

**Committee Report****Date: 03.11.2021**

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| <b>Item Number</b>            | <b>01</b>   |
| <b>Application Number</b>     | <b>21/00502/FULMAJ</b>  |
| <b>Proposal</b>               | <b>Change of use of former residential care home (Use Class C2) to create 29 self-contained residential apartments (Use Class C3) with external alterations and the provision of associated carpark following the demolition of existing bungalow</b> |
| <b>Location</b>               | <b>Former Movern Care Centre 11 - 13 South Promenade<br/>Thornton Cleveleys Lancashire FY5 1BZ</b>  |
| <b>Applicant</b>              | <b>Sinclair Ventures Limited</b>  |
| <b>Correspondence Address</b> | <b>c/o Mr Louis Webb<br/>Farington House Stanifield Business Park Stanifield<br/>Lane Leyland PR25 4UA</b>  |
| <b>Recommendation</b>         | <b>Permit</b>   |

**Report of the head of planning services****Case officer - Mr Karl Glover****Site Notice Date: 12/08/2021****Press Notice Date: 15/05/2021****1.0 Introduction**

1.1 This application is before members of the Planning Committee at the request of Councillor Fail and as previous applications at 31 Coronation Road have previously been considered by the Committee. 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 site which forms the subject of this application relates to the former 60 bed Movern Care Centre at 11-13 South Promenade and also number 31 Coronation Road in Cleveleys. The former care home is located in a prominent corner position on the eastern side of South Promenade and on the southern side of Coronation Road. The building has a site area of approximately 0.11ha and comprises of a 4 storey white rendered building with a 5th floor set back within a mansard roof. The main entrance to the building is on South Promenade via an existing porch with two secondary ramped accesses located off Coronation Road. Parking is located along the northern elevation off Coronation Road and a small 1m high wall bounds the western elevation. To the rear of the building is an alley way which provides access to the rear of the properties along Coronation Road and Ellerbeck Road to the south.

2.2 On the eastern side of the alley way is number 31 Coronation Road which comprises of a detached bungalow 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 2 separate points of access and is bound to the east, south and west by a high level close boarded timber panel fence.

2.3 The surrounding area is predominantly residential in character. To the north is a 3 storey terrace block of residential dwellings which step down to 2 storey along the northern side of Coronation Road. Immediately to the south is Grosvenor Court which is an L Shaped building comprising of 17 apartments and wraps around to the east along Ellerbeck Road. To the east of number 31 Coronation Road is a pitched roof bungalow. In terms of the topography, the levels decrease modestly to the east of the site dropping in gradient along Coronation Road. 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 31. 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 but is not affected by any other constraints or designations.

### **3.0 The proposal**

3.1 The application seeks permission for the change of use of the former residential care home (Use Class C2) to create 29 self-contained residential apartments (Use Class C3) along with external alterations. Number 31 Coronation Road is proposed to be demolished to provide a 24 space car park for the development. The 29 units will comprise of 19 x 2 bed apartments and 10 x 1 bed apartments. The main access to the building will be from South Promenade with a secondary access from the rear parking area. The building will be served by a lift and 2 staircases. The external alterations to accommodate the development comprise of new balconies to the promenade facing apartments, external rendering and vertical cedar cladding to the main elevations, new white uPVC windows and black aluminium seam cladding to the mansard roof. In total the development would provide 32 parking spaces together with 2 cycle stores and a bin store at lower ground floor level. New landscaping is proposed along the northern boundary of the site.

