

**Committee Report****Date: 07.07.2021****Item Number 02****Application Number 20/01070/OUTMAJ****Proposal Outline application for the erection of a three storey 35 bedroom nursing home (Use Class C2) following the demolition of existing dwellings with access, layout and scale applied for (all other matters reserved (re-submission of 19/00902/OUTMAJ)****Location 29-31 Coronation Road Thornton Cleveleys Lancashire FY5 1DQ****Applicant Mr Raj Shah****Correspondence Address c/o Keystone Design Associates Ltd  
FAO Mr David Hadwin Development House 261 Church Street  
Blackpool FY1 3PB****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

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

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 29 and 31a Coronation Road comprise of 2 existing detached residential properties located on the southern side of Coronation Road approximately 50m east of the junction with South Promenade in Cleveleys. Number 29 is a detached pitched roof bungalow made up of a mixture of red brick and white render with mock Tudor boarding above the front bay, contained under a red rosemary tile pitch roof. To the rear is a flat roof garage with off street parking to the side and front. Number 31a has been converted to 6 residential flats and is made up of red brick with a hipped concrete tiled roof which forms into a dual pitch towards the west and has a white UPVC clad box dormer within the southern roof pitch. This property has two separate points of access and is bound to the east; south and west by a high level close boarded timber panel fences.

2.2 The surrounding area is mixed in character. To the north is a terrace block of 6 No. 2 storey dwellings beyond which are 3 storey pitched roof apartments. Immediately to the east of the application site (adjacent to number 29) is a pair of 2 storey semi-detached dwellings. To the west of the site (approximately 17m from number 31a) is the existing 4/5 storey Morvern Care home which occupies a corner

position at the junction of Coronation Road and South Promenade and comprises of a 60 bed nursing home with parking provision to the side and rear of the building. To the south west is Grosvenor Court which is an L-shape building comprising of 17 apartments and accessed from a side street off Ellerbeck Road. Immediately to the west and continuing to the rear of the application site is an (adopted) alley which provides access to the garages and rear gardens of the dwellings which back on from both Coronation Road and Ellerbeck Road.

2.3 In term of the topography the application site is relatively flat however the levels increase modestly to the west of the site rising in gradient towards South Promenade. Coronation Road is a restricted 20mph speed limit with designated 1 hour on street parking immediately to the front of the site and double yellow lines are in situ on both sides of the highway including the side street to the west of number 31a. Approximately 300m to the north is Cleveleys Town Centre where there is an array of shops, carparks and public transport provisions. The site is located within Flood Zone 2 as identified on the Environment Agency Mapping System but is not affected by any other constraints or designations.

### **3.0 THE PROPOSAL**

3.1 This application is a re submission of application 19/00902/OUTMAJ and seeks outline planning permission for the erection of a 3 storey 35 bedroom nursing home (Use Class C2) with access layout and scale applied for (landscaping and appearance are matters reserved) following the demolition of two existing bungalows.

3.2 The proposed building is to be constructed over 3 storeys including accommodation in the roof, with a stepped hipped roof design. Adjacent to 27 Coronation Road the building is proposed to measure 8.9m in height rising to 11.6m. The footprint of the building measures approximately 29.7m in length x 19.4m in depth and has a total floor space of approximately 1416Sq.m. To the rear (south) an external landscaped/seating area and servicing yard for deliveries is proposed along with a cycle store and enclosed bin store. To the west of the building 5 off street parking spaces are proposed including 1 disabled parking space and motor bike parking provision. The plans indicate that the external materials would comprise of red rosemary tile to the roof and a mixture of timber cladding, buff brick, white K rend and dark sandstone, however as appearance is not applied for this in this outline application these materials are to be given no weight.

3.3 Internally 35 rooms are proposed. At ground floor the indicative plans show dining and lounge areas, staff room and staff accommodation, reception, treatment room, office, kitchen and 4 bedrooms. At first floor 16 bedrooms are proposed along with 2 assisted bathrooms, internal stair case and lift. At second floor 15 bedrooms are proposed with 2 assisted bathrooms, stairs and lift.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 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) (re-submission 18/00643/OUTMAJ) - Refused 5.12.2019 - Appeal Dismissed

This application was refused by Members of the Planning Committee on the following grounds:

1. 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).

