

**Committee Report****Date: 01.09.2021**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>21/00594/FUL</b>
<b>Proposal</b>	<b>Erection of a two-storey building comprising of visitor's centre, cafe/restaurant, hydrotherapy pool, an on-site laundry facility and an expanded car parking area</b>
<b>Location</b>	<b>Brick House Farm Cottages Brick House Lane Hambleton Poulton-Le-Fylde Lancashire FY6 9BG</b>
<b>Applicant</b>	<b>Vicki Murray</b>
<b>Correspondence Address</b>	<b>c/o Mr Graeme Thorpe 2 Lockside Office Park Lockside Road Preston PR2 2YS</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob Clewes**

Site Notice Date: 21.06.2021

Press Notice Date: 16.06.2021

**1.0 INTRODUCTION**

1.1 This application is before Members of the Planning Committee at the request of Councillor Robinson. A previous planning application at the site was also presented to the Planning Committee for consideration.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is located to the south of Brick House Lane, Hambleton and comprises an existing holiday accommodation complex with lake accessed from Brick House Lane via a single width access track. Beyond the west/north-west boundary of the site is a cluster of residential properties as well as a Public Right of Way. The surrounding area is predominantly open countryside with agricultural fields to the north, east and south. The site is located within the defined Countryside Area on the Local Plan Policies Map and is within flood zone 3. The proposal has already been constructed and is currently operating.

**3.0 THE PROPOSAL**

3.1 The application is a re-submission of previously refused application ref: 20/00411/FUL and seeks retrospective permission for a two-storey building comprising of visitors centre, café/bistro and hydrotherapy pool together with

changing rooms. The application also seeks retrospective permission for an expansion of the car park area.

3.2 The foot print of the building is asymmetrical with a maximum width of 38m and depth of 19.5m. The building comprises a single storey element and a central two-storey element. The single story part has a height of 4.2m and the two-storey element has a height of 7.3m. The front elevation primarily consists of curtain wall glazing and the remainder of the elevations consist of facing brick and cladding.

3.3 The use of the building will consist of the hydrotherapy pool, bistro, changing places facility and laundry at ground floor level as previously proposed. At first floor it is now proposed for a sensory/activity room and a calm room, alongside toilets, storeroom, and office area for the business. The building is to be primarily used by customers staying at the holiday cottages (on average 70-80% of the time). The remainder of the time slots for the hydrotherapy pool (20%) would be available for service users (referrals from health and/or social care services) and the local community who need this specialist facility. The remainder of the time slots for the sensory / calm room (30%) would be available for service users. Visitors to the hydrotherapy pool and sensory / calm room would also be entitled to use the café / restaurant facility before, during and after their booking.

3.4 The extended car park area is to the south of the site and is to be primarily used by staff and as an overflow car park for larger vehicles.

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

4.1 20/00411 - Application (retrospective) for the erection of a two-storey building comprising of visitors centre, café/restaurant and hydrotherapy pool. Refused

4.2 18/00512/FUL - Erection of two-storey building for hydrotherapy, visitors centre, cafe, office and meeting room. Withdrawn

4.3 18/00268/FULMAJ - Variation of condition 2 (key drawings) on application 15/00758/FULMAJ to allow a first floor to the hydrotherapy pool. Withdrawn

4.4 15/00758/FULMAJ - Erection of 5 holiday units and erection of a building for a hydrotherapy pool, visitors centre and cafe for disabled visitors and carers. Approved

4.5 14/00833 - Erection of 3 holiday units for disabled visitors and carers (resubmission of 14/00666). Approved

4.6 14/00666/FUL - Erection of 3no holiday units. Withdrawn

4.7 12/00782/FUL - Creation of private leisure lake and engineering operations to form landscaped mound. Approved

4.8 12/00176 - Change of use from tile showroom to annex for ancillary accommodation to Brickhouse Farm, extension to existing barn to form a domestic garage, addition of a private swimming pool to existing garage of main dwelling, change of use and conversion of 4 no industrial units into 5 no specialised holiday accommodation for people with disabilities and their carers. 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
- SP8 - Health and well-being
- 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 2021**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. 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 2021 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

## **6.0 CONSULTATION RESPONSES**

6.1 STALMINE WITH STAYNALL PARISH COUNCIL - Objects to this application. It seeks to legitimise the current form of construction for which no planning permission exists by reusing the areas for different purposes. The planning statement seeks to minimize the external use of the dining facilities without accepting a discontinuation. Anything other than a planning condition restricting use to users of the cottages would be unenforceable in practice. Councillors wish to emphasise that

they have no objection to the use of the food facilities to the disabled and their carers.