### **4.0 Relevant planning history**

#### **Planning History relevant to Movern Care Home:**

4.1 04/00586/FUL - Erection of Front Porch - Permitted

4.2 07/01224/FUL - Erection of Front Porch - Permitted

4.3 85/01118 - Change of use from residential home to nursing home/rest home for the elderly - Permitted

#### **Planning History relevant to 31 Coronation Road:**

4.4 20/01070/OUTMAJ - 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) - Refused

4.5 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 - Appeal Dismissed

4.6 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 - Appeal Dismissed

4.7 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

4.8 00/00063/FUL - Conversion of 4 flats into 6 flats (No 31a) - Approved

4.9 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
- SP6 - Viability
- SP7 - Infrastructure Provision and Developer Contributions
- SP8- Health and well-being
- CDMP1- Environmental Protection
- CDMP2 - Flood risk and surface water management
- CDMP3 - Design
- CDMP4 - Environmental assets
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments

### **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 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable development
- 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

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §74, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's Housing Implementation Strategy (published 30 September 2021) which demonstrates a deliverable housing land supply position of 6.4 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

### **5.3 Wyre supplementary planning guidance**

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

- Supplementary Planning Guidance 2 - Development and Trees
- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

### **5.4 National planning practice guidance**

### **5.5 The conservation of habitats and species regulations (amendment) (EU exit) 2019**

### **5.6 The wildlife and countryside act 1981 (as amended)**

## **6.0 Consultation responses**

### **6.1 Lancashire County Council (highways)**

6.1.1 Initially objected on the basis that insufficient parking was proposed and that some spaces would be unusable leading to a severe highway impact. Following the submission of revised plans, LCC Highways are of the opinion that proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

### **6.2 Lancashire County Council (lead local flood authority)**

6.1.2 Objects on the basis that a final Sustainable Drainage Scheme has not been submitted. No observations or response received to the Case Officers query (further discussed in paragraph 9.13 of this report)

### **6.3 Lancashire County Council (local education authority)**

6.3.1 Advised that an education contribution is not required in regards to this development.

### **6.3 Blackpool teaching hospitals NHS foundation trust**

6.3.1 Request a financial contribution of £23,230.00 towards healthcare provisions at the Trust.

### **6.4 NHS Fylde & Wyre Clinical Commissioning Group (CCG)**

6.4.1 Advised that to mitigate the impacts upon the delivery of general practice services, a financial contribution of £5,972 towards the reconfiguration at Cleveleys Group Practice (2 surgeries) is required.

## **6.5 United Utilities**

6.5.1 No objections subject to the development following the general principles of the surface water drainage hierarchy.

## **6.6 Natural England**

6.6.1 No objections however advised that a Habitats Regulations Screening is required.

## **6.7 Wyre Borough head of engineering services (drainage)**

6.7.1 No objections

## **6.8 Greater Manchester ecological unit (GMEU)**

6.8.1 No objections to the proposal on nature conservation grounds

## **6.9 Environment Agency**

6.9.1 Initially objected on the basis that the submitted FRA was considered unacceptable, however following the submission of a revised FRA, the EA are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

## **6.10 Lancashire Fire and Rescue Service (LFRS)**

6.11 Highlighted the requirements for the proposed access and scheme to satisfy Document B Part B5 of Building Regulations and sets out the guidance and turning facilities for Fire Service Vehicles. Verbal contact made to highlight the current prohibition notice which has been issued to the owners (further discussed in paragraph 9.22 of this report).

## **6.12 Wyre Borough head of environmental health and community safety (noise & air quality)**

6.12.1 No objections subject to conditions including an acoustic noise assessment, a construction management plan and lighting management plan.

## **6.13 Wyre Borough head of environmental health and community safety (contamination)**

6.13.1 No objections

## **6.14 Wyre Borough head of public realm and environmental sustainability (public open spaces/green infrastructure)**

6.14.1 Advised that to mitigate against the development a financial contribution of £59,009 towards Green Infrastructure is required with enhancements towards the Jubilee Gardens Masterplan being identified.

## **7.0 Representations**

7.1 At the time of compiling this report there have been 2 letters of objection received, 3 letters which neither support nor object and 3 letters of support for the application.