2. 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).

4.2 18/00643/OUTMAJ - Outline application for the erection of a 48 bedroom nursing home (Use Class C2) (following the demolition of existing dwellings) with access, layout and scale applied for (all other matters reserved) - Refused 6.12.2018 - Appeal Dismissed

4.3 21/00502/FULMAJ (MOVERN CARE HOME) - Change of use of former residential care home (Use Class C2) to create 29 self-contained residential apartments (Use Class C3) with external alterations - Pending consideration

4.4 20/00429/FUL - Change of use of existing bungalow (No 29) into a children's care home and works to building including roof lift, single storey rear link extension and addition of pitched roof to existing garage - Permitted

4.5 00/00063/FUL - Conversion of 4 flats into 6 flats (No 31a) - Approved

4.6 99/00024/FUL - Conversion of building to 4 self-contained flats, extension and dormer window to southern elevation - 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
- 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 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making efficient use of land
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

5.3.2 Flood Risk Sequential and Exception Test Guidance

## 6.0 CONSULTATION RESPONSES

### 6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections - Advised that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Conditions suggested.

### 6.2 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.1.2 No objections subject to conditions requiring the development to be undertaken in accordance with the submitted Flood Risk Assessment (FRA), final drainage scheme to be agreed, management of surface water during construction, and final drainage management plan.

### 6.3 BLACKPOOL TEACHING HOSPITALS NHS FOUNDATION TRUST

6.3.1 Request a financial contribution of £28,036.00 towards healthcare provisions at the Trust.

#### 6.4 UNITED UTILITIES

6.4.1 No objections subject to conditions

#### 6.5 NATURAL ENGLAND

6.5.1 No observations to make

#### 6.6 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.6.1 No objections subject to full details of drainage to be conditioned. The applicant should consider reuse of surface water rather than direct discharge into the public sewer

#### 6.7 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE & AIR QUALITY)

6.7.1 No objections subject to conditions to protect the amenity of the area from impacts arising from dust, noise odour and light.

#### 6.8 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.8.1 No objections subject to a Phase 1 Desk Study contamination report being submitted

### **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report there have been 10 letters of objection received. The primary reasons for objection are:

- Reducing the 4th storey in height is not a significant change
- Parking is limited and could impact on access to nearby properties
- Lack of waste provisions
- Floor plans show very small kitchen
- Small bedrooms poor standard of accommodation
- Existing care home in poor state of repair
- Design not in keeping with the area
- Concerns regarding accommodation not being suitable for Covid
- Inaccuracies within the submitted Design and Access Statement
- Proposal fails to overcome massing scale and appearance concerns
- Loss of privacy and loss of light
- Existing Care home has closed
- Section plan is inaccurate

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

8.1 Agent asked to reduce scale, bulk and massing of the original plans as submitted which failed to address the previous concerns raised by Members of the Planning Committee and the Planning Inspector. As such amended plans have been received. The applicant has agreed to an extension of time on the application until the 8th July 2021.

## 9.0 ISSUES

9.1 The key considerations as part of this application are:

- Principle of development
- Scale, design and impacts upon the character of the area
- Impact on amenity of neighbouring properties
- Flood risk and drainage
- Highway safety and parking
- Ecology and trees

### Principle of Development

9.2 The type of development proposed is classified as specialised residential accommodation for people in need of care and falls within Use Class C2 of the Town and Country Planning (Use Classes Order) 1987 (as amended). Both the National Planning Policy Framework (NPPF) and the policies contained within the Wyre Local Plan are silent in relation to the delivery of nursing and care homes. As the development is specialised C2 residential accommodation it is not subject to the usual policy requirements for C3 dwelling houses (e.g. Affordable Housing, Public Open Space and Housing Mix). The additional 35 bed nursing home would provide specialist accommodation for the ageing population not just in Cleveleys but for the wider areas within Wyre. The Fylde Coast Strategic Housing Market Assessment (SHMA) indicates that the population of over 65+ residents is expected to grow across the Fylde Coast authorities with a projected increase of 33.8% in Wyre. The SHMA also highlights that there is particular proportional growth forecast in the 85+ age bracket, which will necessitate the provision of specialised accommodation to meet specific housing requirements. This evidence clearly provides an indication that there is a need for such accommodation to meet the demands of an ageing population. The site is located approximately 100m from the defined Cleveleys Town Centre boundary and is in very close proximity to an array of community and retail facilities with a good level of connectivity to public transport links, in particular Cleveleys bus station and Fleetwood to Blackpool tram network.

