

Committee Report**Date: 01.06.2022**

Item Number	2
Application Number	21/00910/FUL
Proposal	Erection of two-storey youth centre building with detached garage for storage, and car parking provision (sui generis)(resubmission of 20/00101/FUL)
Location	Land Rear Of St Nicholas Church Broadway Fleetwood Lancashire FY7 7DJ
Applicant	Prospect Developments (NW)
Correspondence Address	c/o Mr Sam Cheshire New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Lowcock****1.0 INTRODUCTION**

Site Notice Date: 1/3/22

Press Notice Date: N/A

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

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a grassed and tarmacked area of land to the eastern side of Broadway and western side of Highbury Avenue, Fleetwood. The site is in the settlement boundary and is partly designated as an area of Green Infrastructure in the Adopted Local Plan. The site falls in Flood Zone 3. It is also in an SSSI impact zone.

2.2 To the southern boundary is a 1.5m high fence beyond which are residential apartments. These have windows facing the application site. There are some trees on the other side of this boundary. To the east is a residential property. To the west is a Sunday school building. To the north is a place of worship. There is an access through from Broadway to Highfield Avenue, with a row of marked out parking adjacent to the grassed area.

3.0 THE PROPOSAL

3.1 The application is for the erection of a detached, two-storey building on the grassed area of land, to be used as a youth centre (sui generis), with an access off Broadway. The building would have a pitched roof with a maximum height of 9.1m and eaves height of 5.9m. Part of the roof to the eastern side of the building would be flat. Solar panels are proposed on the southern roof slope. Car parking is proposed around the building, with some landscaping. Windows are proposed in each side of the building. An external staircase is proposed to the western side. The materials stated on the application form are render and timber cladding for the walls, and 'Centaur' liquid plastic roofing. Also proposed is a detached garage for storage. This would have a mono-pitch roof with a maximum height of 3.2m.

4.0 RELEVANT PLANNING HISTORY

4.1 Application No. 20/00101/FUL - Erection of a two-storey building for youth centre (sui generis) with detached garage for storage, and car parking provision - Refused

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
- CSMP2 Flood risk and surface water management
- CMDP3 Design
- CDMP4 Environmental assets
- CDMP6 Accessibility and transport
- EP5 Main Town Centre Uses

5.2 EMERGING LOCAL PLAN PARTIAL REVIEW

5.2.1 A Publication version of the Wyre Local Plan Partial Review underwent a public consultation between 30 November 2021 and 18 January 2022. The Submission draft Wyre Local Plan Partial Review 2011-2031 (WLPPR31) was approved on 15 April 2022 for submission to the Secretary of State for examination and approved for Development Management purposes. Presently the Submission draft WLPPR31 forms a material consideration of limited weight in the consideration of planning applications.

5.3 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.3.1 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.

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

- Section 2. Achieving sustainable development
- Section 7. Ensuring the vitality of town centres
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- 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

5.4 OTHER

5.4.1 Wyre Council Flood Risk Sequential Test - advice for applicants (Guidance v1.2)

5.4.2 The NPPG Flood Risk and coastal change

5.4.3 ADEPT and The Environment Agency Flood Risk emergency plans for new development. A guide for planners...

6.0 CONSULTATION RESPONSES

6.1 FLEETWOOD TOWN COUNCIL

6.1.1 Support the application.

6.2 LANCASHIRE COUNTY COUNCIL HIGHWAYS

6.2.1 No objections subject to conditions.

6.3 THE ENVIRONMENT AGENCY

6.3.1 No objection. Must proceed in strict accordance with the Flood Risk Assessment.

6.4 UNITED UTILITIES

6.4.1 Requested levels and drainage information.

6.5 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.5.1 No objection in principle.