The primary reasons for objection are:

- Loss of care home and services for the elderly
- Proposal will have a depressing effect on the surrounding area

The primary reasons for support are:

- Clear up an untidy and run down site
- Redevelopment will enhance the area

Neutral responses which neither support nor object to the application set out the following points:

- Apartments could be beneficial to the community
- Development may not be feasible for 29 units
- Parking may cause an issue

## **8.0 Contacts with applicant/agent**

8.1 Contact has been made with the agent to discuss the following matters in relation to the application:

- Financial contributions and viability matters including S106 Agreement details
- Matters relating to consultation responses
- Parking provisions
- Agreement of pre commencement conditions
- Agreement of extension of time on the application until 3/11/21

## **9.0 Issues**

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

- Principle of Development
- Design and Impacts upon Visual Amenity
- Impact on Amenity of Neighbouring Properties
- Flood Risk and Drainage
- Highway Safety and Parking Provision
- Infrastructure
- Ecology/Trees
- Other Matters

## **Principle of Development**

9.2 The former Movern Care Centre is located in a prominent position fronting South Promenade on the corner with Coronation Road and functioned as a residential care home (Use Class C2) up until it ceased operating on the 7th December 2020, and has remained vacant since. As highlighted within Section 4 of this report a number of planning applications have been submitted to expand the care home with new build development on the site to the rear following the demolition of the existing bungalows, numbers 29 - 31 Coronation Road. Each of those applications has been refused and on 2 occasions subsequently dismissed at appeal. This application seeks to change the use of the Movern care home building, with some external alterations to provide 29 open market residential apartments including the demolition of number 31 Coronation Road to accommodate new parking provision for the units.

9.3 The application site is located within the settlement boundary and close to the town centre of Cleveleys. The proposal would be in accordance with Policy SP1 of the Local Plan which seeks to direct new development to within settlement boundaries in line with the settlement hierarchy, of which Cleveleys is listed at the top of the hierarchy classified as an Urban Town where 48.6% of housing growth is expected during the plan period. In terms of sustainability, Policy SP2 of the Local Plan sets out that new development should contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the NPPF. The application 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. The site is considered to be in a highly sustainable location where the occupants of the units would be able to access community facilities and infrastructure by walking, cycling and by various means of public transport. Furthermore the reuse of an existing building would also provide sustainability benefits. Overall, based on the accessible location of this proposal and that it involves the reuse of a building, it is considered to provide residential accommodation that forms sustainable development in line with the requirements of Policy SP2.

9.4 Policy SP2 (Criteria 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction phases and the reuse and recycling in construction both in the selection of materials and management of residual waste. The submitted design and access statement advises that the conversion will improve the buildings energy efficiency by installing electric powered heating to boilers and low voltage LED lighting throughout along with new electric vehicle charging points (EVCP) on site. As the provision of EVCP is a requirement of policy CDMP6 these will be secured by condition. There are also opportunities for new planting within new landscaped areas. It is considered that the proposal provides an adequate response to climate change to meet the requirements of Policy SP2.

### **Design and Impacts upon Visual Amenity**

9.5 Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to the community. Policy CDMP3 of the WLP31 also requires new development to be of a high standard of design. Within the policy a number of criteria are set out. Criterion (A) states that all development must be designed to respect or enhance the character of the area. Criterion (B) requires development to create a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment.

9.6 The application would not result in any change to the footprint or height of the building. In its current form the building does have a rundown appearance and fails to positively contribute to the character and visual amenity of the area. To accommodate the change of use to provide the 29 apartments a number of external alterations are proposed. This includes alterations to the window arrangements (change in position and size), the provision of balconies at first and second floor and external refurbishment to the fabric of the building with a mixture of white K-rend and vertical western red cedar cladding. At ground floor the existing flat roof projecting single storey extension to the front is to be remodelled with new window fenestrations and to the northern side elevation the existing ramped access is to be removed to allow for new windows to serve the ground floor level flats. During the course of the application amended/additional plans have been provided to demonstrate how the front elevation at the lower ground level will appear. To the rear an underpass/overhang is to be created to allow for usable parking and footpath provision. Externally the refurbishment and renovation of the building would provide a visual enhancement to the

existing rundown building which in turn will respond positively to the character and visual amenity of the immediate setting and wider street scene, especially when seen from Coronation Road and South Promenade. In this turn the proposal would comply with Policy CDMP3 of the WLP31.