9.3 As highlighted in a number of neighbour representations, Morvern Care Home which is situated to the west of the site is currently closed. The agent has advised that extensive modifications are required in order to bring it back into use and should this application be successful then it would assist in the re-opening of the existing business and allow for its expansion and growth. As with previous applications, the proposed care home is to be run as 1 entity with Morvern Care Home. Whilst there is a pending application at Morvern Care Home to change the use of the care home to create 29 self-contained residential apartments (21/00502/FULMAJ) the agent has advised that this is being proposed as an alternative development option for the site, and if subsequently approved and decided to be implemented then the nursing home the subject of this current application before committee would not be implemented. Indeed it could not be implemented as this would be in breach of a suggested condition requiring the two sites to operate as 1 care facility (details later in this report). Section 2 (Paragraph 8) of the NPPF sets out that there are three objectives to achieving sustainable development, an economic role, a social role and an environmental role. In this instance the proposal would support the economy by providing employment opportunities (5 full time and 4 part time posts) and contribute to the social role by providing specialist care housing.

9.4 Whilst in principle the development is acceptable and satisfies policies SP1 and SP2 of the Wyre Local Plan, consideration must be given to all material considerations in the overall planning balance. The weight given to the need for the proposal in a sustainable location has to be balanced against the impacts upon neighbouring amenity, visual impacts within the street scene and any impacts from flood risk in order to determine whether or not this would be acceptable.

#### Scale, Design and Impacts upon the Character of the area

9.5 Previous applications 19/00902/OUTMAJ and 18/00643/OUTMAJ proposed a similar form of development to that which is proposed in this application and on both occasions those applications were refused by Planning Committee and subsequently dismissed at appeal by the Planning Inspectorate for reason of the building's scale and massing and resultant impact on visual and residential amenity. The most recent of these, application 19/00902/OUTMAJ for a 44 bed nursing home was refused by the Planning Committee on 4th December 2019 with the first reason being the scale, design and massing of the development would have an unacceptable visual impact on the street scene and local area, and the second reason being the resultant overbearing impact upon the amenity of the occupants on the opposite side of the road as well as loss of privacy from overlooking. The decision was appealed and dismissed by the Planning Inspectorate. Whilst the Inspector agreed that the development would be out of keeping with the character of the area, he disagreed that there would be an adverse impact on the amenity of neighbouring properties given the interface distances involved. As part of this re submission a number of amendments have been made in an attempt to address the harm identified from the previous scheme.

9.6 The key consideration for Members is whether or not the previous concerns have been satisfactorily addressed by the amendments made in this re submission. Whilst appearance is a reserved matter which does not form part of this outline application, the scale, bulk and massing of the building is to be given due consideration. The main material changes include a reduction to the overall height of the building. The building on the previous submission (ref 19/00902/OUTMAJ) was 4 storey (12.9m) stepping to 3 storey (8.9m) then stepping to 2 storey (5.5m) closest to 27 Coronation Road. The building proposed in this application is reduced to 3 storey (11.6m) stepping down to 3 storey with accommodation in the roof space (8.9m). This has reduced the development from 44 beds to 35 beds. There has been an overhaul in the design, changing it from the previous contemporary stepped flat roof appearance to a more traditional building style with a two-tier stepped hipped roof design, which is considered to reflect the character and features of the existing properties within Coronation Road. A projecting gable at the front would help break up the larger section of building. The applicant has submitted a comparison plan of the previously refused front elevation and the proposed amended elevation to assist Members in considering the changes made.

9.7 Currently the application site comprises two existing buildings which at present do not positively or negatively contribute to the character of the street scene (neutral impact). In this location house types vary significantly in terms of both design style and scale. Re-development of this brownfield site with a well-designed building could positively enhance this area of Coronation Road. Policy CDMP3 of the Wyre Local Plan requires all development to be designed to respect or enhance the character of the area. In this case an assessment of the surrounding built form is required. It is acknowledged that the buildings fronting on to Promenade South are predominantly larger and vary in scale and nature, and as the built form progresses to the west the street scenes comprise primarily of residential patterns of

development. Having regard to the surrounding built form there is the opportunity for re development of the site with a building of a design which would respect or enhance the character of the area by improving the transition between the taller buildings closest to South Promenade and the two storey houses in Coronation Road.