6.2 HAMBLETON PARISH COUNCIL - Object. Access/exit is on a very narrow road. The applicant has underestimated and contradicted themselves in their calculation of the likely number of vehicles visiting the site

6.3 ENVIRONMENT AGENCY - No objections

6.4 LANCASHIRE COUNTY HIGHWAYS - No comments received

6.5 LANCASHIRE COUNTY PUBLIC RIGHTS OF WAY OFFICER - No comments received

6.6 RAMBLERS ASSOCIATION - No comments received

6.7 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections

6.8 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - Request a pre-commencement Phase 1 desk study condition.

6.9 UNITED UTILITIES - Standard advice regarding drainage

6.10 CADENT/NATIONAL GRID - No objections

## **7.0 REPRESENTATIONS**

7.1 66 representations have been received supporting the application and raising the following matters:

- There are no facilities in the area like this for people that require them
- The changing places facility is able to be used by anyone with a disability
- Hydrotherapy is essential for rehabilitation and physiotherapy
- Site allows for people to be fully included and access all aspects of daily life in confidence and without prejudice
- Restaurant ensures the inclusivity of both disabled and non-disabled patrons
- In general, access to suitably adapted community facilities is poor in the area
- The pool is accessed weekly by numerous people
- Site is an ideal environment
- Staff are well trained and able to assist greatly

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

8.1 Agent contacted on the following matters:

- Clarity on parking provision
- Additional clarity on how first floor would be used
- Amended Site Location Plan

## **9.0 ISSUES**

9.1 The main issues in this application are as follows:

- Principle of the Development
- Visual Impact / Design / Impact on the street scene
- Impact on residential amenity
- Impact on highway safety
- Flood Risk / drainage
- Ecology

#### Principle of development

9.2 The starting point for an assessment of any proposal is the development plan, which is the Wyre Local Plan 2011-2031 (WLP31). 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 made in accordance with the development plan unless there are material considerations that indicate otherwise.

9.3 The site falls in the countryside as designated within WLP31. Policy SP4 of WLP31 restricts development in the countryside to a limited number of purposes, including the expansion of businesses in rural areas, provided they are in accordance with Policy EP8. Policy SP1 directs development to the settlements unless development in the designated countryside is specifically supported by another policy in WLP31.

9.4 The existing business consists of 13 holiday cottages that are specifically designed to cater for visitors with disabilities and their families and/or carers. Planning permission was granted in 2016 (ref: 15/00758/FULMAJ) for a building to be used for a visitors centre, café/restaurant and hydrotherapy pool. The Council considered that previously approved building to be an expansion of the existing holiday accommodation business as it would not be available to be used by the non-staying public.

9.5 Policy EP8 of WLP31 allows for the expansion of business in rural areas, provided that any new building and supporting infrastructure is necessary. Therefore it has to be assessed whether the proposal can be viewed as an extension to an existing business, and whether the building and infrastructure is necessary. To satisfy the first point, the proposal would reasonably need to offer a supporting function to the business, otherwise it would be reasonable to assume that it has the potential to be used as an independent facility and therefore form a new independent business in the countryside.

9.6 This application is a re-submission of previously refused application ref: 20/00411/FUL which sought to allow the building to be open to members of the public that would not be staying at the site as holiday guests. That application was refused as it was considered that the building, particularly the increased provision of hospitality/dining floor space, would operate independently from the main use of the site as holiday accommodation. That conclusion was reached based on the plans and information presented as part of that application as well as the nature of online advertising by the business which offered unrestricted access to any member of the public, despite this never being previously applied for.

9.7 This application is supported by more information, including occupancy rates of the cottages, as well as customer feedback outlining what facilities they use when staying at the site. In so far as the use of the building by those customers staying

within the cottages the occupancy rates (during 2019) are presented as over 95% for 8 months of the year with only January falling below 50%. Based on this occupancy it is said that if every person uses the building facilities every day of their stay there would be very little space for non-staying guests to use the facilities. This supports the proportion of staying guests and non-staying guests using the facilities proposed in section 3.3. Although the building would still be used by non-staying guests it is considered that the additional information presented shows that it is not unreasonable to conclude that the building would be predominantly used by staying guests.