9.7 Internally each of the units (both 1 and 2 beds) have been designed to provide sufficient outlook and light into habitable rooms along with sufficient internal living standards. At lower ground floor and at first floor level there is provision for cycle and bin storage and an internal lift serving each floor. A condition requiring details of how 20% (6) of the units would be designed to be adaptable for elderly and people with restricted mobility is to be attached to ensure compliancy with Policy HP2 of the WLP31. Policy HP2 also requires new developments to provide a wide choice of housing in accordance with the SHMA. In this instance the proposal will be providing 35% 1 bed units and 65% 2 bed units. Whilst the mix proposed is not strictly in accordance with the SHMA Mix as it comprises a higher proportion of smaller units and no provision of 3 or 4 beds, the provision of smaller properties is in line with the overall SHMA evidence and housing strategy to rebalance the housing market. For this reason the proposed mix is considered acceptable.

9.8 To accommodate the new 24 bay car park to the east the existing dwelling known as number 31 Coronation Road is proposed to be demolished, along with the existing boundary wall. At present the existing bungalow is also in a rundown condition. Whilst its demolition will inevitably result in a visual change to the character of the area it will not have any additional visual harm. An example of a similar scenario is demonstrated towards the eastern end of Coronation Road on Bispham Road where a few years ago planning permission was granted for a pair of semi-detached dwellings to be demolished to provide an extension to the carpark for the Aldi store. The revised site plan shows a landscape buffer to be provided to the north between the existing building and the new car park and the highway. This will help to soften the new hardstanding being created and enhance the streetscene. Landscaping areas are also proposed to be provided within the internal layout of the carpark. Conditions can be used to secure appropriate planting specifications, surfacing, lighting and details of new boundary treatments surrounding the car park.

9.9 The development is considered to be acceptable in terms of its design and impacts upon the character and visual amenity of the area. The proposed materials are also considered to be acceptable, subject to samples being submitted and agreed. As such the proposal is considered to satisfy the provisions of Policy CDMP3 of the Wyre Local Plan and the NPPF.

### **Impact on amenity of neighbouring properties**

9.10 Criteria C of Policy CDMP3 sets out that development must not have an adverse impact upon the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants and users of the development itself. As the proposal is for the change of use of the existing building the physical relationship between the surrounding neighbouring properties remains unchanged and the interface distances are the same. The proposed end use is considered to be compatible with the surrounding properties and is not seen to result in any significant increase in noise or disturbance. The proposed balconies to the front of the building overlooking the promenade will not result in adverse impacts in terms of overlooking or loss of privacy. Whilst the proposed car park will generate modest levels of noise in terms of car doors closing and vehicular movements its use by future occupants only means that the majority of activity is expected to be during the daytime. Furthermore, there will have been noise and disturbance associated with the former care home use with staff and visitor cars. As highlighted in paragraph 9.8 full details of the proposed boundary treatments and lighting for the carpark are to be conditioned. This will ensure any potential impacts can be mitigated including the side facing windows of number 29 Coronation Road from vehicular headlights. For the reasons set out above, the proposed development satisfactorily addresses the requirements of Policies CDMP1 and CDMP3 of WLP31 in terms of its impacts upon residential amenity and also provides an acceptable standard of accommodation for potential occupants of the apartments themselves.



9.11 The Council's Environmental Health Officer has advised that a noise impact assessment should be submitted to ensure that there are no adverse impacts from noise from the nearby highway on future occupants. However, as the lawful use of the building is a similar form of residential use then this is considered unreasonable to request. Furthermore, noise levels from the nearby highway are not considered to be so significant. The Council's Environmental Health Officer also advises on the need for a Construction Environment Management Plan. However as the proposal is for the change of use of the building this is not considered necessary.