9.8 On the previous scheme the Planning Inspector stated that the building would be viewed as an overly dominant and incongruous addition to the street scene and its scale, bulk and massing would appear discordant with a stark visual contrast relative to the more modest scale and form of the two-storey dwellings opposite and further to the east. In this instance as the overall scale, bulk and massing of the building has been reduced and the design now takes the form of the surrounding properties it is considered to represent a more subtle transition from the larger buildings to the west to the more modest sized residential properties within the Coronation Road and will not appear as an incongruous addition to the street scene. It is considered that revised plans now demonstrate a scheme which in terms of bulk and massing would not have any detrimental adverse impacts upon the character of the area and would comply with Policy CDMP3 of the Wyre Local Plan.

9.9 As highlighted in paragraph 9.6 above, 'appearance' is not applied for at this stage. However, the plans submitted provide an illustrative representation which can be attributed some weight in assisting the assessment of the development. Visually the design provides a hipped roof pattern and each elevation is visually broken up by contrasting materials. The three flat roofed dormers located on the roof slopes of the northern and southern elevations of the lower section of the building are set back on each elevation and vertically align with the windows below. Decorative quoins are shown to each corner of the building and the projecting gable also provides some visual interest.

9.10 Internally the proposed development provides onsite 24 hour care with 35 bedrooms which comprise of a room and internal toilet facilities. Within the Development Plan and the NPPF there are no internal standards for this type of extra care accommodation. There was concern initially that the internal room layouts provided for little in the way of circulation space particularly in the bedrooms and access into and around the bathroom. Whilst not a supplementary planning guidance to the Local Plan or the NPPF the Department of Health has produced a document titled "Care Homes for Older People" National Minimum Standards. Within the document it sets out internal bedroom standards which require as a minimum 12 sqm for each service user. In this instance all of the rooms would comply with this standard along with all of the other minimum standards set out within, including dining/lounge areas, external seating provision and assisted bathrooms. This is also confirmed by the Planning Inspectorate within the appeal decision for application 19/00902/OUTMAJ.

9.11 Having taken into consideration the observation from neighbouring residents and having assessed the revised plans, it is considered the scale and layout of the development would not result in an unacceptable impact upon the character of the area and the proposal would therefore comply with Policy CDMP3 of the Wyre Local Plan and the NPPF in respect of design.

#### Impact on amenity of neighbouring properties

9.12 The second reason for refusal on application 19/00902/OUTMAJ set out that due to the scale and massing of the development and by reason of the spacing between the front elevation and the residential properties on the opposite side of the



road it would result in an overbearing and oppressive impact upon those dwellings which in turn would result in an unacceptable level of overlooking, contrary to Policy CDMP3 and the NPPF. In assessing the impacts upon the surrounding residential amenity the concerns raised by neighbouring residents and the previous concerns raised by Members of the Planning Committee in conjunction with the observations set out within the Planning Inspectors previous decision are to be given due consideration. An assessment of the impact on immediate surrounding neighbouring properties is listed below:

#### 24 - 36 Coronation Road

9.13 Supplementary Planning Guidance 4 (SPG4) sets out that front elevations should be a minimum of 21m apart in order to protect residential amenity. The submitted plans in this instance demonstrate that 21m at ground and first floor between the front elevation of the proposed development and that of the dwellings on the opposite side of the road is achieved. That said the previous refused scheme also complied with the provisions of SPG4 yet Members still had concerns about the impact upon these properties. However, the Planning Inspector in his report did not agree that at this distance there would be an unacceptable impact, stating:

"...the proposal would provide a separation distance of not less than 21m between the ground and second floors of those neighbouring properties. To my mind, the resultant separation distances to Nos. 26 to 36 Coronation Road would be sufficient to prevent unacceptable overlooking between the bedrooms of the nursing home and habitable rooms of dwellings. Furthermore, notwithstanding my previous conclusion on matters of character and appearance, the separation distances from the two to four-storey building would be adequate to ensure no unacceptable overshadowing or overbearing effects for the occupiers of the neighbouring properties".