9.8 It was previously determined that those not staying at the site contributed to a significant proportion of the business activity within the building. This was based on the large amount of floor space dedicated to hospitality (i.e. Class A3 use) and it being advertised as such. The application now proposes the first floor of the building as a sensory activity room and sensory calm room to support the specialist needs of the customers as opposed to a function suite and additional café/restaurant floor space as previously proposed. The resulting floor space in terms of use as proposed, as shown on the submitted floor plan, would now equate to 78.7sqm for the Cafe/Bistro (Class A3) (this excludes the kitchen and preparation area) on the ground floor with the remaining areas of ground floor used for the Hydrotherapy Pool, Changing Places facility and Laundry room. There would be no cafe/bistro and/or function suite on the first floor with much of this floor space now used for the proposed sensory rooms totalling 86sqm with the remainder of the floor area for office and storage space and toilets. The area of floor space proposed to be used for hospitality space has been significantly reduced from that proposed on the previous application. Whilst there are still concerns the flexible layout at first floor means it could still be used for hospitality, on balance, it is considered that with the additional information supplied and the ability of the Council to impose controls by way of condition, there is insufficient reason to conclude that this development would result in a stand-alone business and would not be functionally linked to the main use of the site as holiday accommodation. As such it is considered that the proposal complies with policies SP4 and EP8 (criterion 2.b) of WLP31.

9.9 In terms of justification for the creation of an overflow car park, information submitted shows that prior to this being created the dedicated parking spaces within the site amounted to 33 spaces which was insufficient. Each of the 13 cottages (able to sleep between 6-12 people) is said to require 1-2 spaces with additional carer 'extra' spaces. 8 visitor spaces are said to be required for the hydrotherapy pool or to visit staying guests. The overflow car park is therefore proposed predominately for staff working on site each day (said to total 12-15 a day on average and up to 27 on change-over days) and for larger vehicles such as delivery vans, school buses, maintenance vehicles so that the main car park area is not blocked. The details provided by the applicant are considered justifiable and therefore the overflow car park is considered necessary in line with criterion 2.b) of Policy EP8 of WLP31.

9.10 Policy SP8 of WLP31 supports proposals that promote healthy communities and development that helps maximise opportunities to improve quality of life and to make it easier for people in Wyre to lead healthy active lifestyles. The hydrotherapy pool, changing places facility and sensory rooms do provide a benefit to those groups and people that require such a facility and contribute to them being able to lead active healthy lives. The letters of support received all provide accounts of how the facility has benefitted them. In addition it is understood that the hydrotherapy pool and changing places facility provide a specialist facility not readily available elsewhere in the locality and provides a clear and meaningful benefit to the wider community. The provision of the hydrotherapy pool, changing places facility and

sensory rooms is therefore considered to be in line with the principles of Policy SP8. This matter is given moderate weight in the assessment of the application.

9.11 Policy EP5 of WLP31 requires a Town Centre Sequential Test for main town centre uses outside defined centres, to demonstrate that there are no sequentially preferable sites available. This aligns with paragraph 86 of the NPPF. The NPPF defines a main town centre use to include restaurants (which includes cafes/bistros) and leisure facilities. The failure to provide a robust sequential test was one of the refusal reasons in the previous application. As the officer's assessment at paragraphs 9.7 and 9.8 above is that the proposed building would be functionally linked to the existing activity on site and not a stand-alone business, it is no longer necessary to apply a sequential test for a town centre use.