### **Flood risk and drainage**

9.12 The application site (both the existing building and proposed carpark) is located within Flood Zone 2 as identified on the Environment Agency (EA) mapping system. Flood Zone 2 is defined as having a medium probability of flooding. The proposal is classified as highly vulnerable development as it involves the provision of basement (lower ground floor) dwellings. The application has been accompanied by a site specific Flood Risk Assessment (FRA). The EA initially objected on the basis that the FRA was not considered to be acceptable as it failed to adequately assess the flood risks posed by the development. A revised FRA has since been submitted by the applicant which as a result has seen the EA remove their objection and confirm that they are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. There is no requirement for the applicant to undertake the Flood Risk Sequential or Exceptions Tests in respect of the change of use. The proposed car park is interlinked with the use of the existing building. It would be impractical to locate the car park elsewhere in a lower risk of flooding, as such this element of the proposal passes the sequential test. As the car park is classified as less vulnerable development there is no requirement for it to pass the Exceptions test.

9.13 The drainage for the existing building (both foul and surface water) is connected to the existing mains sewers. The submitted Drainage Strategy confirms that as the application is for the change of use of the existing building then there are no proposals to change the current drainage infrastructure to serve the proposed apartments. The Council's Drainage Engineer and United Utilities have raised no objections to the application or the submitted FRA or Drainage Strategy. The Lead Local Flood Authority (LLFA) have objected to the application on the basis that a final surface water drainage strategy has yet to be submitted based on a site specific FRA. This response has been queried with the LLFA as the application has been accompanied by both documents. At the time of compiling this report no response has been received. As the Council's Drainage Engineer, the EA and United Utilities have raised no objections to the documents submitted it is considered that flood risk will not be increased as a result of this application and as such the proposal would comply with the requirements of the NPPF and Policy CDMP2 of the WLP31.

### **Highway safety and parking provision**

9.14 To accommodate the change of use the application proposes 32 parking spaces in total including 2 accessible spaces. 8 spaces are proposed immediately to the rear of the existing building and 24 spaces are proposed further to the east on the site of an existing bungalow which is to be demolished. LCC Highways raised an objection to the original site plan which only proposed 20 spaces and a number of those spaces were deemed unusable. As a result the scheme has been amended to include additional car parking provision on the site of the existing bungalow (31 Coronation Road). On the basis of the revised plans LCC highways raise no objections, subject to conditions including the carpark being used solely for the occupants of the apartments as a communal carpark. Whilst the parking provision falls short of the car parking standards outlined within Appendix B of the Wyre Local Plan (which requires 2 spaces for a 2 bed dwelling and 1 space for a 1 bed dwelling) each unit would benefit from 1 parking space being available. Furthermore it is considered that the location of the site close to local services and bus stops provides opportunity for future residents to rely on walking or public transport to meet their

daily needs, and there is appropriate provision of cycle storage within the development, as previously referred to, which can be secured by condition. Therefore this reduction in parking provision is considered justified in this location and raises no objection from the local highway authority.

9.15 Overall, and on the basis of the aforementioned considerations, the application would not result in any unacceptable impact on highways safety and would accord with Policy CDMP6 of the Local Plan and the NPPF.

## **Infrastructure**

9.16 Policy HP3 of WLP31 sets out that developments of 11 dwellings or more on brownfield sites in Cleveleys should provide 10% on site affordable housing provision. Where onsite provision is not appropriate a financial contribution of broadly equivalent value will be required to support the delivery of affordable housing elsewhere in the Borough. In this instance it is considered that a 10% provision of affordable units (which equates to 3 units) would raise no appetite from Registered Providers and as such an offsite contribution would be more appropriate. In accordance with the Affordable Housing Viability Study (AHVS), based on the market value for Cleveleys this would equate to £152,794.63.