9.14 Since the previous refusal and the subsequent appeal the building has been reduced in overall scale, bulk and massing which further reduces the impacts upon these dwellings, and the proposal continues to provide a separation distance of 21m. Therefore it is not considered to result in any adverse impacts by way of loss of privacy or overbearing impacts and would comply with Policy CDMP3 of the Wyre Local Plan.

#### 27 Coronation Road

9.15 Planning records show that number 27 Coronation Road has been converted to form 3 flats (planning application number 14/00525/FUL). Having assessed the impacts upon the side facing windows in number 27 the new development is not considered to significantly increase overbearing impacts or loss of light above and beyond that which already exist from the current building of number 29. There are side facing windows at first floor of number 27 but these serve a bathroom and a stair well. At ground floor there are 2 existing side facing windows, one of which is for a bedroom and the other is a bathroom. As the proposed building will be no closer than the existing building impacts remain unchanged upon these rooms. The windows on the east facing elevation of the building as shown on the indicative plans are to serve hallways, assisted bathroom and treatment and plant rooms. At this stage appearance is not a matter which is being applied for and as such at reserved matters stage, should Members be mindful to approve this application, any windows in this side elevation could be conditioned to be obscure glazed and non-opening if required.

#### Grosvenor Court & 34 - 30 Ellerbeck Road

9.16 From the rear elevations of number 34 Ellerbeck Road and Grosvenor Court apartments there is in excess of 21m from the southern elevation of the proposed building. This meets the required interface distances set out within SPG4 to prevent any overlooking issues. The proposal is not considered to result in unacceptable loss of light or overbearing impacts upon the amenity of these dwellings. To the south of the site is where the proposed deliveries and service yard area is to be sited. The Council's Environmental Health Officer has raised no objections to the proposal subject to conditions relating to the control of odour from kitchen extraction flues and potential noise from deliveries, these are matters which can be reasonably conditioned. Subject to conditions it is not anticipated that these properties would be adversely impacted upon by the proposed development.

#### Morvern Care Home

9.17 To the west is the existing Morvern Care home. The applicant has confirmed that the proposed building will be run and managed in conjunction with the existing care home as one entity. There would be 13.1m from the side facing elevation of the proposed building and the rear of the existing building. This distance is considered sufficient to not result in any adverse overlooking, overbearing or loss of light impacts and would comply with the 13m interface distance set out within SPG4.

9.18 The overall bulk and massing of the revised scheme has been fully assessed in relation to the surrounding properties taking into consideration the concerns raised by neighbouring residents and the observation made by the Planning Inspector. Subject to conditions requiring full details of flue extractions and control of deliveries the proposed development is not seen to result in any unacceptable detrimental adverse impacts upon neighbouring amenity and as such would comply with Policy CDMP3 of the Wyre Local Plan and the NPPF.

#### Impacts arising from flood risk and drainage

9.19 The application site is located within Flood Zone 2 as identified on the Environment Agency Mapping system. Flood Zone 2 is defined as having a medium probability of flooding. The proposed development is classified as a more vulnerable use. The application has been accompanied by a site specific Flood Risk Assessment (FRA). The Environment Agency are not required to be formally consulted on this type of development in Flood Zone 2 (their standing advice is to be applied) and whilst they were consulted given the concerns raised by local residents they have chosen not to respond. Within the FRA it sets out that the Finished Floor Levels will be maintained at 5.75m AOD and a list of precautionary mitigation measures have been set out in the event of flooding. The Council's Drainage Engineer has confirmed that the submitted FRA is acceptable and the Lead Local Flood Authority have also raised no objections subject to conditions. It is therefore considered that flood risk will not be increased as a result of this development.