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

9.12 The design of the building incorporates glazing to help alleviate the building mass however it is nevertheless larger in scale than the building previously approved under permission ref: 15/00758/FULMAJ. The building is considered to be large in scale and there will be views of the building from the wider area having regard to the wider open landscape to the south and east. However its siting on the western boundary means it will be viewed in the context of the other three buildings on site as well as the group of residential properties to the west and north-west of the site where the landscape is more developed. In addition the existing holiday cottages on the eastern side of the site do provide additional screening when viewed from the east on Carr Lane. Whilst a reduction in the scale and massing of the building would be looked on more favourably, having regard to the long distance views of the buildings from the public vantage points and the scale, design and appearance to the existing buildings on site, on balance it is not considered that there would be an unacceptable visual impact having regard to Policies SP4 and CDMP3 of WLP31. The proposed building is also immediately adjacent to Public Right of Way (PROW) 2-22-FP-11. The proposal does have an impact on the setting of this PROW due to its size and proximity, however the impact is not considered so great that it is unacceptable, especially as this part of the PROW is adjacent to existing built development. As such the appearance, design and visual impact of the development is considered acceptable.

9.13 The overflow car park is to the south of the existing site and projects into what was an undeveloped part of the countryside. The area of land used for the overflow car park is relatively minor with a large proportion of the field in which it is located remaining undeveloped. It is to the very northwest corner of the field at the end of the existing access road within the site therefore not appearing so detached that it appears incongruous. It is not considered necessary to require landscaping or screening beyond anything complimentary. It may however be beneficial to have the car park bounded by a means of enclosure such as a low level post and rail fence to establish the extent of the car park and to ensure there is no further encroachment. This can be secured via condition. As such it is considered that the overflow car park does not have a detrimental impact to the character of the area and is therefore acceptable in accordance with policies SP4 and EP8 of WLP31.

#### Impact on residential Amenity

9.14 Due to the location of the development and its distance from boundaries with neighbouring residential properties it is considered that there will be no detrimental impact to residential amenity from the building itself. As part of the previously refused application concerns were raised over the resulting greater impact that there would

be to the amenity of residents living on Brickhouse Lane caused by the increase in vehicular movements and associated noise etc. from patrons using the bistro which is proposed to operate until 10pm. Whilst this is a legitimate concern it is not considered so detrimental that it is unacceptable in its own right. Due to the nature of the use of the site it means that there is a reliance on the private motor car as users are often in wheelchairs and are unable to easily use public transport. Many customers are users often with severe needs and are not able to use the local bus, walk or cycle to the site. The applicants have submitted a highway review document that establishes the majority of users of the building would be by staying guests or users of the pool with the café and visitor centre ancillary to those facilities. Where use of the building by customers that do not stay in the building would occur (20-30% of sessions estimated to be booked by non-staying guests visiting the hydrotherapy pool or sensory rooms) the additional impact would not be so great that it would materially change the level of impact. Therefore the proposal is considered to comply with Policies CDMP1 and CDMP3 of WLP31.

#### Impact on Highway / Parking

9.15 The proposal will use the existing access to the site and additional parking is also proposed. As part of the previous application Lancashire County Council Highways department raised no objection on highway safety grounds. There is no material change to the nature of the development since the previous application and as such the proposal is considered to comply with Policy CDMP6 of WLP31. A requirement of Policy CDMP6 is the provision of Electric Vehicle Charging Points (EVCPs) on developments involving parking provision. This could be secured by condition on any permission granted.

#### Flood Risk/Drainage

9.16 The site lies within Flood Zone 2, so a site specific flood risk assessment (FRA) is required. The submitted FRA has been assessed by the Environment Agency who have accepted its conclusions.

9.17 A flood risk sequential test is also required. As established, the proposed building is considered to be an expansion of an existing business, therefore the NPPG advises on a pragmatic approach in considering the availability of alternative sites. Generally for operational reasons this means applying the sequential test to the site itself. It is considered that there are no other more suitable locations for the building within the site that would be at a lower risk of flooding therefore it is considered that the sequential test is passed.

9.18 With regards to site drainage the Council's drainage engineer has raised no objections and the approved drainage scheme for the building approved under 15/00758/FULMAJ is said to be implemented. There are therefore no drainage concerns.

9.19 Taking the above into account it is considered the proposal satisfies the NPPF and Policy CDMP2 of WLP31.

#### Ecology

9.20 No ecology survey has been submitted as part of the application however an Ecological Appraisal including a Phase 1 Habitat survey was submitted with previous application ref: 15/00758/FULMAJ which was prepared by a suitably qualified ecologist. Overall, the survey indicated there were no significant constraints in

relation to the proposed development. GMEU as the Council's ecology advisor accepted the report findings. Notwithstanding the time that has now passed, it is considered that there are no matters that would give rise to concerns over the impact to protected species or protected designated sites. This stance is supported by Natural England's no objection to the proposal. The proposal is therefore considered to comply with Policy CDMP4 of WLP31.