9.17 Policy HP9 of WLP31 requires residential developments resulting in a net gain of 11 dwellings or more to make appropriate provision of Green Infrastructure. The Council's Parks and Open Spaces Officer has advised that in this location and for this scale and type of development an off-site contribution would be more appropriate than on-site provision. Based on the number and mix of units proposed this would equate to a financial sum of £59,009 and would go towards improvements of recreational facilities at Jubilee Park where there is a masterplan enhancement scheme in place.

9.18 Policy SP7 also supports contributions towards education and health care infrastructure to mitigate the impacts of the development where these are justified. LCC Education have been consulted however their response confirms that they are not seeking an education contribution in regards to this development. A financial contribution of £5,972 towards the refurbishment and reconfiguration of Cleveleys Group Practices (2 surgeries) has been requested by NHS Fylde and Wyre Clinical Commissioning Group (CCG) and is considered justified based on their adopted policy position. Also a contribution of £23,230.00 towards Blackpool Teaching Hospitals NHS foundation Trust has been requested. However the Council are of the view that as there is no adopted policy or published methodology to justify this contribution then it fails to comply with the Community Infrastructure Levy (CIL) Regulations as such this request by the Trust is not upheld.

9.19 Policy SP6 (Viability) of WLP31 sets out that the Council's overarching objective is to ensure that development is viable. Within the policy it stipulates that where a developer seeks to negotiate a reduction in infrastructure requirements that would normally apply to a development, the Council will require a financial appraisal demonstrating the costs to be incurred, the financial return and the profit expected. This is in accordance with the NPPF which requires viability to be a material consideration in decision making. In this instance during the course of the application the applicant has submitted a Financial Viability Statement (FVS). The report submitted set out that the development was unable to provide any of the aforementioned planning contributions. This report has been reviewed by the Council's independent advisor, financial and property surveyors Keppie Massie (KM). KM raised a number of queries with the construction costs and concluded that the development could financially support a total contribution of £130,000. The applicant has confirmed that they agree to pay this contribution which is to be secured by S106 legal agreement. Officers are of the view that these monies should to be secured towards Green Infrastructure and Affordable Housing. Whilst viability is a material consideration in decision taking, the shortfall in contributions being collected (£130,000 compared to the policy requirement for £217,775.63 in total) weighs against the proposal.

## **Ecology/trees**

9.20 The application has been accompanied by a Protected Species & Habitat Walkover Survey. Greater Manchester Ecological Unit (GMEU) have assessed this and advised the proposal is unlikely to have any significant harm upon protected species or ecology. Natural England have also been consulted and advised that the screening process should be undertaken as to whether or not a Habitats Regulations Assessment (HRA) is required given the sites proximity to International designated sites (Morecambe Bay SSSI/SPA/SAC/RAMSAR site). GMEU have advised that in this instance the development proposed can be screened out of requiring a HRA to be undertaken and can be ruled out of having any significant adverse effect on these sites.

9.21 The proposed revised site plan identifies the areas of landscaping proposed however no details as to specifications or species has been provided and as such a landscaping condition is to be imposed.

## **Other matters**

9.22 As part of this application Lancashire Fire and Rescue Service (LFRS) have made contact verbally to highlight that on Monday 7th December 2020 LFRS issued a prohibition notice to the owners and operators of the Movern Care Centre as a result of inadequate fire safety measures. Members are advised that this should not be a material consideration in the determination of this planning application. The applicant or any subsequent owner would need to address this matter directly with LFRS and ensure that all fire and building regulations requirements were adhered to, to enable them to operate in accordance with the relevant legislation.