9.20 Given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 157, which states that "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan

that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should then be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

9.21 It has been agreed with the applicant that as the building is to be run, managed and operated as an expansion to the existing Morvern Care Home with shared services including car parking and staff facilities (it is to be conditioned that the proposed development would be linked to the existing care home) then the geographical search area for the purpose of the Sequential Test is reduced to the Cleveleys area as opposed to a Borough wide area of search (notwithstanding this the Sequential Test submitted covers sites within the whole of the borough). In this instance alternative sites to be considered include those within +/- 10% of the site area (0.08ha to 0.12ha) as well as other sites deemed able to accommodate a 35 bedroom nursing home. The sources investigated include sites allocated in the Local Plan and those identified in the latest Housing and Employment Land Monitoring Reports and Strategic Housing Land Availability Assessment (SHLAA), as well as approaching local agents and undertaking online land/property searches. A number of potentially alternative sites are discounted because they do not fall in a lower flood risk area, or because they are not considered "reasonably available" using the criteria outlined in the Council's guidance. This is considered to be a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and therefore the application is considered to pass the Sequential Test.

9.22 The Exception Test submitted outlines the sustainability benefits to the community including the emphasis placed by the NPPF on the need to meet the increase in demand for care for the elderly. It also expands on the economic benefits of expanding the existing business and how the site lies within a highly sustainable location close to the Town Centre of Cleveleys as well as providing employment opportunities by creating 9 jobs for local people. These benefits are considered to outweigh any flood risk harm. The second part of the exceptions test requires a satisfactory site-specific Flood Risk Assessment (FRA) to be provided. The Council's Drainage Engineer has advised that based on the submitted FRA the applicant has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce the flood risk overall.

9.23 In terms of drainage the agent has confirmed that the foul and surface water drainage will be discharged to the existing combined sewer. The Council's Drainage Engineer, United Utilities and the Lead Local Flood Authority raise no objections to the proposal. To comply with the requirements of the NPPF and policy CDMP2 of the Wyre Local Plan full drainage details would need to be submitted in the event this application was approved which satisfies the hierarchy for sustainable drainage systems. This could be dealt with by condition.

#### Highway safety and parking

9.24 The proposed site plan identifies that the existing point of access to the site frontage will be changed to pedestrian access to the main reception of the building and the existing access off Coronation Road to the north west will be the main vehicular access with five allocated parking spaces marked out including one disabled bay and one bay for the provision of motorcycle parking. Observations have

been received by residents that the development would require more parking provision. Lancashire County Highways have been consulted and have advised that the proposed development will not have a significant impact upon highway safety, capacity or amenity in the immediate vicinity of the site. Policy CDMP6 of the Local Plan requires development to provide an effective and efficient transport system for the movement of people and goods from one place to another and that development is capable of being accessed and serviced safely without compromising safety elsewhere on the network. Appendix B of the Local Plan sets out the maximum car parking standards for various use classes, this requires a C2 (Nursing Home) to provide 1 space per 5 residents. This would mean that in accordance with Appendix B there would be a shortfall of 2 parking spaces, however as set out above these are the maximum spaces required. The previous application proposed five car parking spaces and one motorcycle space for 44 bedrooms which was not cited as a refusal reason, and the ratio of spaces to bedrooms in this application is an improvement on the previous situation.

9.25 LCC Highways advised in the previous application that due to the sustainable location of the site being within close vicinity to bus routes on South Promenade and Victoria Road West and with the bus station being under 200m from the site, staff and visitors to the site will be encouraged to come by bus. The tram is also within the vicinity. Staff sharing on shifts is also a common practice. There is also sufficient on street parking in the area and a number of carparks within a reasonable walking distance to the site. For these reasons a reduction in on-site car parking provision is justified. The proposed cycle store to the rear of the site will assist in encouraging sustainable travel by employees and visitors. In assessing the parking provision and impacts upon the highway network the Inspector commented on the previous application which went to appeal that any overspill parking could be accommodated without harmful impact on Coronation Road. The yard at the rear could also be suitably accessed via Ellerbeck Road or the existing access road including for deliveries and by emergency vehicles. Therefore it is considered that the development will not have any severe highway safety impacts. A number of conditions are required to be attached.

#### Ecology and Trees

9.26 The application site is free from any trees and vegetation and provides little by way of landscaping which contributes to the street scene. At this stage landscaping has not been applied for however the site plan indicates that soft landscaping is to be provided in-between the building and the proposed boundary walls. This will provide some landscaping and introduce a softer visual appearance within Coronation Road. The site is not within a sensitive biological designation however due to the proximity to the coast Natural England have been consulted and have not raised any objections or observations on the proposal. It is not anticipated that the proposed development would have any adverse ecological impacts and on this basis it is considered that the proposal accords with the aims of Section 15 of the NPPF.