6.6 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)

6.6.1 No objections raised, but asks for conditions.

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

6.7.1 Requested photos of the site.

6.8 WYRE BC HEAD OF PUBLIC REALM DEVELOPMENT AND ENVIRONMENTAL SUSTAINABILITY (PARKS)

6.8.1 No further comments to add to the landscape details provided.

6.9 WYRE BC HEAD OF PUBLIC REALM DEVELOPMENT AND ENVIRONMENTAL SUSTAINABILITY (TREES)

6.9.1 No objections.

7.0 REPRESENTATIONS

7.1 27 letters of objection, points raised:

- suffer from damp
- traffic
- vacant buildings in town/use sea cadet base/already a community centre on the site
- noise and disturbance
- security fears
- loss of light/outlook/overshadowing
- loss of view
- anti-social behaviour
- close to elderly population
- parking problems
- detrimental to appearance of the street-scene and character of the area
- odours
- overlooking/loss of privacy
- flood risk
- highway safety
- harm to amenity from lighting
- no consultation from applicant/land owner

7.2 A petition of objection with 38 signatures.

7.3 31 letters of support, points raised:

- asset to the town
- much needed service for young/community
- easily accessible
- reduce anti-social behaviour
- the land historically had a building on it

7.4 3 petitions of support with a total of 136 signatures.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised plans and Flood Risk Assessment 21/4/22

8.2 Revised plans and submitted flood risk sequential test, land contamination pro-forma, ecological appraisal and tree protection plan 24/2/22

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on Residential Amenity
- Impact on Highway / Parking
- Flood Risk and drainage
- Trees

Principle of development

9.2 The site is in the urban area of Fleetwood, therefore the location is suitable for the development in principle in accordance with the locational Policy on development - SP1 of the Adopted Local Plan. This directs development to within the settlement boundaries. There is no requirement for an existing empty property to be used, as suggested in neighbour representations, although matters on the flood risk and town centre sequential tests are discussed below. The use would be a youth centre (sui generis) and can be restricted to this through conditions.

9.3 Policy SP2 requires sustainable development, and the relevant matters in this case are to maintain the vitality of all town, district and local centres, maximise the use of previously developed land, ensure accessible places, reduce and manage flood risk, protect green infrastructure assets, and achieve safe and high quality designed local environments which promotes health and well-being. The matters of town/local centres, flooding, green infrastructure and design are discussed below, and are assessed to be acceptable. The proposal would not be on previously developed land, as defined in the NPPF, therefore there is no advantage on this matter. Regarding the accessibility of the site it is in the urban area, and within walking distance of residential properties, schools, shops and services. Public transport links are within walking distance of the site. Also, cycling facilities can be provided on site. Overall, it is considered that the proposal would be suitably accessible and would form sustainable development.

9.4 Policy SP2 also requires proposals to demonstrate their response to climate change. Matters on flooding are discussed below and it is considered that the proposal has an adequate flood risk assessment. A condition can be used for the provision of a scheme for electric vehicle charging points in accordance with Policy CDMP6 of the Local Plan. Also, with the site being in an accessible location, it will provide a facility that people can access on foot/cycle or via public transport. The landscaping proposed will add trees and shrubs to the site that are not present now. The planting of new trees has been identified by the Wyre Council climate change policy group as helping to tackle climate change. The applicant states that solar panels and insulation will be used. This is considered to demonstrate an adequate response to climate change to meet the requirements of Policy SP2.

9.5 Policy EP5 of the Local Plan requires a sequential test for main town centre uses outside defined centres unless the development is specifically supported by another policy in the Local Plan. The proposed use being for a youth centre is viewed as being for a leisure/recreation use that is a main town centre use. A sequential test on flooding has been carried out, the results of which can be used to establish if there are any sequentially preferable available sites for the development in the main town centre or other defined centres for the purposes of the Town Centre sequential test (see flooding section below).

9.6 Part of the site is on land designated as Green Infrastructure under the Adopted Local Plan. The 2010 Open Space Audit identifies land associated with the church as open space in the category of Cemeteries and Churchyards (site reference FL52). It states 'there are a small number of sites where the churchyard is just a grassed area around the building; these represent opportunities to create more of a garden, for the purpose, as described in the typology, of "quiet contemplation". 'These churchyards and cemeteries are also important for wildlife and conservation.' This includes the subject site, except for that area formerly occupied by the scout hut. Policy CDMP4 of the Local Plan requires the protection and improvement of Green Infrastructure and this is applied through a number of criteria. This is in accordance with the NPPF which restricts development on open space unless a number of criteria are met. A statement has been provided by the applicant on this policy. The land appears to be a simple grassed area in the church grounds. CDMP4(7) states that 'development involving the partial or complete loss of land identified as Green Infrastructure on the adopted Policies Map or any unidentified areas including playing fields will not be permitted unless it is demonstrated that:

- a) A connected network of green spaces is maintained; and
- b) The development can be accommodated without the loss of the function of the Green Infrastructure site; or
- c) The site is surplus to requirements; and
- d) The impact on the green infrastructure as a whole can be mitigated or compensated for through the direct provision of new or improved green infrastructure elsewhere of the same or improved functionality and accessibility, or through the provision of a financial contribution to enable this to occur; or
- e) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

9.7 The proposal would involve the loss of land designated as Green Infrastructure and therefore is contrary to the aim of the Policy. However, the Policy does allow for exceptions for justifying the loss of Green Infrastructure.

a) requires a network of green spaces to be maintained. The site forms part of a wider area of open grounds of the church. The proposed development would entail the loss of a smaller part of the grounds, therefore the network of green space around the building would be maintained. The application site is separated from the rest of the grassed area by an access and car parking, so is already somewhat disconnected from the rest of the grounds. It is considered that b) would be met, as the overall function of the grassed areas around the building would be maintained, with the remaining grounds free of development. The typology sets out that such areas of open space are for quiet contemplation and also important for wildlife and conservation. The remaining grassed areas would be available for this purpose. The

grassed area does not appear to have any wildlife function, and improved landscaping could enhance this feature of the land. To mitigate the loss of the grass, a condition could also be added for the provision of a habitat creation scheme, such as providing bird boxes. The grass has some amenity value in the setting of the building and providing green space to be viewed from the wider area. It is considered that if the visual amenity of this area can be maintained or improved upon, this value will not be lost. The visual impacts are discussed below in this report. The proposal would provide a building that could be used by members of the community, in this case young people. The NPPF in paragraph 93 states decisions 'should plan positively for the provision of community facilities' which include meeting places to enhance sustainability of communities and residential environments. Policy SP8 of the Adopted Local Plan states that 'the council will support development which promotes healthy communities and will promote the health and well-being of local communities'. As the proposal would provide spaces for physical activities and social interactions, it is considered to provide these benefits. From the assessment above, it is considered that the harm to Green Infrastructure will be minimal, particularly as the network and function of green spaces of the wider site will be maintained, and that the benefits of the proposal would outweigh this impact. Having minimal harm to the Green Infrastructure it is not considered that the provision of mitigation or compensation would be reasonable to require, except some biodiversity enhancements. The proposal would therefore meet e) of Policy CDMP4, and overall would comply with the requirements of this Policy.

Visual Impact/Design/Impact on the street scene

9.8 The site is a grassed area in the urban area of Fleetwood, to the rear of a place of worship, side of a community hall and adjacent to residential apartments. The site is visible from adjacent roads, though is currently partly screened by existing buildings. It is considered that with the rest of the green space to be retained, that the loss of the grass forming the application site would not be visually detrimental to the appearance of the street scene. Some landscaping is proposed, including trees, which should add to the visual interest of the area rather than a simple grassed area.

9.8.1 Layout - The building would be sited to the east of an existing Sunday school building. It is considered that visually this siting would be appropriate and would not make the building prominent in the street-scene. The cycle and bins stores would be sited close to the proposed building, which would be suitable siting. The garage would be set back behind the front elevation of the main building, so as to appear secondary. Car parking is proposed around the building and three disabled parking spaces opposite. This layout is considered visually appropriate.

9.8.2 Scale - The building would have a maximum ridge height of 9.1m and eaves of 5.9m. This is considered to be a large building of significant mass. Policy CDMP3 of the Adopted Local Plan states 'all development must be designed to respect or enhance the character of the area having regard to issues, including...height, scale and massing'. A street scene plan has been provided to demonstrate how this would appear relative to the adjacent buildings, such as the Sunday school and place of worship. The adjacent buildings are shown to have lower eaves and smaller upper level building mass in comparison to the proposed building. However, based on the submitted information, in the context of the existing buildings, it is considered that the height and scale of the building proposed would respect the building massing of the other community hub buildings within this setting when viewed from the road and adjacent residential properties. The eaves have been reduced in height by around 1m, over the previously refused planning application, which has sufficiently reduced the mass of the building for this context.