## **10.0 Conclusion**

10.1 The proposed development is acceptable in principle. In its current form the site fails to positively contribute to the character and amenity of the area and appears rundown and dilapidated. The proposed alterations are considered of appropriate design, would provide a visual enhancement and would not result in any adverse impacts upon surrounding neighbouring residential properties. Weighing against the development is the reduced financial contributions that would be sought due to viability constraints, as well as the shortfall of parking provision, albeit it is acknowledged that this shortfall is justified in this sustainable location does not raise any objection from the local highway authority. On balance, the benefits arising from the scheme are considered to outweigh this harm and it is concluded that the proposal does represent a sustainable form of development. All other material planning considerations have been assessed as acceptable. For the reasons given above it is recommended that the scheme is approved subject to conditions and a S106 agreement to secure £130,000 financial contributions towards Green Infrastructure and Affordable Housing.

## **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 and a Section 106 legal agreement to secure off-site financial contributions towards green infrastructure and affordable housing. That the

Head of Planning Services be authorised to issue the decision on the satisfactory completion of the Section 106 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 30.04.2021 including the following plans/documents:

Site Location Plan - A)21/019/S/100 revE  
Proposed Ground & Lower Ground Floor Plans - A020/179/P/01 revB  
Proposed 1st, 2nd & 3rd Floor Plans - A020/179/P/02 revB  
Proposed Elevations - A020/179/P/03 revD  
Proposed Basic Sections - A020/179/P/05  
Proposed Street Scene - A020/179/P/10  
Proposed Car Park GA - A021/179/P/100 revG.

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

The landscaping works shall be carried out in accordance with the approved details prior to first occupation of any apartment 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 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by

trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

**Reason:** To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31)

5. Prior to the commencement of development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

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

6. An electric vehicle recharging (EVCP) scheme shall be submitted 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 first occupied until the approved EVCP scheme has been provided, 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).

7. Prior to the first occupation of any apartment hereby approved, 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 treatments shall be completed before the apartments hereby permitted are first occupied and shall thereafter be maintained and retained.

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

8. No apartment hereby approved shall be first occupied until the parking / turning area(s) shown on the approved plans (Proposed Car Park GA - A021/179/P/100 revG and Proposed Ground & Lower Ground Floor Plans - A020/179/P/01 revB) 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 for the occupants of the approved apartments only, with spaces unallocated and available as communal use.

**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).

9. 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 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 (2011-31).

10. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Flood Risk Assessment revA June 2021) and the following mitigation measures detailed within the FRA:

- Electrical services, wiring and switches/outlets will be positioned at a minimum height of 1200mm above the finished floor levels. Incoming main services are to be terminated at a minimum of 1.2m above floor level.
- Heating and ventilation equipment including boilers and cylinders will be installed at a minimum of 1.2m above ground floor level or at first floor level.
- Where practicable ovens and other electrical appliances will be positioned on raised floor levels or individual plinths
- Ground floors should be of a solid construction and to be 150mm thick with a screed finish.
- All drainage and waste water systems should be designed and installed with non-return valves to prevent surcharge backup in the case of flooding to the surrounding sewage network.
- Surface water discharge will be discharged to the existing network.
- Removable flood water entry barriers will be considered at all entrance doors and windows 1.0m above floor level.
- Removable stanking boards are to be provided for all external doors.
- Low porosity brick with two coat plaster to be 1.2m above finished floor levels.
- All manhole covers shall be lockable.
- Residents to be given access to the Environment Agency's existing flood early warning system; Occupiers will also be issued with guidance on what actions to take in the event of a warning including the closest area of high ground.

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.

11. No apartment shall be first occupied until the drainage works have been completed in accordance with the approved scheme (as set out in Drainage Strategy April 2021). 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.

12. The cycle and refuse storage areas shown on the approved plans shall be provided in accordance with the approved details prior to first occupation of any apartment and shall thereafter be maintained and retained.

**Reason:** In the interests of the appearance of the site, the residential amenity of occupants and neighbours, and to ensure appropriate sustainable transport provision is being made, in accordance with Policies CDMP1, CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

**Notes:**

1. Advice from the Environment Agency is that the future occupants should sign up to the Environment Agency flood warning scheme. Further information can be found on the GOV.UK website at: <https://www.gov.uk/sign-up-for-flood-warnings>.