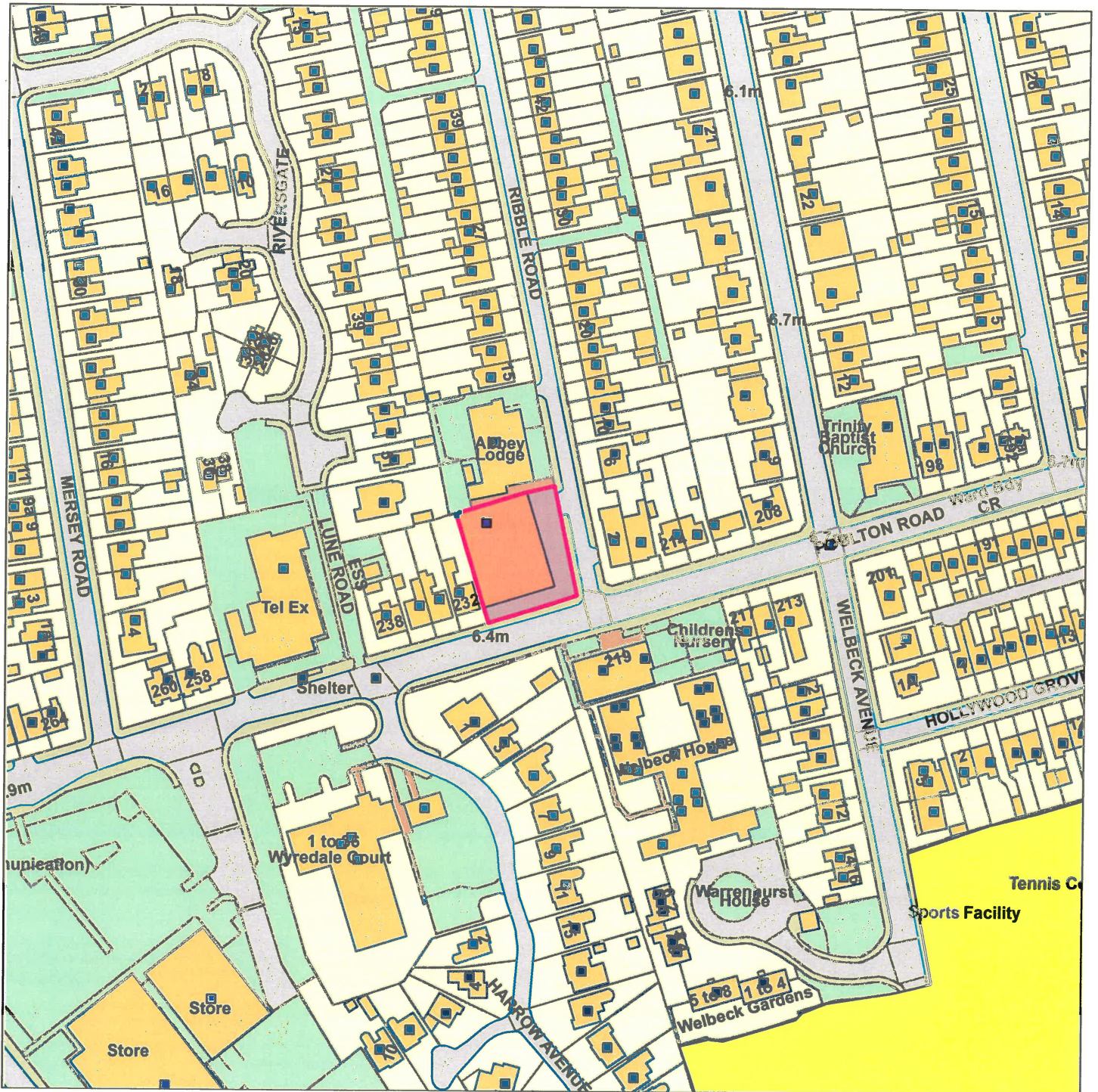
Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with policy CDMP2 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.

Notes: -

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.

2. The applicant is advised that the new and reinstatement of existing site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC Highways before works begin on site.

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 4
Date	21 January 2020
SLA Number	100018720

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