9.8.3 Design - The building is two-storey and is designed with a pitched roof over the main part of the building, apart from an area of flat roof to the eastern side of the building. There are a variety of building designs in the area, including flat roof residential flats to the south and a pitched roof building to the west. It is not considered that the roof design would be out of keeping with the character of the area. The materials proposed are render on the lower walls and timber cladding at the first-floor. A plastic roofing system is proposed. The materials of properties in the area are generally brick, although there is some render on properties in the wider area. There are a variety of roofing materials. It is considered that the details of the materials would be required through a condition to assess their suitability. A staircase is proposed on the rear. This would be a slender structure that is not considered would be obtrusive in the wider area or to nearby properties. The materials of this have not been provided, so these would need to be conditioned to be agreed. The garage would have a mono-pitch roof, which would be an acceptable design. Solar panels are proposed on the roof. A condition can be added for the specification of these to be agreed, to ensure that they are visually acceptable. The materials of the cycle and bin stores and the hardstanding areas would need to be provided through condition. An informative can be added about the requirement for advertisement consent.

9.8.4 Levels - The site is relatively level and where the buildings are to be sited is about 0.5m higher than the road. The submitted plans show the ground levels where the building is to be sited raised by around 0.1m over the existing levels. It is not considered that this would be visually obtrusive. The levels can be conditioned to be provided as shown.

9.8.5 Landscaping - A landscaping plan has been provided and the council's parks department have no further comments to add on this scheme. A condition can be added for the landscaping to be provided.

9.8.6 Boundaries - No new boundary treatments are proposed, although a 2m high fence will be required to certain boundaries to prevent overlooking (see below). This would be visually acceptable. The details of this can be agreed by use of a condition.

Impact on Residential Amenity

9.9 There are residential properties adjacent to the site to the south and east. Relevant matters in this case are impacts on light, overlooking and noise/disturbance to these nearby residential properties.

9.9.1 light - The building would have a maximum height of 9.1m, being two-storeys high. The proposed garage store building would have a mono-pitched roof, with a maximum height of 3.2m. There are no neighbours to the north or western sides that would be impacted on. The neighbour to the east would be over 29m away, which would be sufficient separation to prevent an unacceptable impact on light. Being to the north of the properties to the south, there would not be an impact on direct sunlight to these neighbours. The main building would not be directly opposite the elevations of these neighbours, but would be visible at an angled view from their windows, with a minimum distance of around 13m from 'Wyre Court'. At this angled view with this spacing, it is considered that the proposal would not be unacceptably overbearing such as to harm their amenity. Also, the set off from the shared boundary would be sufficient for the building to not be overly enclosing to the neighbouring outdoor amenity space. The proposed garage would not be directly

opposite any windows in the properties to the south. If a 2m high fence were to be provided along the southern boundary, around 1.1m of the structure would remain visible over the fence. It would be over 7m away from the nearest elevation at an angled view. Balancing the relatively low height of the garage and distance from the closest windows, it would not be overly enclosing to the neighbours. Similarly, this height of building would not be overly closing to the outdoor amenity space of these neighbours, with most of the boundary to this side remaining open. Also, the garage would be to the north of Wyre Court, so would not have impacts on direct sunlight.

9.9.2 Overlooking - Windows are proposed in all the elevations of the main building. There would be no residential neighbours to be overlooked to the north and west. The separation distance to the windows in the neighbour to the east would be sufficient to prevent unacceptable overlooking to their rooms. The distance to this neighbouring garden would be over 19m, which is sufficient to prevent unacceptable overlooking. Ground floor windows are proposed in the southern side. A 2m fence erected along the southern boundary would prevent unacceptable overlooking from these. High level windows are proposed in this elevation at first-floor. Therefore, these will not cause overlooking. In the west elevation, both ground and first-floor windows and a staircase are proposed. These will be approximately 18m from the closest windows. At the angled view to be provided, this will avoid unacceptable overlooking. In the east elevation ground and first-floor windows are proposed. There will be an angled view of 'Wyre Court' with a separation distance of at least 13m. The ground floor windows can be adequately screened by a 2m high fence to the boundary. The closest first-floor window in this elevation would be further from the boundary, providing a minimum separation distance of approximately 18m from the neighbouring windows. At the angled view to be provided, this will be sufficient separation to prevent unacceptable overlooking. No windows are proposed in the garage. To prevent overlooking from users of the proposed carpark, of the adjacent properties and their gardens, it is considered that a 2m high fence should be provided along the boundary to the east and south. This could be conditioned.