#### Other Matters

#### Planning Obligations/Financial Contributions

9.27 As highlighted in paragraph 9.2 of this report the development is for specialised C2 residential accommodation and as such there is no requirement to satisfy policy HP2 of the Local Plan in terms of housing mix or adoptable homes, or provide any affordable housing or green infrastructure. As part of this application a

consultation response has been received by Blackpool Teaching Hospitals NHS foundation trust seeking a financial contribution of £28,036.00. However the Council are of the view that as there has been no published methodology behind the workings out of the contribution it would fail to comply with the Community Infrastructure Levy (CIL) Regulations. Although consulted no contributions have been sought from the NHS Fylde and Wyre Clinical Commissioning Group (CCG).

## **10.0 CONCLUSION**

10.1 Following the revised plans received during the course of the application which reduces the scale and massing of the building it is considered that the proposed care home building, as amended, would not result in any unacceptable adverse impacts upon the character of the street scene or upon the amenity of the neighbouring residents. The proposal will enable the existing nursing home to expand, provide much needed accommodation for the ageing population and also provide employment opportunities to the locality. The observations received from neighbouring residents have been considered along with the Planning Inspectors decision on the previous appeal. Members are advised that the proposal is considered to fully comply with the relevant policies of the Wyre Local Plan, SPG4 and the NPPF subject to conditions being imposed.

## **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 outline planning permission subject to conditions.

### **Recommendation: Permit**

#### **Conditions: -**

1. In the case of any reserved matter, namely landscaping of the site and appearance of the building, application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than:
  - the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed pursuant to Section 92 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 4/11/2020 including the following plans/documents:

- Site Plan and Details Drawing number AO18/074/P/01 Revision H

- Proposed Floor Plans (Revised) Drawing number AO18/074/P/04 Revision G
- Basic Street Scene and Section (Scale and Layout Only) Drawing Number AO18/074/P/03 Revision F
- Proposed Elevations (Revised) (Scale Only) Drawing Number AO18/074/P/02 Revision G

For the avoidance of doubt the approved plan details are in relation to matters of access, layout and scale only.

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

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

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

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

4. An electric vehicle recharging (EVCP) scheme shall be submitted for the development 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 bedroom shall be occupied until the electric vehicle recharging point has been provided for the nursing home, 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).

5. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, 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.

6. The premises shall be used solely as a Nursing Home (Use Class C2) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority.

7. There shall be no changes to the existing ground level on site as shown on the existing levels plan ref A018/074/S/02 unless proposed ground level changes are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity in accordance with Policy CDMP3 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 occupation 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 car park shall be surfaced or paved in accordance with a scheme to be submitted and approved in writing by the Local planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the first occupation of the development hereby permitted. The approved details shall be retained and maintained thereafter.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

10. 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
- (k) measures to protect watercourses against spillage incidents and pollution

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

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

11. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

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

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy CDMP1 of the Wyre Local Plan.

12. The use hereby approved shall not commence until a scheme for the control of odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use and thereafter maintained in good working order at all times.

Reason: Such details were not submitted with the application and are necessary to minimise the risk of pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. The development hereby permitted shall be designed so that the rating levels for cumulative noise from all noise sources associated with the development shall not exceed the existing background noise level (LA90) [when measured as an LAeq,15 min in any one third octave band at the external façade of nearby noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent replacement national standards.

Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy CDMP3 of the Wyre Local plan and the National Planning Policy Framework.

14. There shall be no deliveries or collections of goods (including waste) to or from the use hereby permitted between the hours of 22:00hrs and 07:00hrs on Monday to Saturday, or at any time on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP3 of the Wyre Local plan

15. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) November 2020 and the mitigation measures detailed within Section 9 of the FRA.

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 National Planning Policy Framework.

16. The use of the premises shall be restricted to use (solely) in association with the existing Nursing Home (Use Class C2) at Movern Care Centre, 11-13 South Promenade and shall not be used as a separate enterprise.

Reason: To prevent over-development of the site in accordance with Policy CDMP3 of the Wyre Local Plan.

17. 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.