#### Other Issues

9.21 Trees - There are trees adjacent to the proposal to the west, however as the proposed development has already been completed and in operation any potential impacts may have occurred already. As such the council is unable to establish what mitigation may have potentially been necessary.

9.22 Contamination - The council's environmental health officer responsible for contamination has requested a pre-commencement Phase 1 desk study condition. Due to the nature of the development being retrospective the inclusion of this pre-commencement desk study condition is not possible. Whilst this proposal is a different development to that previously approved (ref: 15/00758/FULMAJ) it is nevertheless located on the same piece of land. Further to that permission the contamination condition (No.7) was partially discharged with the results of the watching brief required to be submitted in order to fully discharge the condition. The council's records do not indicate that this was submitted therefore a condition requiring the submission of the results of the watching brief would be considered reasonable and necessary on any new permission granted.

### **10.0 CONCLUSION**

10.1 The proposed building involves a revised first floor layout to remove hospitality (Class A3) floor space and instead propose a sensory room / calm room and additional information on occupancy levels and customer surveys has been provided. It is therefore a materially different proposal to the previously refused application (ref: 20/00411/FUL) and on balance the proposal is considered to be functionally linked to the main use of the site as holiday accommodation. Whilst there are still some concerns that the flexible first floor configuration could still lend itself to hospitality floor space, there is no longer considered sufficient reason to justify refusal of the application given that the use of the building can be adequately controlled via the use of conditions.

10.2 Both the building and extended car park are considered to be appropriate forms of development in the countryside. It is accepted that the facility does provide a social benefit in the form of providing 'access to all' facilities used by the local community. No adverse impacts are identified in terms of design and amenity, highway safety and parking, trees and ecology. On balance, taking all material matters into account the application is therefore recommended for approval as it is considered compliant with relevant policies of WLP31 and 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 Grant full planning permission subject to conditions.

### **Recommendation: Permit**

#### **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 04.05.2021 including the following plans/documents:

- Site Location Plan (Received 06.08.2021)
- Proposed Site Plan - Drawing No. K480/5 (Received 02.08.2021)
- Proposed Floor Plan - Drawing No. K480/3 (Received 04.05.2021)
- Proposed Elevations - Drawing No. K480/4 (Received 04.05.2021)

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

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

2. The floor area of the building, hereby approved, shall only be used for those uses as shown on the submitted floor plan (ref: K480/3) and for no other purpose. There shall be no increase in floorspace of the respective uses as coloured on the floor plan. There shall be no hospitality provision at first floor level.

Reason: This planning permission relates to the use of the building as an expansion of the existing holiday accommodation business only. An alternative mix of uses or floorspace configuration would require further consideration by the Local Planning Authority in accordance with Policies SP2, SP4, CDMP2, EP5 and EP8 of the Wyre Local Plan (2011-31).

3. The building, hereby approved, shall only be used by guests staying at the holiday accommodation cottages on site or by people who are specifically using the Hydrotherapy Pool or Sensory Rooms facilities within the building, and by no other person(s).

Reason: This planning permission relates to the use of the building as an expansion of the existing holiday accommodation business only. The use of the building by members of the public outside that listed above would require further consideration in accordance with Policies SP2, SP4, CDMP2, EP5 and EP8 of the Wyre Local Plan (2011-31).

4. A watching brief shall be undertaken during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

5. An electric vehicle recharging (EVCP) scheme shall be submitted to the Local Planning Authority within 2 months of the date of this planning permission. The approved EVCP scheme shall be provided within 3 months of the date of receiving formal approval from the Local Planning Authority, and such EVCP scheme 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).

6. A plan indicating the positions, design, materials and type of boundary treatment to be erected around the overflow car park, shall be submitted to the Local Planning Authority within 2 months of the date of this planning permission. The approved details shall be provided within 3 months of the date of receiving formal approval from the Local Planning Authority. The approved details shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the locality and to prevent further encroachment of the car park into an undeveloped part of the site in accordance with policies SP4 and CDMP3 of the Wyre Local Plan (2011-31).