9.9.3 Noise/disturbance - There would be residential properties adjacent to the site. The council's environmental protection team have been consulted on the application and have no objections. They request a condition limiting the noise levels of the proposal. However, as there is no noise information submitted with the application on which to determine the reasonableness of this condition, and as it was not required previously on application 20/00101/FUL, it is not considered reasonable to require such a condition. As environmental health have not raised objections to the application on the basis of a statutory noise nuisance, from this professional advice it is considered that there would not be an unacceptable impact of noise from the development. The hours of operation would be 9am-10pm Monday to Saturday. These are not considered to be unsociable hours that would result in unacceptable disturbance, and can be conditioned.

9.9.4 Concerns have been raised by neighbours about odours. Environmental health have not raised any concerns and the kitchen does not show an external flue or extraction fans, therefore on balance, it is not considered that unacceptable levels of noise and odour would be able to be created by this element. If the physical development of flues or extraction were proposed in the future these would require planning permission. Also, neighbours have raised concerns about lighting impacts on amenity. The supporting statement includes some lighting details, however, as this does not show the heights of the lighting, full details will need to be provided and assessed through a condition. This will help to avoid an unacceptable impact on amenity through lighting.

9.9.5 Representations have been submitted raising concerns about unsociable behaviour and security concerns, in particular for nearby elderly residents. The NPPF in paragraph 92 says decisions should aim to achieve places which 'are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion...'. Public concern about threats to public safety is a material planning consideration. However, in this case these are general concerns that are not objectively justified. Furthermore it is not considered that the type of use proposed and the design of the building (Entrances would be to the front and side, therefore providing some visibility from public areas) and layout of the external areas in this mixed community hub/residential setting would increase significantly the disturbance or public safety risk caused to nearby residents. This is not therefore considered to be of significant weight in the planning balance.

Impact on Highway/Parking

9.10 Lancashire County Council (Highways) have been consulted on the application and have no objections, there are therefore no concerns about highway safety, traffic generation or parking. A condition would be required for the provision of the parking and turning before the operation of the use. A condition could also be added that the cycle storage facilities are installed, to satisfy Policy CDMP6 of the Adopted Local Plan. As the proposal would be served by car parking, it is considered to be appropriate to require the provision of a vehicle charging point scheme in accordance with Policy CDMP6 of the Adopted Local Plan. This could be conditioned.

Flood Risk and drainage

9.11 The site is in Flood Zone 3. A flood risk assessment has been provided and The Environment Agency and council's drainage engineer have no objections to this. This is therefore considered to be an adequate assessment of the flood risk and a condition would be required for the implementation of the FRA. The mitigation includes raising finished floor levels at 5.26m AOD. The council's drainage engineer has not objected to the emergency plan for the use. The drainage engineer has requested a reduced drainage discharge rate of 2 l/s. The drainage strategy suggests some of the parking areas could be provided in permeable paving. The final details of this can be agreed through the condition on materials. United Utilities requested details of the levels, to assess any risk of sewer surcharge. The levels have been provided, and United Utilities consulted on these. They have not raised any further comments, so there are no substantiated concerns about impacts on the drainage system. They also do not consider the plans acceptable, as they say 'we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the non-statutory technical standards for sustainable drainage systems'. However, in this case as the council's drainage engineer has no objections, it is considered that drainage of surface water into the mains is most sequentially appropriate in this case. An informative can be added about United Utilities assets. A neighbour has raised concerns about damp, however, there are no particular characteristics of this proposal that should cause harm from this and the drainage proposed should adequately remove surface water from the site.

9.12 As the site is in Flood Zone 3, a Sequential Test (ST) is required by the NPPF and Policy CDMP2 of the Adopted Wyre Local Plan. This has been submitted (February 2022). The area of search that the ST has been carried out over is within Fleetwood. This is considered to be acceptable, as the proposal would serve young people of Fleetwood, which would likely be accessing the facility on foot.

9.13 The application form states that the building floor area is 586sq.m. Although the site size is larger than this, as the external areas are mainly for car-parking, which may not be required in other locations, it is considered most flexible and appropriate that comparable sites be of a size that can accommodate the building proposed. As had the building been proposed in a town centre or other site location this level of parking and hardstanding would not be required. Therefore, the minimum size of sites considered should be that which can accommodate a building within 10% of 586sq.m (range of 527sq.m to 645 sq.m). The applicant carried out survey work on sites between 500sq.m to 1800sq.m, which is acceptable for the size of building proposed, and to allow for some parking although less than proposed on this current application.

9.14 The methods of search are considered acceptable, including a review of Local Plan allocations, the council's employment land monitoring report, the Strategic Housing Land Availability Assessment (SHLAA) 2017 and Housing Implementation Statutory (HIS) 2021. 10 estate agents were contacted, which is sufficient and in accord with the council's guidance on sequential tests. Two estate agents identified available sites. However, these have been confirmed to be not comparable to the application site or outside the area of search. The sites in the Adopted Local Plan are either too large or allocated for other uses such as housing. There are no comparable sites in the employment land monitoring report, or in the other sources of evidence that are sequentially preferable. Overall, no sequentially preferable sites in Fleetwood have been identified. No internet property search has been provided in the submitted sequential test, however, as of the time of this report no sequentially preferable sites were available on Rightmove. The proposal therefore passes the sequential test on flooding in accordance with the NPPF and Policy CDMP2 of the Adopted Local Plan. This has also demonstrated that there are no sequentially preferable town/local centre sites for the development in accordance with Policy EP5.

9.15 The exceptions test part 1 requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk. The benefits of the proposal are discussed in the principle section of this report, and these are considered to outweigh the flood risk, so that the exception test is passed.

9.16 The exceptions test part 2 requires development to be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. As a suitable FRA has been provided which is agreed by the Environment Agency, this part of the test is considered to be passed.

Trees

9.17 The council's tree officer has been consulted on the application and has no objections. The tree protection shown could be conditioned to be implemented.

Other Issues

9.18 Comments have been raised in representations about blocking residents' view. Loss of view from a private property is not a material planning consideration.

9.19 An informative could be added to any permission granted, so that the applicant is aware that if any of the works were to encroach on neighbouring property, then the owners' consent would be required.

9.20 A contamination pro-forma has been provided. Environmental health have been consulted on this and requested photographs which have been provided. As environmental health had no objections on the previous application for the same development, but strongly recommended a watching brief, it is appropriate that the same advice be applied, as there has been no change in circumstances. A condition can be added for a watching brief.

9.21 An ecology survey has been provided carried out by a suitably qualified ecologist. This presents no ecology issues with the proposal, however, does recommend the adjacent trees are protected during construction, which is addressed in the tree section above. As a precaution an informative could be added about protected species. The site is in an SSSI impact zone, however, for this type of development in this location, there are no concerns about impacts on protected habitats.

9.22 Neighbour comments have been received that the applicant/land-owner has never consulted them on the proposals. Although this is preferable, it is not a requirement on planning applications. Required neighbour publicity has been carried out on the planning application.

10.0 CONCLUSION

10.1 The proposal is acceptable in principle, being within a settlement boundary and in a suitably accessible location. Although there will be a loss of some Green Infrastructure, in this case it is considered that the proposal would comply with Policy CDMP4 of the Local Plan and there will be minimal harm to the available green spaces. It will bring the benefit of providing a community facility where young people can meet and get involved in activities. It has been assessed that there will not be an unacceptable impact on neighbouring amenity in relation to light, overlooking and noise/disturbance. The proposal will be visually acceptable. The site is in Flood Zone 3, and a suitable Flood Risk Assessment has been provided. The sequential test on flooding is passed. The proposal is acceptable in relation to highway safety and parking. All other material planning considerations have been assessed to be acceptable and the proposal will form sustainable development. The proposal complies with the NPPF and above mentioned Adopted Local Plan Policies.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 24 February 2022 including the following plans/documents:

- Tree protection plan Drawing No. PD/04651/013 Rev E
- Proposed cycle store plans and elevations Drawing No. PD/04651/012
- Proposed foul drainage plan Drawing No. PD/04651/010 Rev F
- Proposed bin store plans and elevations Drawing No. PD/04651/009
- Proposed Floor Plans Drawing No. PD/04651/005 Rev F
- Proposed roof plan with solar panels Drawing No. PD/04651/004 Rev F
- Proposed site plan Drawing No. PD/04651/003 Rev G
- Planting plan Drawing No. 210.4.02 Rev A
- Soft landscape proposal plan Drawing No. 210.4.01 Rev A
- Location plan Drawing No. PD/04651/001
- Proposed elevations Drawing No. PD/04651/007 Rev J
- Proposed surface water attenuation Drawing No. PD/04651/011 Rev H
- Proposed site levels Drawing No. PD/04651/020 Rev A

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 buildings (including the external walls, roof, staircase and windows) cycle and bins stores, and areas of hardstanding (including details of any permeable paving) 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 to ensure suitable drainage, in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

4. Prior to the commencement of development a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Bird Boxes

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

5. Prior to the first use of the development hereby approved, an electric vehicle recharging (EVCP) scheme shall be submitted and agreed in writing with the Local Planning Authority, unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints.

The agreed electric vehicle recharging point scheme shall be provided prior to the first use of the development, and 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. Full details (fixtures, fittings and external finishes) of the proposed solar panels shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation.

The development shall be carried out in accordance with the approved details. After completion, only the approved details shall be subsequently used as a repair or replacement.

Reason: To preserve or enhance the appearance of the building or the area in which it is situated, in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

7. Prior to the first use of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. A 2m high (from ground level) solid boundary treatment shall be provided to the southern and eastern boundaries of the application site.

The approved boundary treatment shall be completed before the development hereby permitted is first used. The approved details 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). The details are required prior to the commencement of the development because they were not submitted with the application.

8. Prior to the first use of any part of the development hereby approved the secure cycle storage provision shown on the approved plans (Proposed cycle store plans and elevations Drawing No. PD/04651/012) shall be provided and thereafter maintained and retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with policy CDMP6 of the Wyre Local Plan (2011-31).

9. No part of the development shall be brought into first use until the drainage works and levels have been completed in accordance with the approved plans (Proposed foul drainage plan Drawing No. PD/04651/010 Rev F and Proposed surface water attenuation Drawing No. PD/04651/011 Rev H). Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

10. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [GWK Structural Solutions Ltd Consulting Engineers issue B 19.04.22] and the mitigation measures detailed within 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.

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 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).

12. 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 use 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).

13. The development hereby approved shall not be brought into use until the parking / turning area(s) shown on the approved plan [Proposed site plan Drawing No. PD/04651/003 Rev G] has been laid out, surfaced and drained. The parking / turning area(s) shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off road parking is provided and retained to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

14. The use hereby permitted shall not operate outside the hours of 09:00 to 22:00 Monday to Saturday. The development shall not operate at any time on Sundays, and Bank Holidays and Public Holidays.

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

15. The measures contained within the approved Tree Protection Plan [Tree protection plan Drawing No. PD/04651/013 Rev E] with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

16. The ground and finished floor levels shall be constructed and completed in accordance with the approved details [Proposed site levels Drawing No. PD/04651/020 Rev A].

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

17. The landscaping works shall be carried out in accordance with the approved details [Planting plan Drawing No. 210.4.02 Rev A and Soft landscape proposal plan Drawing No. 210.4.01 Rev A] prior to first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

18. The premises shall be used as a youth centre only and for no other purpose.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policies SP2, CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

Notes: -

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.
2. Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The level of cover to the water mains and sewers must not be compromised either during or after construction. Should this planning application be approved, the applicant should contact United Utilities by telephoning 03456 723 723 or writing to Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.
3. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities' offer a fully supported mapping service and recommend the applicant contact the Property Searches Team by telephoning 0870 751 0101 to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.
4. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.
5. If any part of the proposed development encroaches onto neighbouring property the approval of the adjoining owners should be obtained before the development is commenced.